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A STUDY ON PRACTICAL DIFFICULTIES FACED BY YOUNG LAWYERS AFTER ENROLLING AS AN ADVOCATE

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ABSTRACT

Young lawyers are morosely unhappy by every conceivable standard. We arrive at the law schools brimming with enthusiasm, but a decade later lawyers are reporting staggering levels of anxiety, drug addiction, and depression. Through ignorance and greed, the legal profession has designed a complicated system of education, licensing, and practice that drives young lawyers into fear, alienation, and self-hatred. This paper describes that young lawyers face a series of institutional absurdities built into the fabric of law school, the bar exam, and law firm practice. For the purpose of this research, an empirical method was followed and the data was collected through online survey forms. The SPSS software by IBM was used to calculate the descriptive statistics. The sample size was 200. Dependent variables are young advocates are not able to meet their daily needs during their initial years of practice, face lot of discrimination, challenges and problems faced by young advocates, corruption in Court is a major setback for young advocates. Independent variables are Age, Gender, Marital Status, Educational Qualification, Occupation and Monthly income. Various tools like ANOVA, Chi Square, and sample-t-tests were used. One of the conclusions obtained through this research work is that young advocates face lots of discrimination and they have to strive hard to overcome these.

KEYWORDS

Young advocates, Legal profession, Discrimination, Practise, First generation.

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AIM

To analyse lawyers' opinions on practical difficulties faced by them.

INTRODUCTION

The legal profession is one of the reputable, humanitarian and unprejudiced professions. Legal practitioners perform their duties honestly and confidently and they use the honourable designation that is "Learned". The legal profession is an independent profession and legal professionals are regarded as mirrors of the society. Earlier students used to take law as their last resort whereas today many choose law as their first priority. But it is a matter of great sorrow that some legal professionals hardly follow the canons of professional conduct and etiquette. They sometimes misbehave with apprentice lawyers. Even female apprentice lawyers are sexually harassed by their senior lawyers sometimes. After completing higher legal education, when apprentice lawyers have faced obstacles in this profession by their senior advocates then their dreams fall down. Beside these they face various obstacles in the workplace. For gaining professional legal qualifications, the apprenticeship period is very important for every apprentice lawyer. Often it is heard that apprentice lawyers are not warmly welcomed by their senior advocate for apprenticeship. Sometimes a senior lawyer behaves with an apprentice lawyer as a servant. They don't teach them practical legal education spontaneously. Even they do unexpected behaviour with apprentice lawyers especially with female lawyers. After working hard with senior lawyers, apprentice lawyers get a very little remuneration from their senior lawyers. As a result, apprentice lawyers' families don't support this profession. Besides, female apprentice lawyers are discouraged by their families because of lack of safety. As per Bangladesh Bar Council canons of professional conduct and etiquette, it is a duty of an advocate to uphold the dignity and high standing of his profession and his own dignity at all times. And junior and younger members should be respectful to seniors and older members should be courteous and helpful towards juniors. But it is a matter of sorrow that most of the senior members do not welcome an apprentice lawyer cordially. In spite of having Bar Council Canons as a safeguard of apprentice lawyers they feel unsafe. In every profession, obstacles are present. Especially women face more obstacles than men in professional life for our social structure. Legal profession is different from other professions. Legal professionals resolve problems, disputes of human beings. It is a matter of

sorrow that they also face obstacles in their legal profession. Mainly, newcomers of this profession face many problems. By questionnaire survey I have determined some obstacles of apprentice lawyers and I have noticed that male and female apprentice lawyers face different obstacles. Equality and non-discrimination between the man and woman are among the primary considerations guiding the enforcement and enjoyment of human rights. Now women play an important role in various sectors of our country. But most of the women have no will to come into the legal profession because of various social obstacles. And those females who are law graduates also have no will to come into the legal profession because they face various obstacles in the primary step of legal practice that is apprenticeship. In the legal profession men and women are not treated equally in our society. Every person in this world needs support to go ahead in his/her life. Family is the sole of that support but through the interview I got to know from an apprentice lawyer that their family is not supportive because they don't want their daughter or wife to carry this profession as they have a conception that this profession is not suitable or safe for a woman. In some cases apprentices need to work with senior lawyers for a long time even at night. This has become a problem especially for female apprentices. It is said that there is a solution to every problem. That means every obstacle has a way to get rid of it. Being associated with this research for the last few months not only I have learnt about the obstacles of apprentice lawyers but also have got some ways to get rid of them. Some recommendations are given below based on the literature and study, for the development of judicial sector, the court environment should be made independent, fair and free from discrimination. It is a matter of despond that the court environment is not so. Even here legal professionals, especially new apprentice lawyers, are faced with different types of obstacles. Confronted with so many obstacles, some survive in this profession and some has to fall. But if a comfortable environment could have been created for them then we would have got something better from them. And many students will come in this profession spontaneously.

OBJECTIVES

- To analyse challenges and problems faced by young Advocates
- To know the shortcomings of entering the profession as a first generation Advocates
- To analyse the impact of the pandemic on young Advocates

REVIEW OF LITERATURE

1. **Saghir M Mehar, 2020**, Graduating law students lack the skills needed to apply theory in practice and at the same time practitioners have changed the shape of how the law should be applied. The supreme court of Pakistan has acknowledged that this disjunction threatens to tear apart the relationship of legal education and legal practice. This research explored how different stakeholders are impacted by this disjunction and how the growing disjunction can be bridged.
2. **D. Litowitz, 2006**, the author shows how these struggles can be reversed through massive structural change and is the first step toward diagnosis and treatment of the specific problems facing young lawyers. The current system is churning out a tidal wave of disaffected and bitter lawyers who see the legal system as a Byzantine maze, an endless artificial game totally disconnected from considerations of justice.
3. **Sternford Moyo, 2022**, The Young Lawyers' Survey Report identifies a number of key findings on the subject of young lawyers' interests and concerns. These can be relied upon as a basis for further discussions about the future of the legal profession and the maintenance of meaningful engagement with young lawyers. The key findings from the survey are summarised below. In the next five years, half of young lawyers are somewhat likely, or highly likely, to move to a new but comparable workplace, a third to a new legal profession and a fifth to leave the legal profession entirely.
4. **Chitrakshi Jain, 2020**, the author on corruption in courts has described the following, where a score of ten indicated that corruption is well entrenched in the higher judiciary. We found that 107 advocates who chose to answer the question from the Bombay High Court gave it a score of 10; on the other hand, in Gujarat High Court, 115 advocates who chose to answer the question gave it a score of 2-3.
5. **American Bar Association, 2017**, Another devastating finding is the culture of secrecy that surrounds substance use among law students. "Law students will not ask for help," Buchanan said. "They are terrified of somebody finding out that they have a problem, which will result in their not being admitted to the bar or not being able to get a job. It's really about the stigma that attaches to this issue."

6. **Joseph Meek Bowen, 2019**, the author analyses specific aspects or characteristics of the practice of law that might serve as a risk to a lawyer's well-being. After attending numerous conferences nationwide, he compiled an initial list of risks in a matrix format that was attached as Appendix Exhibit 8 to the report of the Committee on Lawyer Well-Being of the Supreme Court of Virginia. Much of this committee's work was devoted to refining this list of risks. This report contains a final matrix of twenty occupational risks.
7. **Swagata Raha, 2012**, the author opines that small Indian law firms headed by young lawyers, are sprouting in metros on a regular basis. Despite this growth, the corporate legal sector in India is still considered small in comparison to its more robust and large counterpart - litigation. The image of a lawyer in India, according to Professor Marc Galanter, conjures up a courtroom launcher as opposed to a business adviser.'
8. **Jane Ching, 2015**, says that the place of learning in the early career in the workplace is explicit in those structures which demand formalised periods of supervised practice, it is necessarily tacit in others. Where there is a vocational course, generally taught by practitioners, it will explicitly cover oral skills such as advocacy, negotiation or client interviewing and perhaps even practice skills such as teamwork.
9. **Yaledi Elizabeth, 2016**, observes that the legal profession is in the midst of a dramatic transformation, and it is not leading the rapid change that is occurring in the world. Legal futurists and commentators cite many factors affecting this change that were in play long before the collapse of the global economy in late 2007. They also agree that once the economy improves, the profession will not return to pre recession prosperity.
10. **Pallavi Nayyar, 2019**, has stated that though globalisation has caused a drastic change in the legal profession there are certain difficulties faced in the legal sector due to globalisation in India. Universities of India must widen their connections internationally by organising programs. There should be student exchange programs with foreign countries and the education provided should be having the norms and the standards equal to the Universities abroad. The span of education of law should be organised in such a manner that if a student after studying in India wants to study abroad must not face any problem in losing time for admission.

11. **Chitranjali Negi, 2020**, the author discusses the background, role of lawyers in administration of justice, pre post conditions, economic crisis of Indian Lawyers during COVID-19 Epidemic. An advocate's duty is as important as that of a Judge. Advocates have a large responsibility towards society. India ranks 68 out of 126 countries, down 3 places from last year in 2019 in “Rule of Law Index” which measures how the rule of law is experienced and perceived by the general public.
12. **Robert Granfield, 2003**, argue that law schools must assume the burden of ethics education because today's large bureaucratic law firms do not provide the close working relationship with mentors and other colleagues that had formerly allowed young lawyers to observe ethical decision-making first-hand. With the breakdown of the strong nexus between lawyers and the local communities they serve, the traditional ethical norms and obligations binding lawyers to the public interest are said to have weakened.
13. **Alberto Morizio, 2014**, in this the author talks about the italian scenario, once a young Italian law graduate has been admitted to the bar, he would have to ride over relevant difficulties, if he would like to go further with legal training. Most of my Colleagues interviewed (90%) have therefore answered the question "Are young lawyers being offered the chance to train in other areas, for example arbitration, mediation and insolvency?" "Yes, but with some difficulties".
14. **Kingsley Ugochukwu Ani, 2018**, Young Lawyers are the set of lawyers that came into practice within the 21st century, so they face a unique set of challenges which older lawyers of the earlier generations never had to face. This article aims to look into the unique operating system the 21st century lawyers have found themselves in.
15. **Justice F.M. Ibrahim Kalifulla, 2018**, The Bar is an essential component of our legal system and it is paramount that both the Bench and Bar coexist harmoniously with each other and together they can contribute effectively in achieving greater heights in the field of law. I have been asked to give a speech on the topic “Legal Profession: Challenges and Prospects” to which I have added “The Art of Advocacy”, but before I divulge into the topic, I think I must spare a few words about the legal profession, its place and order in society and its responsibilities.

16. **Hasibul Hossain Sumon, 2019**, observed that apprenticeship is a must to be a lawyer. But this period is very much complex for an apprentice lawyer. He/she has to pass this period through much hardship. It is heard that sometimes senior lawyers give unwise pressure to apprentices which is not fair. To find out the real situation of apprenticeship I have conducted my research on obstacles faced by apprentice lawyers in Khulna Judge Court. Total 35 legal professionals including 20 apprentice lawyers and 15 practising lawyers have been interviewed for the purpose of data collection.
17. **Mr. Tariq Khan, 2018**, the author emphasis upon the importance of mootng by describing it as an instrument of overall development of the students bringing into them a sense of team spirit, dedication, research, time management, advocacy skills and learning experience. He described the art of systematised research as a pivotal tool for any law aspirant.
18. **Ghazala Azmat, 2016**, the author studies the gender gap in performance among associate lawyers in the United States. Unlike other high-skilled professions, the legal profession assesses performance using transparent measures that are widely used and comparable across firms: the number of hours billed to clients and the amount of new client revenue generated. We find clear evidence of a gender gap in annual performance with respect to both measures.
19. **Shery D Cooley, 2013**, Many law firms take advantage of employers not paying for associates to miss a day of work to attend a CLE. This puts new lawyers in a situation where they are forced to take webinars on their own time, or face double costs to attend a live seminar in the form of increased attendance costs for in-person and reduced salary for missing work. While law students can usually attend State Bar 'for free, young lawyers do not get much of a discount. Participants at the newest lawyers come from a high-tech generation, they prefer a high touch approach.
20. **Roshan Santhalia, 2020**, the profession demands a lot of reading of legal and non-legal text. It also requires an immense amount of patience. It is important for an individual to keep doing good work at the chambers of a Senior or while representing his/her own clients.

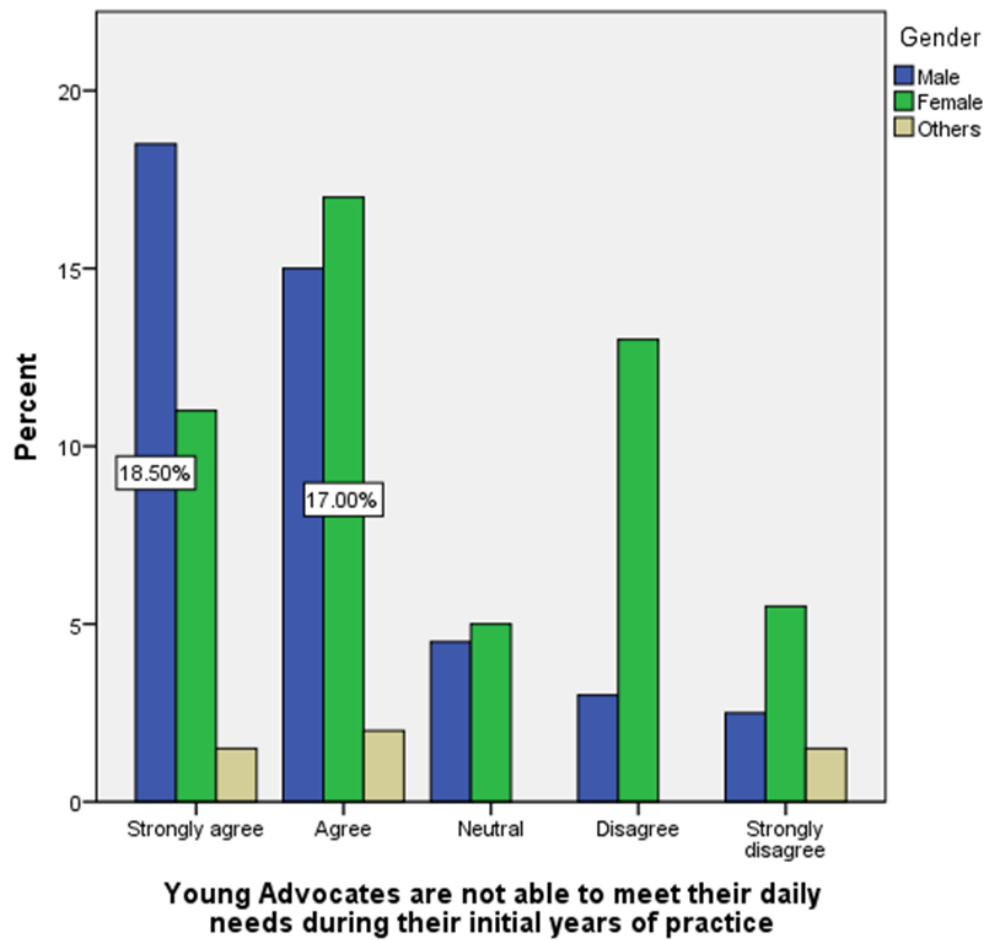
21. **Bhumika Indulia, 2021**, the author personally feels that one very important thing that every first-generation lawyer should keep in mind is to forget the fact that they are first-generation lawyers. It is very important to train oneself not to be negative all the time. If you are stuck in the mindset that you are essentially disadvantaged as far as the profession is concerned, then you will never be able to move past it.

METHODOLOGY

For the purpose of this research, an empirical method was followed and the data was collected through online survey forms. The SPSS software by IBM was used to calculate the descriptive statistics. The sample size was 200. Dependent variables are young advocates are not able to meet their daily needs during their initial years of practice, face lot of discrimination, challenges and problems faced by young advocates, corruption in Court is a major setback for young advocates. Independent variables are Age, Gender, Marital Status, Educational Qualification, Occupation and Monthly income. Various tools like ANOVA, Chi Square, and sample-t-tests were used.

GRAPH ANALYSIS

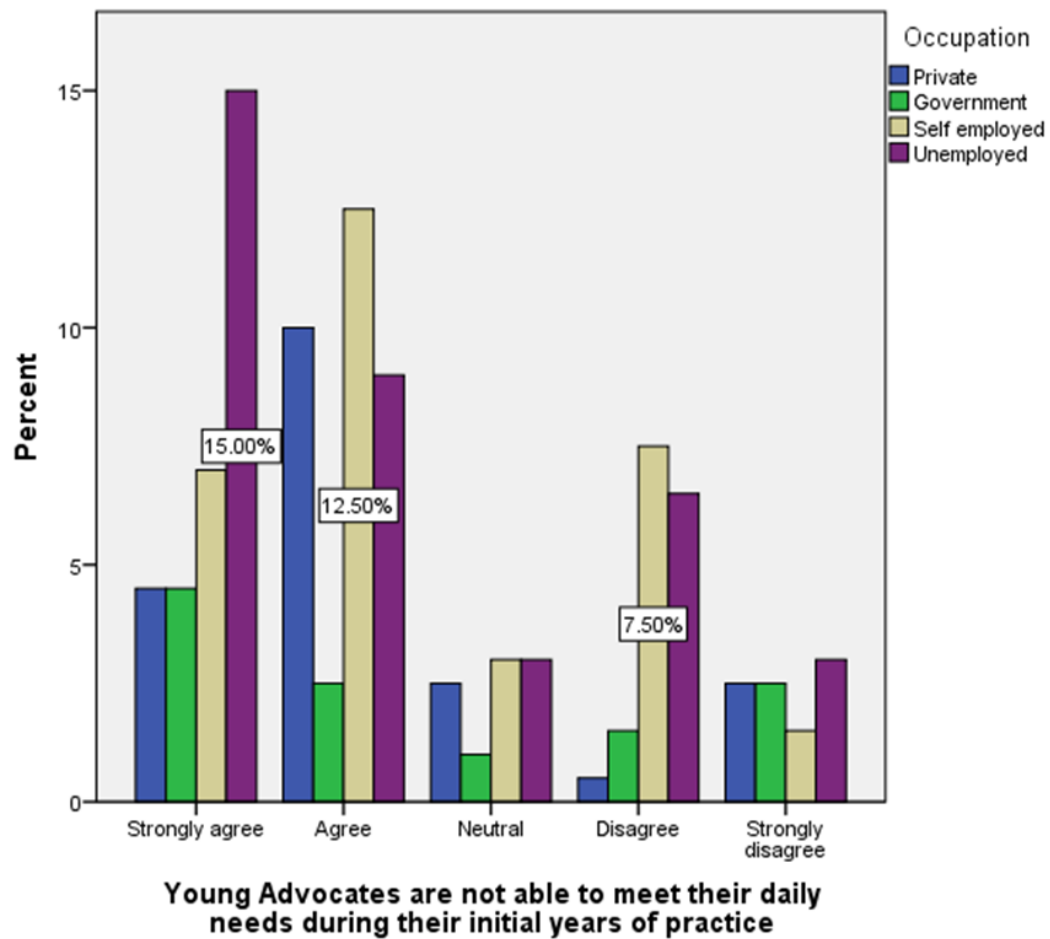
FIGURE 1



LEGEND

This figure shows the clustered bar graph drawn between the opinion of people about unmet basic needs of young advocates and their Gender, with Percentage as statistics.

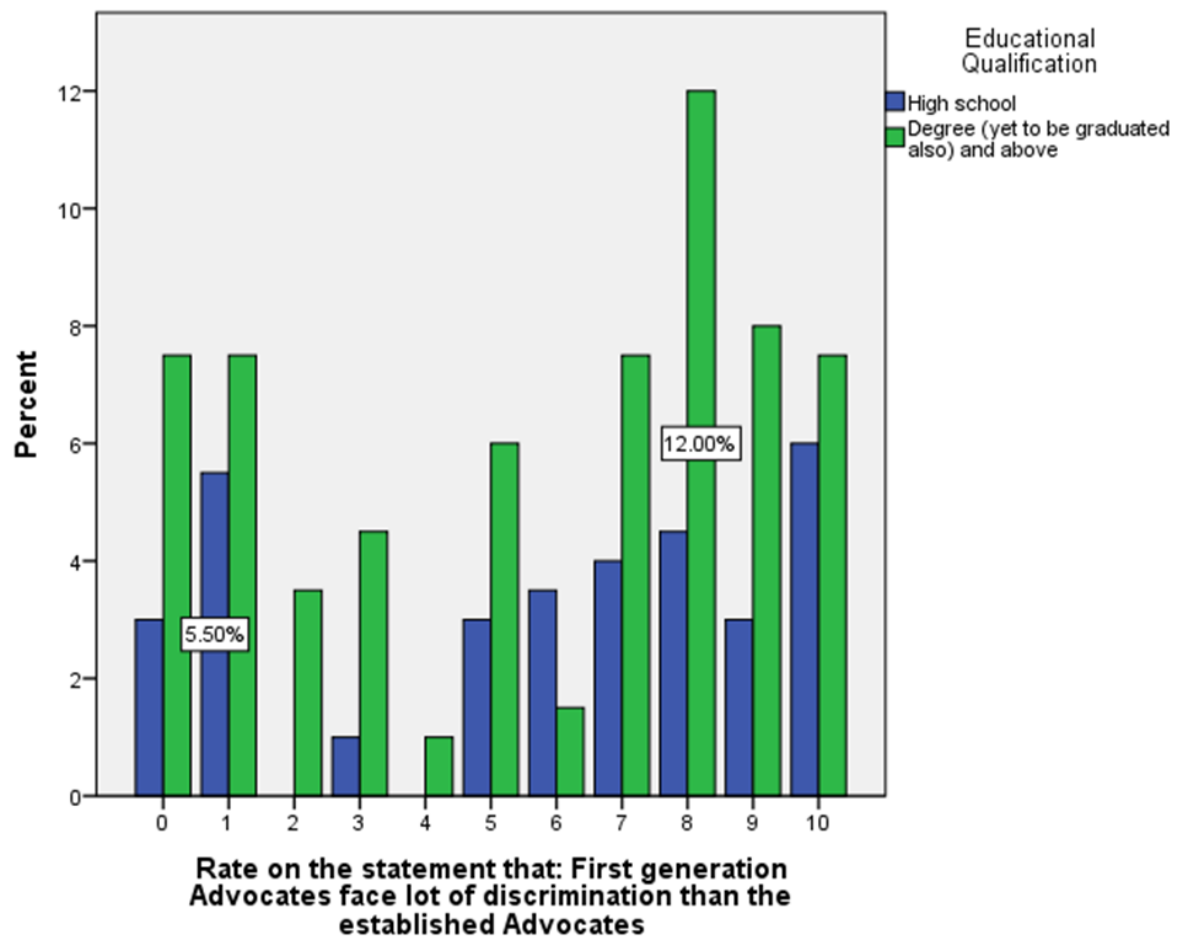
FIGURE 2



LEGEND

This figure shows the clustered bar graph drawn between the opinion of people about unmet basic needs of young advocates and their Occupation, with Percentage as statistics.

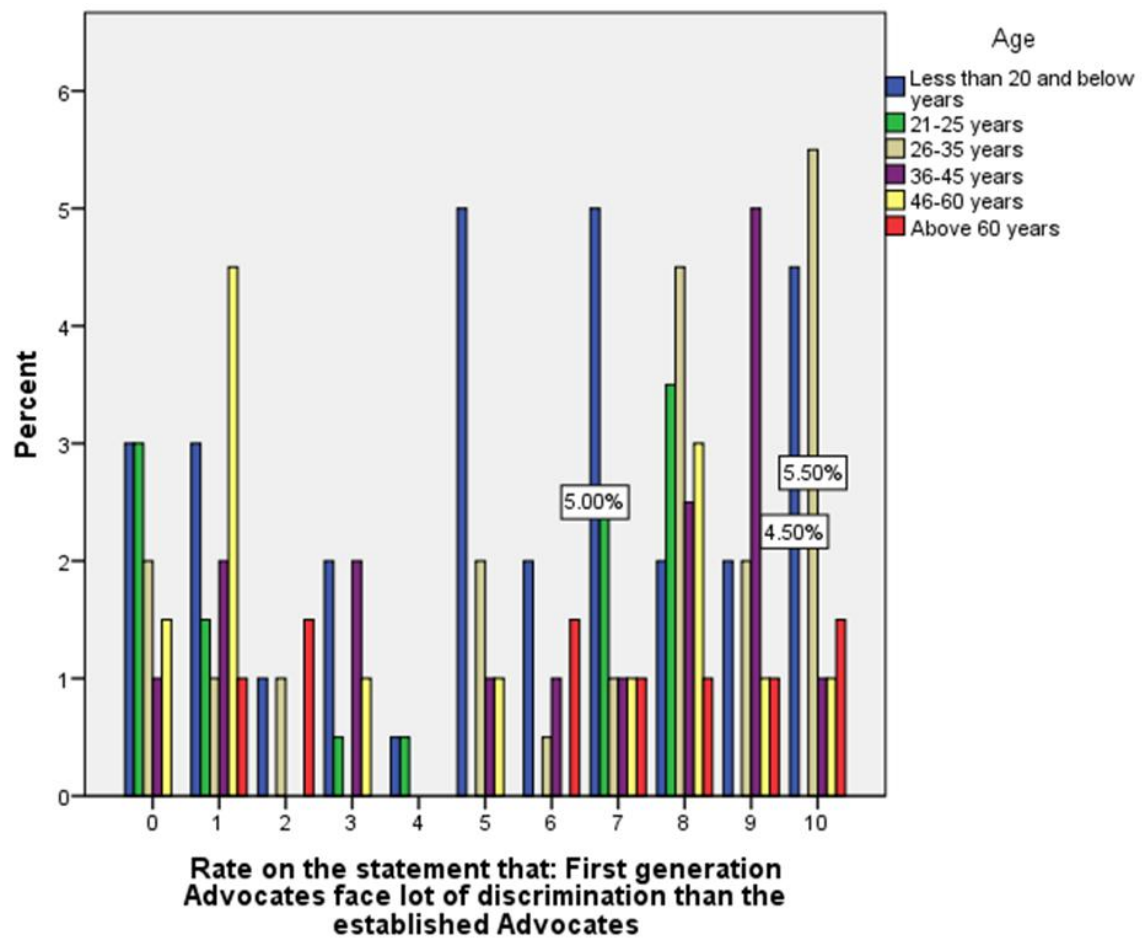
FIGURE 3



LEGEND

This figure shows the clustered bar graph drawn between the opinion of people about discrimination faced by young advocates and their Educational Qualification, with Percentage as statistics.

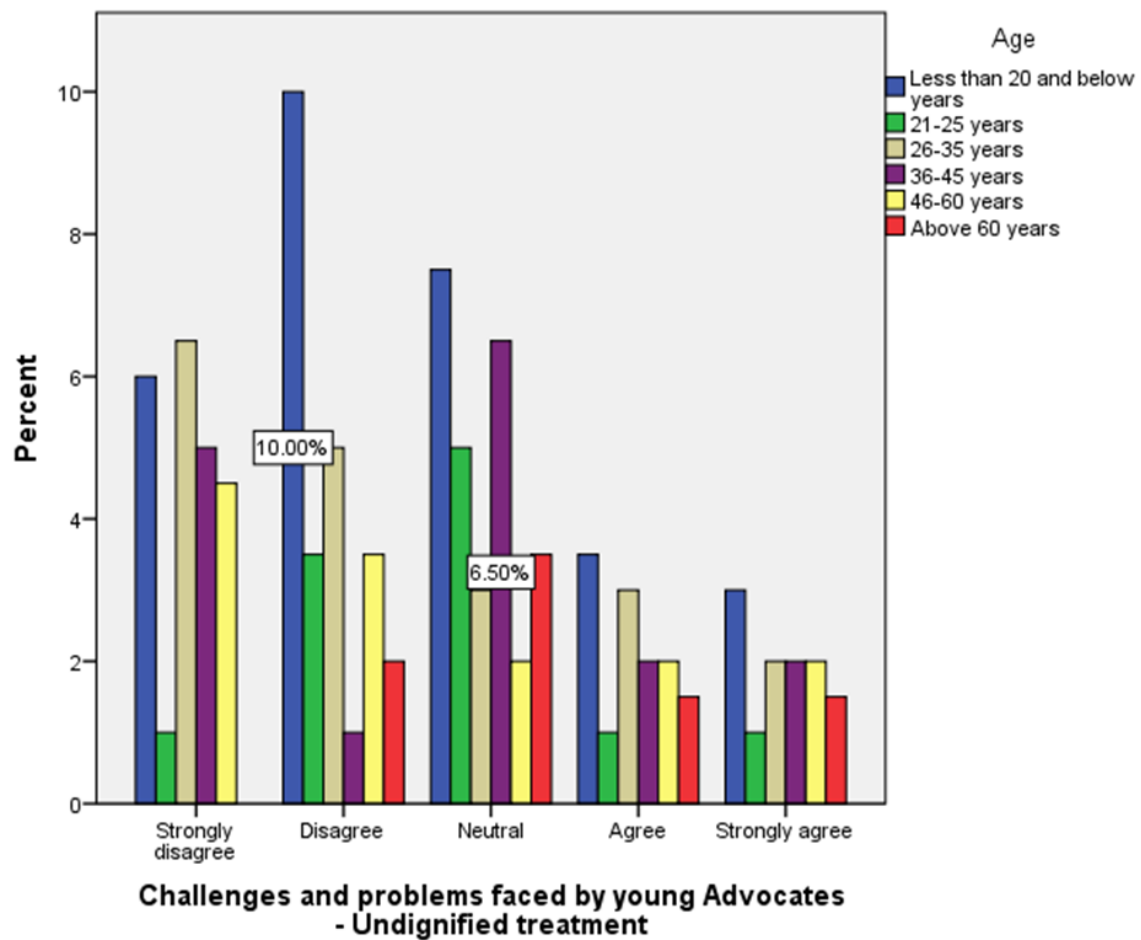
FIGURE 4



LEGEND

This figure shows the clustered bar graph drawn between the opinion of people about discrimination faced by young advocates and their Age, with Percentage as statistics.

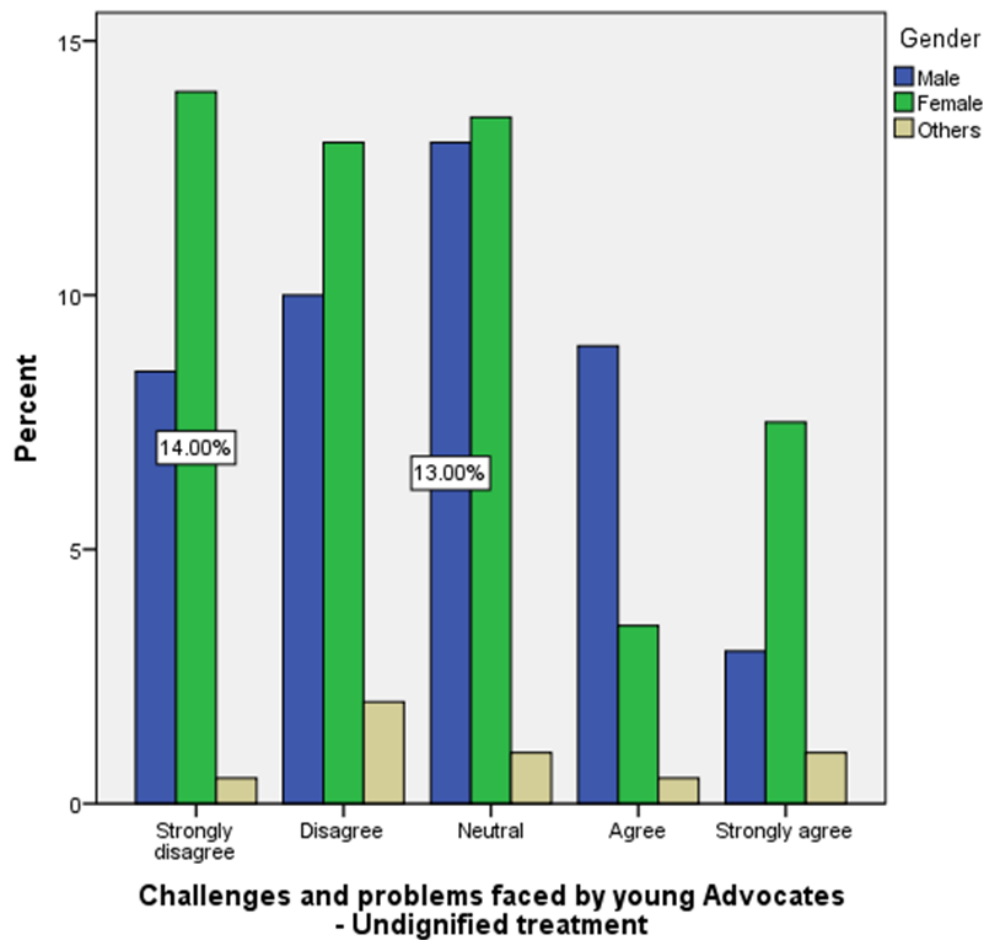
FIGURE 5



LEGEND

This figure shows the clustered bar graph drawn between the opinion of people about undignified treatment upon young advocates and their Age, with Percentage as statistics.

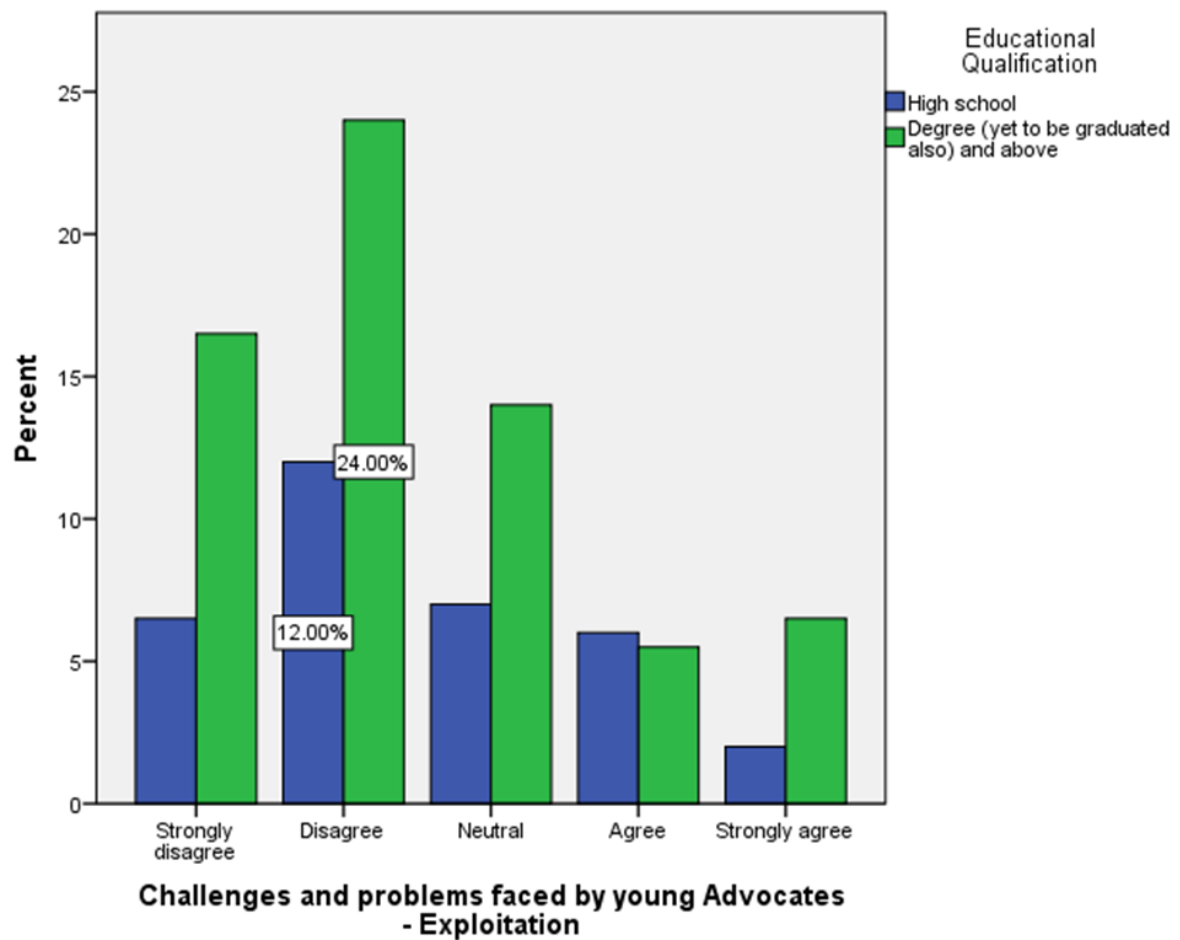
FIGURE 6



LEGEND

This figure shows the clustered bar graph drawn between the opinion of people about undignified treatment upon young advocates and their Gender, with Percentage as statistics.

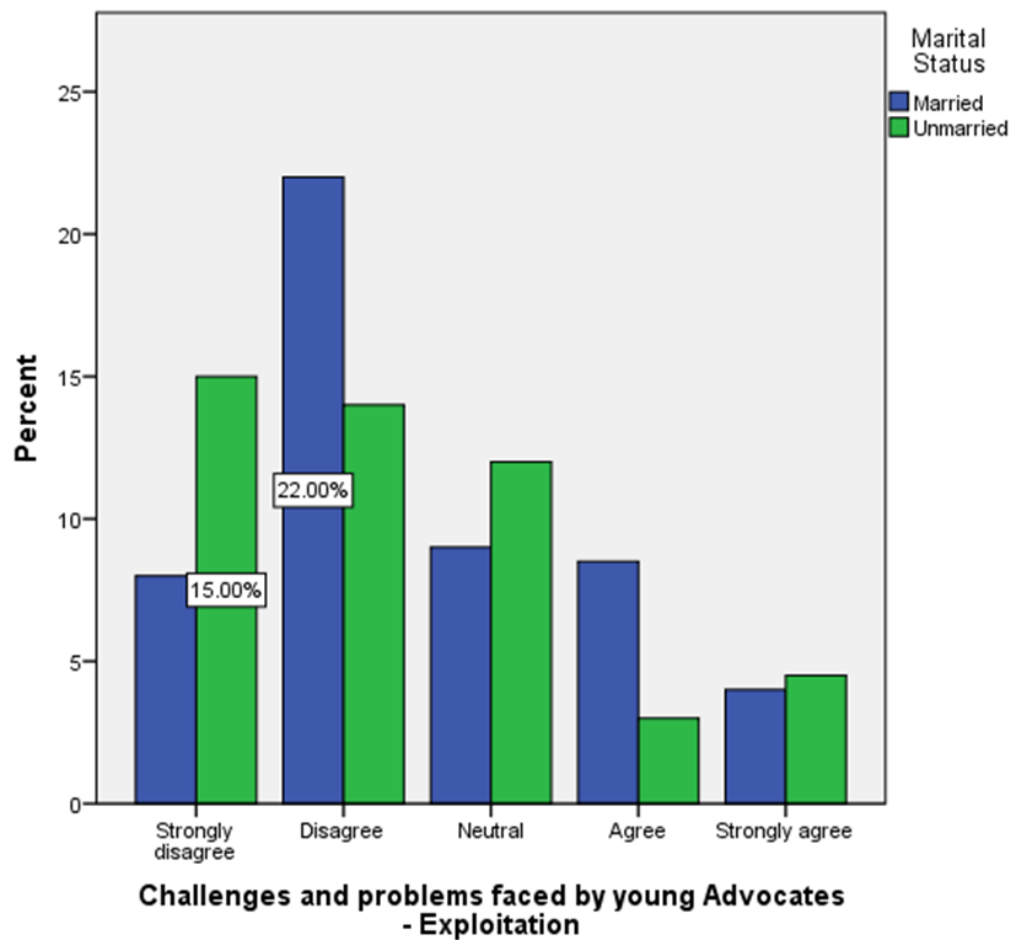
FIGURE 7



LEGEND

This figure shows the clustered bar graph drawn between the opinion of people about exploitation of young advocates and their Educational Qualification, with Percentage as statistics.

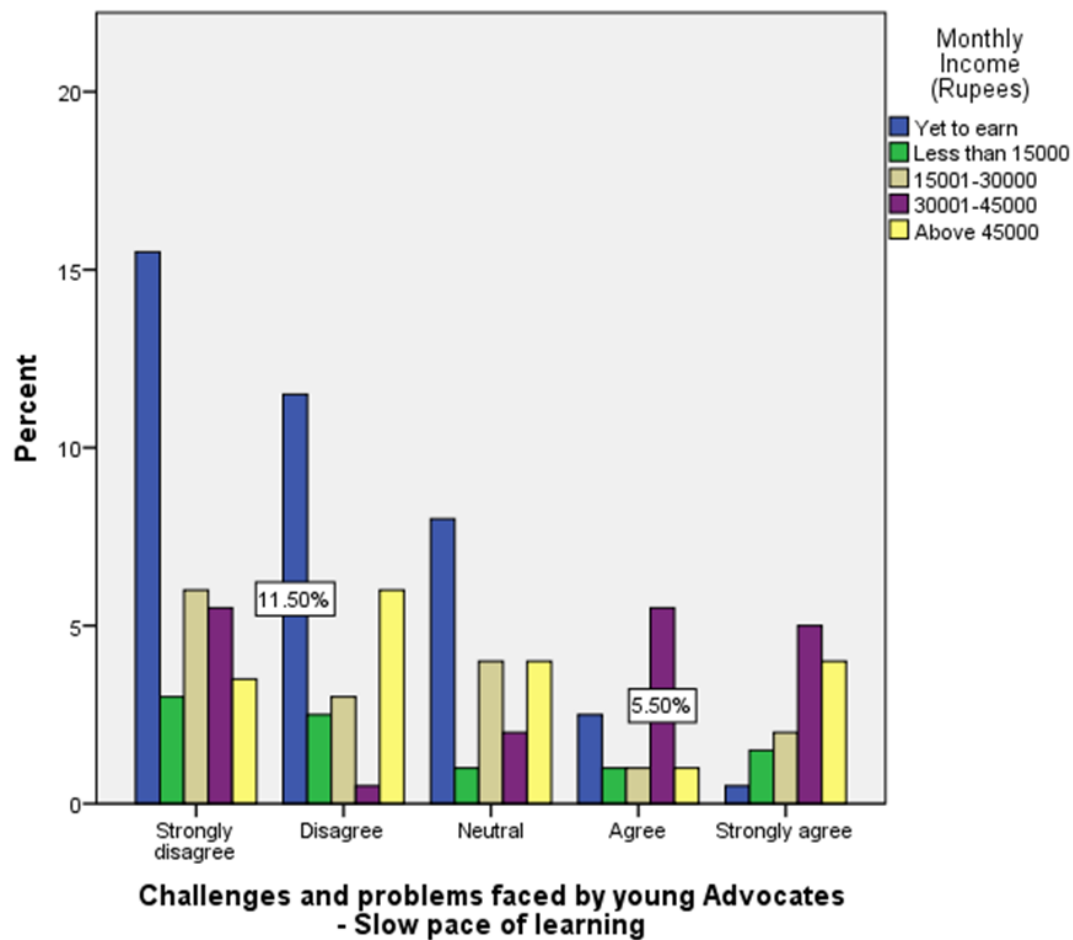
FIGURE 8



LEGEND

This figure shows the clustered bar graph drawn between the opinion of people about exploitation of young advocates and their Marital Status, with Percentage as statistics.

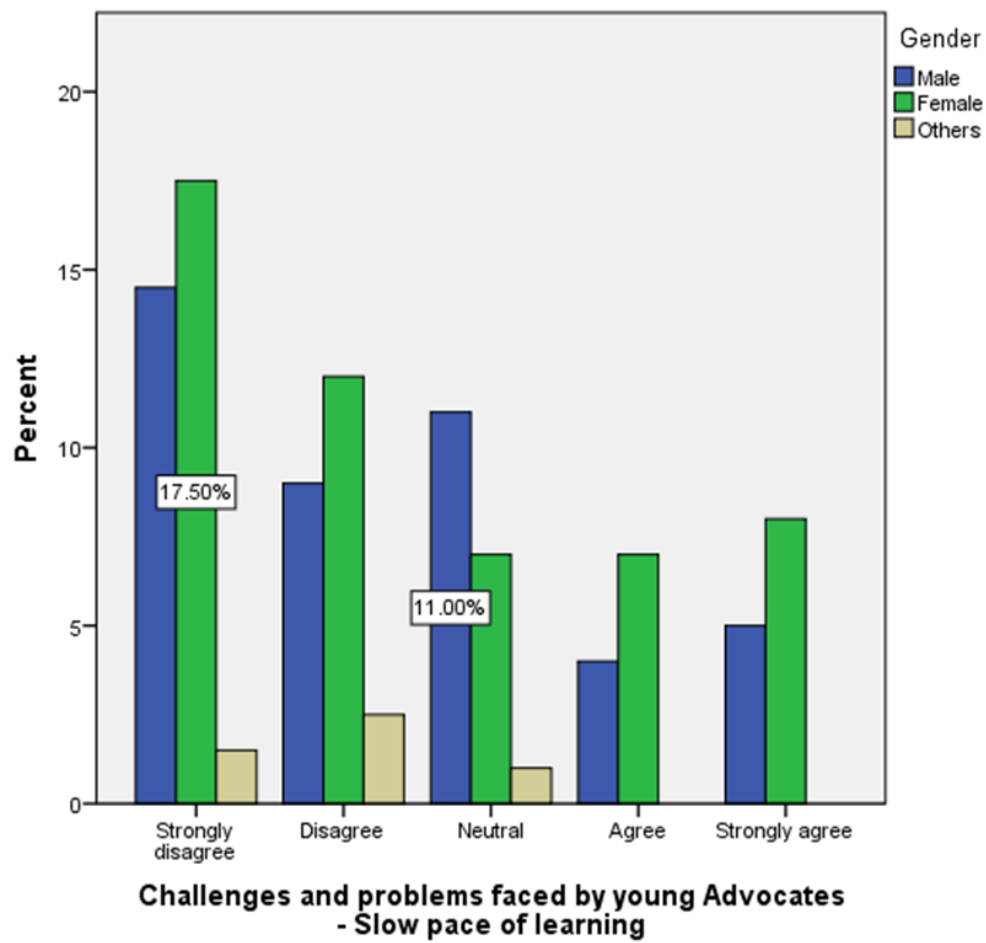
FIGURE 9



LEGEND

This figure shows the clustered bar graph drawn between the opinion of people about the slow pace of learning by young advocates and their Monthly Income, with Percentage as statistics.

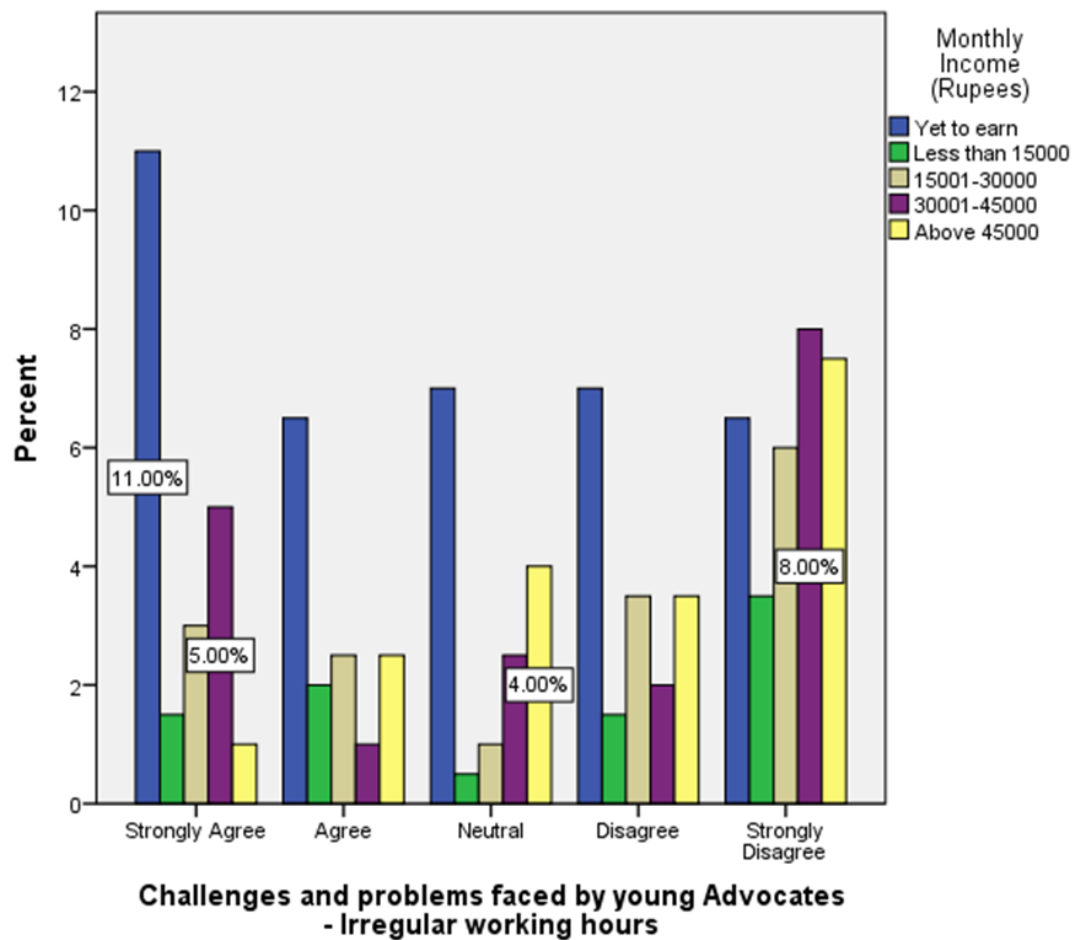
FIGURE 10



LEGEND

This figure shows the clustered bar graph drawn between the opinion of people about the slow pace of learning by young advocates and their Gender, with Percentage as statistics.

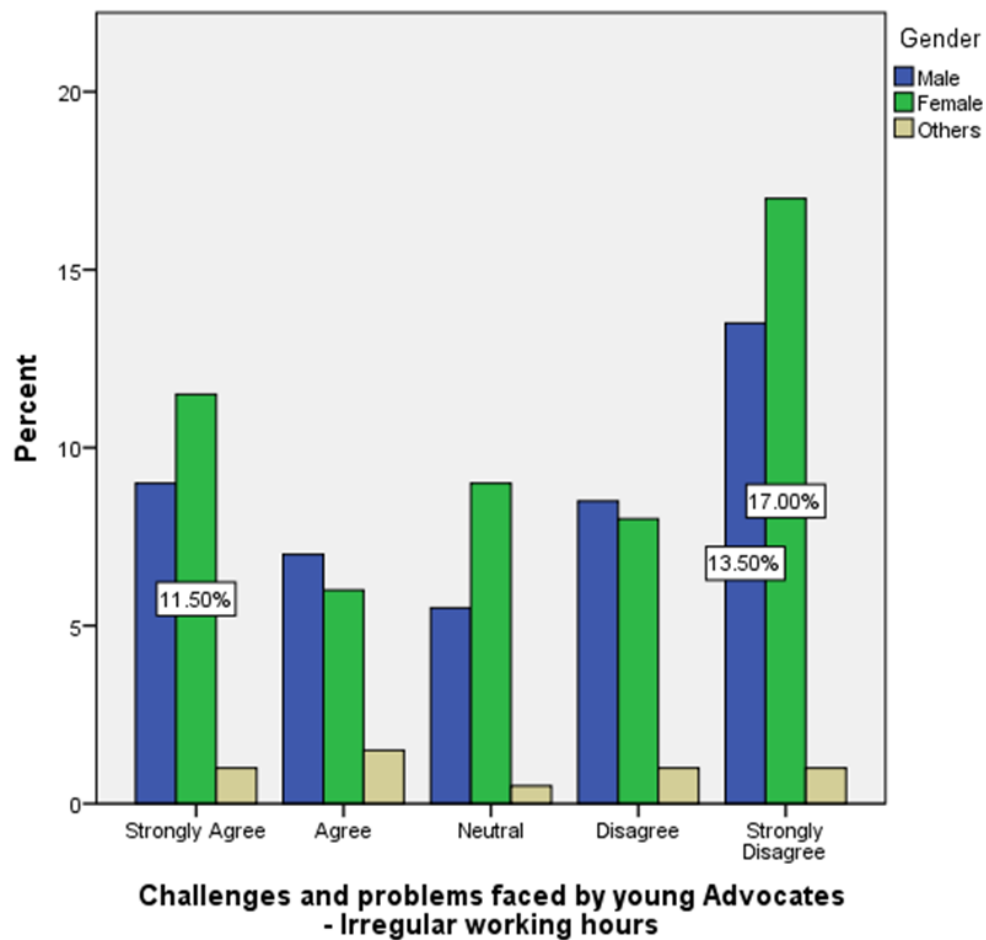
FIGURE 11



LEGEND

This figure shows the clustered bar graph drawn between the opinion of people about the irregular working hours of young advocates and their Monthly Income, with Percentage as statistics.

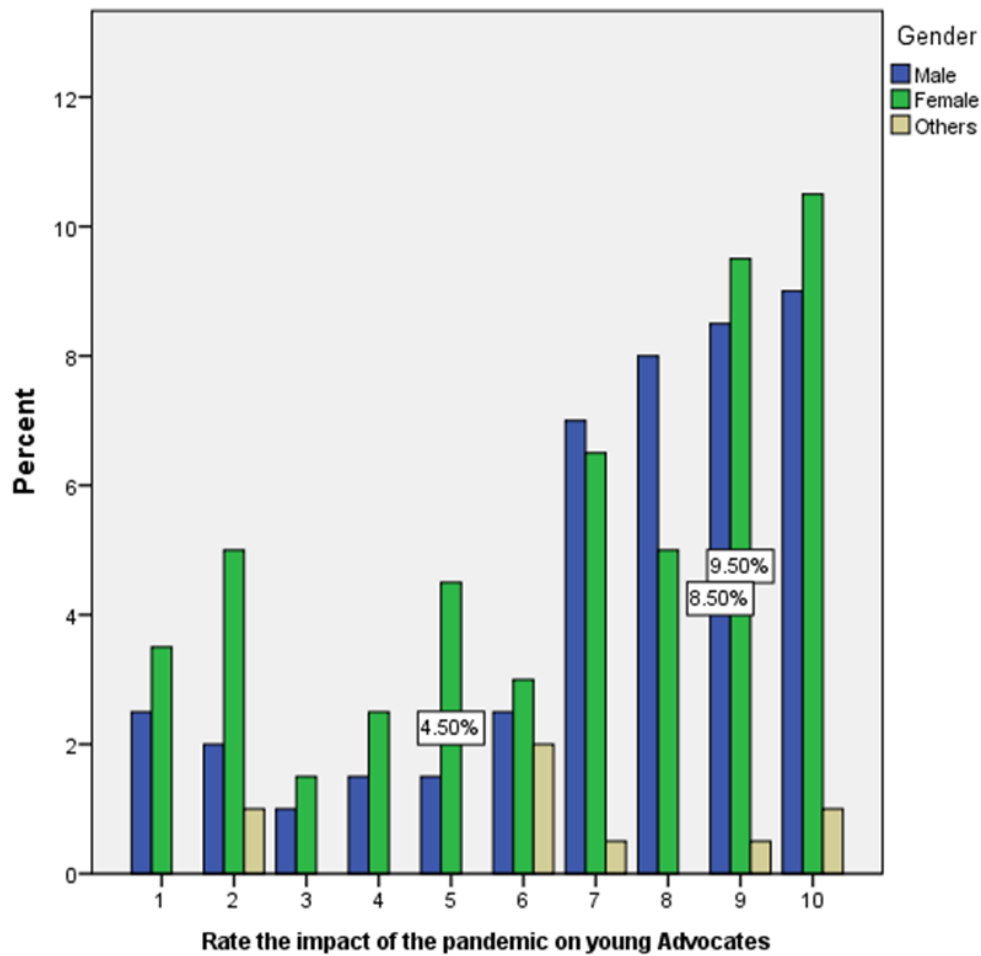
FIGURE 12



LEGEND

This figure shows the clustered bar graph drawn between the opinion of people about the irregular working hours of young advocates and their Gender, with Percentage as statistics.

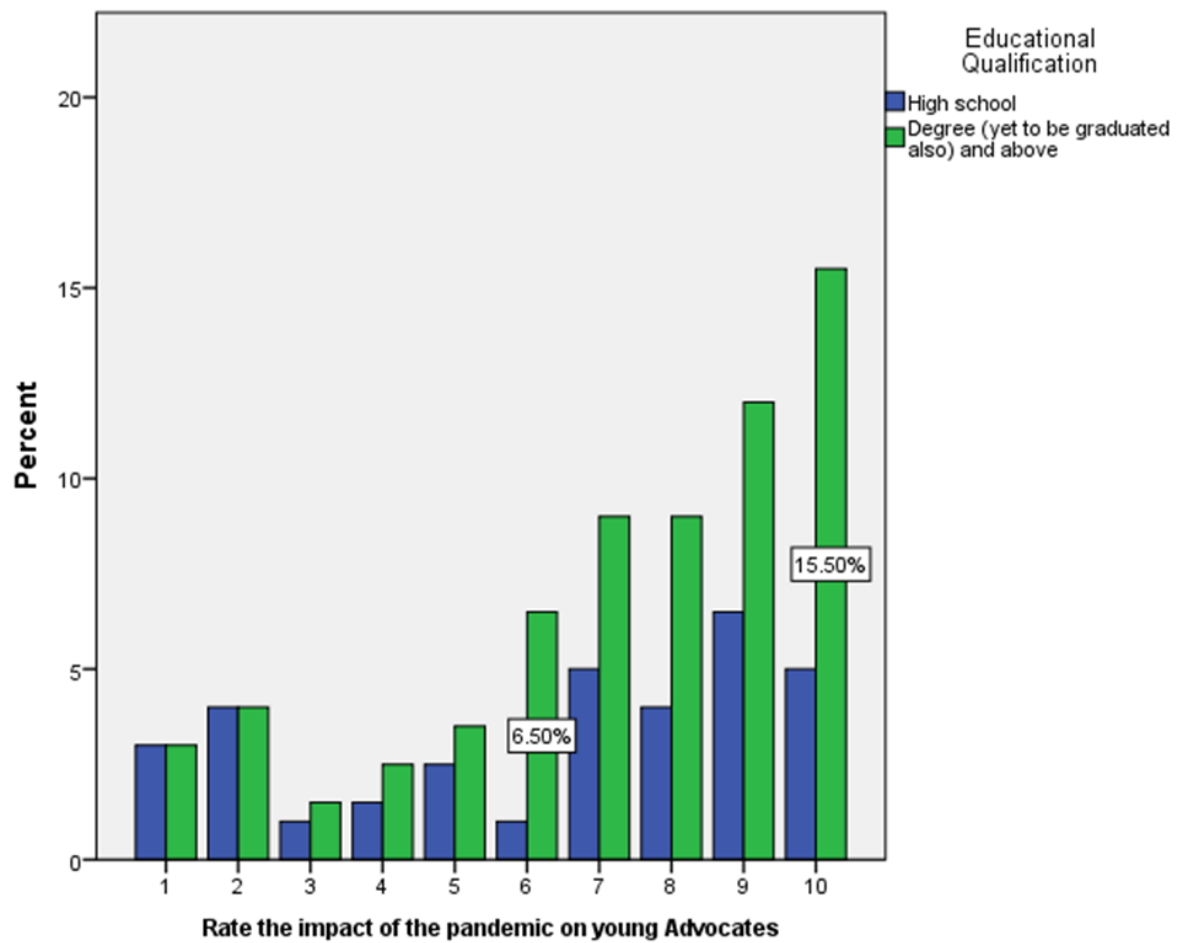
FIGURE 13



LEGEND

This figure shows the clustered bar graph drawn between the opinion of people about the impact of pandemic on young advocates and their Gender, with Percentage as statistics.

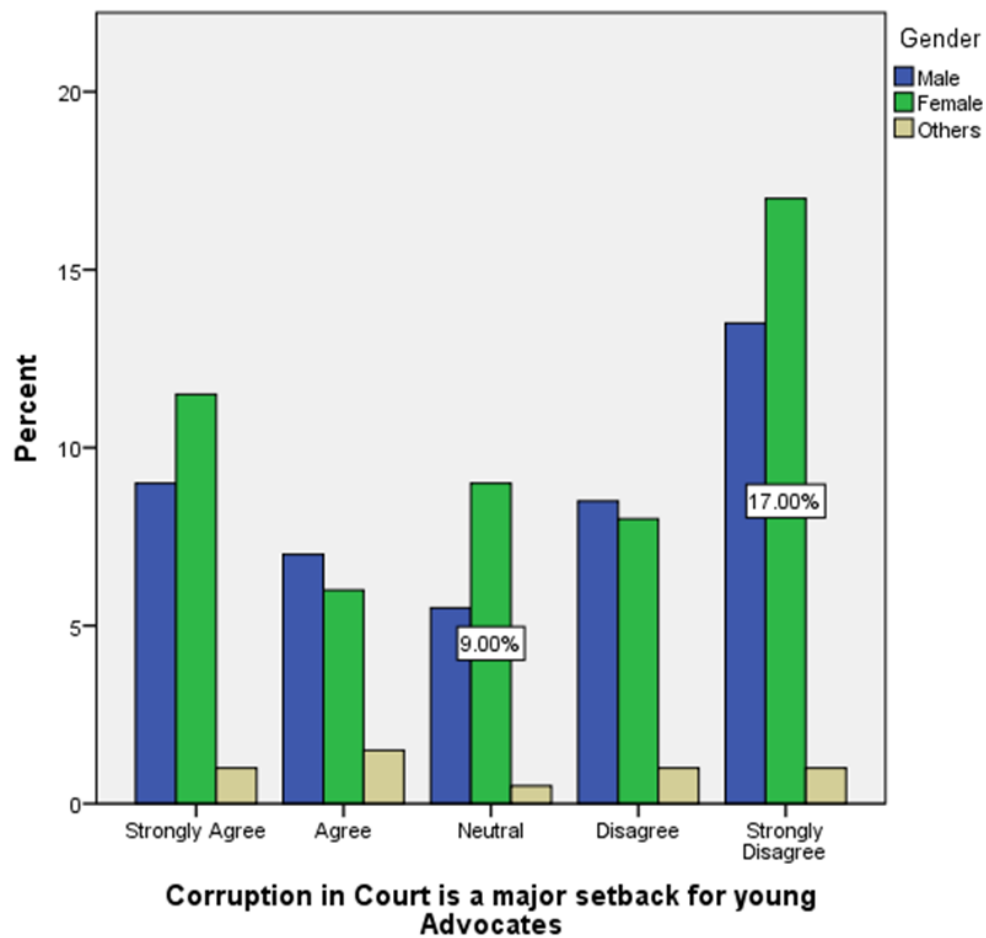
FIGURE 14



LEGEND

This figure shows the clustered bar graph drawn between the opinion of people about the impact of pandemic on young advocates and their Educational Qualification, with Percentage as statistics.

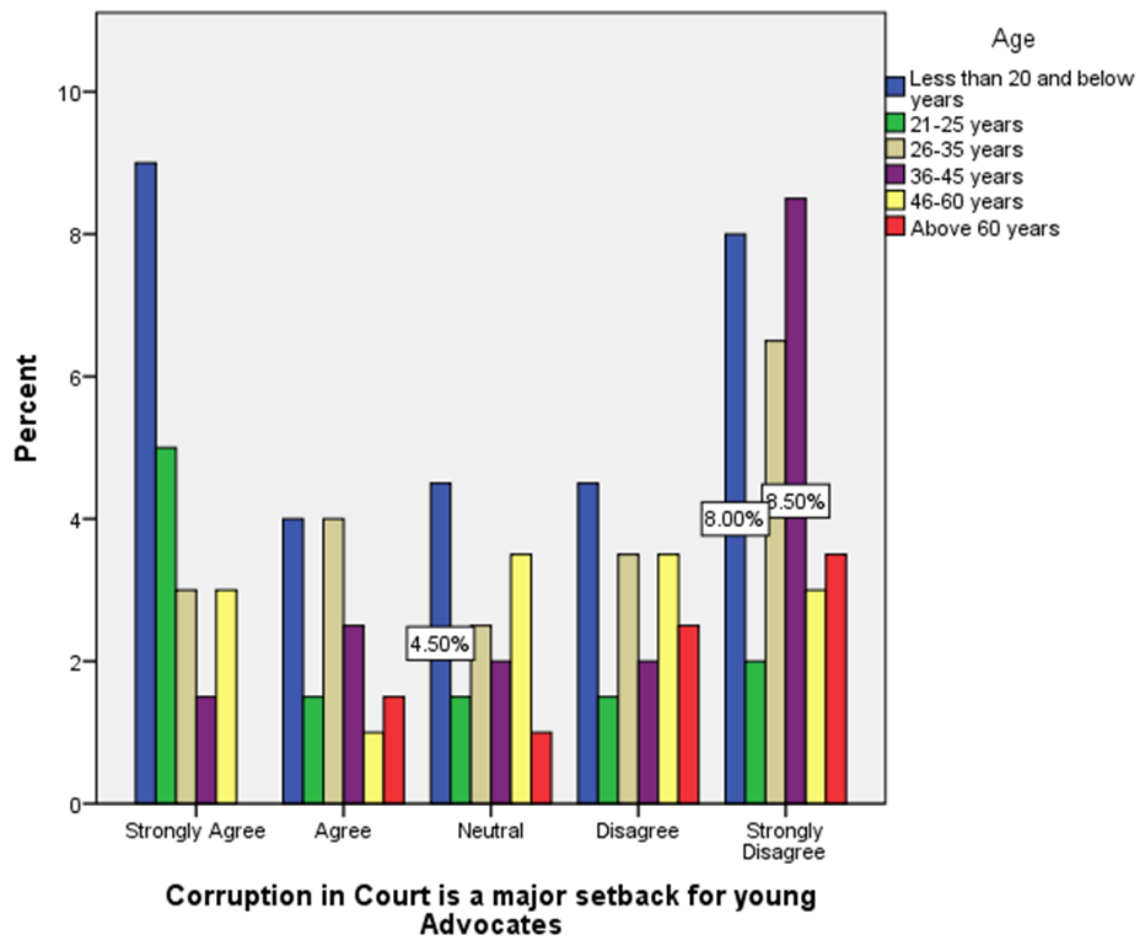
FIGURE 15



LEGEND

This figure shows the clustered bar graph drawn between the opinion of people about corruption in courts & its implication on young advocates and their Gender, with Percentage as statistics.

FIGURE 16



LEGEND

This figure shows the clustered bar graph drawn between the opinion of people about corruption in courts & its implication on young advocates and their Age, with Percentage as statistics.

RESULTS

In figure 1 it can be observed that respondents of the gender group both male and female significantly agree that young advocates are not able to meet their daily needs.

In figure 2 around 12.5 percent of the self-employed lawyers do agree that they are unable to meet their daily needs.

In figure 3 through 12% of degree holders agree to the question, around 14% reject the same.

In figure 4 most of the young interns and advocates strongly agree that first generation advocates face discrimination.

In figure 5 only few of the respondents strongly agree that young advocates are treated undignified, especially to note respondents of 36 to 45 years are of neutral opinion.

In Figure 6 most of the female respondents opine that they are treated dignifiedly.

This figure 7 says that there is very less exploitation of young advocats

In figure 8 as to the response in the figure 7, here too the respondents do strongly opinion that there is very less exploitation.

In figure 9 It can be observed hat slow pace of learning is not a problem for young advocates.

In figure 10 in contrast to the above response, a significant number of respondents do agree that young advocates are put in a slow pace of learning.

In figure 11 it is found that young advocates do work in irregular working hours.

In figure 12 contrasting me most of the respondents strongly disagree to the question.

In figure 13 Most of the respondents have chosen number nine on the scale which indicates pandemic has a greater impact on the young advocates.

In figure 14 here also most of the degree holders significantly agree that pandemic did affect the young advocates.

In figure 15 female respondents opinion that corruption is not a major setback for young lawyers.

In figure 16 young respondents do significantly agree to the question where senior respondents that are of higher age group disagree to the same.

DISCUSSION

As the main objective of this paper was to understand the challenges and problems faced by young advocates, first they were asked to respond to a question put forth regarding the ability of young advocates to fulfil their daily needs, for which the response was that most of the young advocates are not able to meet their basic needs as they do not receive enough remuneration during their initial years of practice **(Figure 1, 2)**. Next aspect of analysis was about the shortcomings faced by first generation lawyers, which shows us that there are certain disadvantages of being a first generation legal practitioner as they have very less exposure than the established and guided ones **(Figure 3, 4)**. As to the challenges and problems faced by young advocates the options given to the people to respond on where, dignified treatment, exploitation, slow pace of learning and irregular working hours among which irregular working hour is the least chosen option as the last students face the same thing in their law schools however it was observed that significant number of respondents chose the option of slow pace of learning as more than seven plus years are eaten up in the name of practice and this has caused them to choose this option at large also their respondents have disagreed that they are being exploited **(Figure 5-12)**. Further on a rating scale they were asked to respond on the impact of pandemic on young advocates as expected the impact of pandemic is seriously a disturbing thing as it has caused them to stumble in the legal profession **(Figure 13, 14)**. For this question respondents have significantly agreed that corruption is a major setback for hearing advocates as there are requirements to give money to get simple forms from the court office which is really unfortunate **(Figure 14-16)**.

LIMITATION

- The restrictive sample size of 200 was the first limitation to the study,
- One of the major limitations is the use of convenience sampling methods that give input data from randomised people which could not be avoided.

CONCLUSION

In this paper, the problems and challenges faced by young lawyers were analysed. It was found that young lawyers have the potential to generate new ideas, but they need to be directed properly by someone who has a lot of experience in the legal world. According to my opinion, there must be a legal obligation on senior lawyers by the Bar Council of India to keep young lawyers for a fixed period and make them learn the skills required in the legal profession. Being an advocate is a delightful job, both financially and personally. We help those who are having marital or financial problems, or in some cases more serious problems. But it comes with great responsibility, while arguing in the courtroom we have to protect your clients' interest, as our one mistake will cost the client. It is quite a challenging task, but it is achievable. Following are the few tips which can help you to become a successful lawyer. As a young lawyer, people may not always support you, but they will certainly judge for what you don't know. One of the expectations that people have from young lawyers is that they should be well aware of all the recent developments in the political, social, and legal fields. The social life of lawyers comes to an end as there is only Sunday left for themselves. Added to this, the kind of pressure and stress they take have a debilitating effect on their health. Therefore it is very important for young lawyers to manage their day properly so that they can take care of their health, otherwise, they will not be able to continue as a litigator and have to look for another job option. But the one thing that young lawyers have to keep in their mind is that they have to work very, very hard. The initial years for young lawyers are the hardest but over time they get used to it and get better with time.

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