

Keep Calm and Talk about Obstacles for Lawyers

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Abstract

Economic downturns will always hold sway over a wide range of professions. From doctors to automobiles manufacturing companies CEO's these people realize that the economy can dictate their business outcome not only from quarters to quarters but from year to year. So how can lawyers deal with economic downturns? Easy, a lawyer only needs to concentrate of the following areas of practice. In July 2009, the longest-recorded US economic expansion this summer is set to surpass the expansion that followed the 1990-91 Recession. Following the successive of 2008-13 the prosperity on International law firms. Since 2016, revenue and profitability growth rates have been routinely doubled, fuelled by corporate activity, M&A and a glut of regulatory work. But like any business, as the potential for another recession is looming, law firms may look at the year ahead with someone trepidation

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INTRODUCTION

Emerging means to develop and grow. So, our topic is emerging areas of law, as we understand that area of the laws are developed and grow. As, we ever think that why law need to be emerge or developed what's the reason the behind this. Simply we know that when areas of law emerge, grow or develop definitely there was a problem of something. When people want to solve these problems then conflicts emerge, conflict is a situation when people decide that this particular thing is good or bad, if we accepted it or ignore then what will be a consequences .after this conflict result out it may be positive or negatives. Whatever the situation arise, so how we can handle this situation. At that time we need a proper rule and regulation to handle that situation, then automatically emergence of law take place. so, we will discuss about the obstacles for lawyers during practice and how they can handle these situations, and how laws emerge according to the situations, the problems are at national as well as the international level.

Economic downturns will always hold sway over a wide range of professions. From doctors to automobiles manufacturing companies CEO's these people realize that the economy can dictate their business outcome not only from quarters to quarters but from year to year. So how can lawyers deal with economic downturns? Easy, a lawyer only needs to concentrate of the following areas of practice.

While some law areas of law practice are suffering during economic recession, some areas of practice are thriving. History shows that the legal industry is more resistant than others to a recession. Recession is a situation means a problem.

Half a decade has pass since the U.S. great Recession, which lasted from the \$8trn housing bubble burst in December 2007 to June 2009

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AS ECONOMIC DOWNTURNS OCCUR, LAWYERS MAY RELY ON THESE FIELDS OF PRACTICE TO GET THEM THROUGH

- **CIVIL LITIGATION**

During times of economic downturn, litigation is becoming increasingly popular. The report on balance careers tells us that the individuals and institutions involved would you be more likely to use the juridical process to recover financial losses or you can use litigations as a tool of cash flow In order to avoid paying the money due. As a consequence of that, the volume of civil proceedings in federal or state courts is rising all around the country.

- **ENVIRONMENTAL LAW**

Clean technology, renewable energy, carbon assets management greenhouse gases have created work for environmental lawyers. When green becomes a global concern, there is need for lawyers who are able to counsel clients of green initiatives & problems of sustainability. Specialist predicts that in the coming years, climate change, global warming, greenhouse and other regulations on the environment will boost legal job for attorney on the climate.

- **BANKRUPT LAW**

Bankruptcy law is also one of the fast rising fields of practice in the practice in the law profession today. And joblessness trying to reach records levels, lot of consumers is not anymore able payments of their debts and bonds. The declining economy, together with the rise of medical costs and the foreclosure history, has led to an increase in chapter VII lawsuits. The miserable economic situation has also encouraged more company to seek legal advice in limits their properties. Bankruptcy work remains to boom, lawyers, paralegals and other law professional with experts knowledge of bankruptcy is going to be in high demand.

- **EMPLOYMENT AND LABOR POLICY**

If someone thinks they are being manipulated by their work environment or violated in some way, they contact a labor and employment attorney. And now, with workplace frequency increasing, particularly in the midst of a distressing environment, company decline, weakening job market, and increased government regulation, employment litigation will increase dramatically. Litigation increases in economic downturns as authorities step up compliance and more cases are brought by companies to raise the money owed. Based on a recent study of litigation patterns, corporate counsel expects that litigation will expand in the future employment and labor conflicts is expected to accounts for a large amount of such conflicts.

- **FORECLOSURE LAW**

More homeowners struggle to keep up with mortgage payments as the economy deteriorates. Some experts estimate that in the United States every day there are as many as 10,000 foreclosures. The balance careers cites obsolete state laws for example, fast-track foreclosures and punitive fines, intensified the national foreclosure crisis and generated a newfound interest in foreclosure law including a strong request for legal action professional who can aid to protect the borrowers' interest, creditors , homeowners and business owners as they go via the foreclosure process.

- **INTELLECTUAL PROPERTY LAW**

Intellectual properties are the most precious assets of the organizations. New developments in science and technology require specialized lawyers to protecting the intellectual capital of companies, writers, musicians, inventors and other creative work holders. In today's competitive market, the market for lawyers in the area of intellectual property is rising. As long as there is innovation and invention, paralegal, lawyers and others practitioners in the field of intellectual property will be called upon to secure the opportunity to fresh ideas as well as the right to choose current creations. Even if a recession affects other practices of law, the law of intellectual property is still thriving.

- **E-DISCOVERY PRACTICE**

We increasingly relying on the internet, social media, electric libraries, emails and texts, and as more data is accumulated and stored electronically, companies are challenges to find information relevant to a lawsuit through a growing sea of ESI. Litigation and E-discovery industry supports professionals help to identify the preserve, process, collect, test and develop ESI in litigation. Like the price for e-discovery escalates, companies are under increasingly force to meet with new e-discovery laws, and there are fewer judges forgiving for discovery violations. E-discovery industry is expected to rise enormously in the upcoming years and this new and lucrative legal niche will be at the forefront of legal professions with technical knowledge and skills.

LEGAL ISSUES AROUND SURROGACY: NATIONAL AND INERNATIONAL PERSPECTIVE

To be a mother and father is not as easy as it seems to be. Exclusively, when a child is born to, cared for, and brought by, a (married) couple, it is so easy to call the male and the female, giving birth to the baby, the father and mother respectively. But if any of these essential responsibilities are fulfilled by any other person than the couple, the ideas of parenting becomes complicated and creates different issues. Such roles may be exchanged or replaced by the terms “adoption”, “guardianship”, “fostering”, “gamete donation” or “surrogacy”.

The innovation has also changed the world’s not only economic but also social fabric. After incorporating various methods of assisted Reproductive Technology, infertile individual now have the choice of having baby(s). Some of these forms are after surrogacy. Surrogacy refers to an arrangement where a woman is “for” another couple. Number of infertile partners from around the world, where the surrogacy of trade is lawful, Approach India. While this arrangement seems to be beneficial to all concerned, there are some sensitive issues that need to be addressed through carefully framed laws to protect the rights of the surrogate mother and the intended parents.

However, this phenomenon brought with it various medical, psychological, ethical, economics and legal issues. Mainly legal issues relating to surrogacy, from a global perspective and Pakistan’s stance on gestational surrogacy.

It seems ironic that when almost 12 million Indian children are orphans, people engage in surrogacy practice. Adopting a child India is a complicated and long process for those childless couple who wants to give these children a home. Notwithstanding the religion or nation in which they resides as Non-Resident Indians (NRIs), Indian people (PIOs) or oversea citizens of India (OCIs), even 60 years of Independence did not provide a detailed adoption law applicable to all its citizens. As a result, they resort to the options of IVF or surrogacy. The guardians and wards Act, 1890 permits Guardianship and not adoption.

In most U.S states, surrogacy is permitted. Nevertheless, surrogacy agreements are void and unenforceable under a 1992 statue for New York. The child-Parent security Act of 2017 (the CPSA) will abolish this ban, enforce surrogacy contracts, and require surrogates to be paid for their gestational care. New York is one of two states in the country that fails to refuse to enforce both compensated and uncompensated surrogacy arrangements and enforce fines and criminal

penalties on those engaged in compensated surrogacy arrangements. Most states explicitly permits or have no surrogacy rules.

THE BIGGEST OBSTACLES OF THE LEGAL PROFESSION FACES IN 2019

• UNAVOIDABLE OBSTACLES- BREXIT

It's true to say that in a number of ways Brexit would impact the legal industry. the effect can vary widely affecting not just the content of law, but also British lawyer's willingness to work overseas &- when Brexit's implications of the economy strike- the degree to what customers want employ British firms. so far as the amendments to the content of law are concerned, it is possible that a vast array of short-term incentives for law firms is generated. It is possible that business will be faced with illustrating the impact of Brexit on a large number of existing agreements and deals in many fields of law, including trade, employments and intellectual property.

These prospects can, however, disappear in the future. If the negotiations end without the UK maintaining single market access or another kind of Free trade Agreements, adding duties and tariffs on goods and services are going to increase costs for a ton consumers and they may want to move elsewhere. Similarly, the potential for rising administrative burdens is likely to promote customers to withdrawn from the UK: Banks already have evidence to do so.

The degree to which this would affect law firm's business will depend on where else they have offices in Europe. As the economist pointed out , if consumers follow the EU's main banking regulator to Paris or switch to other cities such as Frankfurt or Luxembourg ,some of Britain's larger law firms already formed there may feel secure they will continue to provide their customers with services. However,, some other cities-such as Dublin- which Businesses may not be able to cover, resulting in their clients needing to seek legal advice elsewhere.

Another problem not often debated is the limitations on the capacity of British-qualified lawyers to work in the EU which Brexit can impose. British lawyers are currently able to represent clients at the European court of Justice (ECJ) and advice on EU law fields such as competition. Nevertheless, if lawyers trained in Britain alone were to lose legal privilege in EU cases or hearing rights at the ECJ, their company could be a major hit.

• CYBER SECURITY

A vast number of institutions are constantly targeted by cyber attacks. In May 2017, a Ransome hack targeted organization in more than 150 countries, including the Russian interior Ministry, Vodafone, Nissan and NHS. Laws firms are no exception to this: the infamous leak of the so-called panama papers and paradise papers happened in April 2016 and November 2017, respectively, after the hacks of mossback Fonseca and Appleby, two of the world's largest offshore law firms. Meanwhile, the multinational company DLA piper was allegedly the victim of a Ransomware attack in June 2107, leaving all its offices totally unable to access its own records. Law firms are main targets of hackers as they have extremely valuable and personal information which can quickly be monetized. This involves trade secrets, relevant data from banks, patents, and even secrets from governments. Protecting -all of these data is a challenge for

laws firms, but with the number of threats and the sophistications of attacks increasing, this is a formidable challenge.

- **FIXED COSTS IN CIVIL LITIGATION**

Rule 44.2(2)(a) of the civil procedure rules states that the winning party is entitled to request an order from the losing party to pay all the costs legally incurred during litigation. Generally, the amounts of expenses that can be collected in the majority of cases is calculated by the courts on the basis of a variety of factors, including the actions of the parties, the nature and scope of the case, and the efforts and time needed for the case.

- **ONLINE DISPUTES RESOLUTION**

In July 2017, A 28 month duration electronic trial pilot started managing financial complaints for less than 10000. This was proposed in a study by Briggs LJ in 2016- as he then was- to address such cases through a three- stage process: an automated software that investigates the validity of a case, mediation and case managements with a professional case officer, and if required, settlements before a judge. The courts use records on computer, mobile, video or face to face conference. Although this plan is only at the pilot level, most find it a path of dispute resolution.

- **NEW COMPETITION ON THE LEGAL MARKET**

For decade, the legal sector has been deeply populated with hundreds of law firms battling over a restricted number of customers. Thankfully, the qualification for a license to practice law meant that the legal industry was basically a regulated market; lawyers were able to build and maintain a law monopoly.

- **TECHNOLOGY IN THE WORKPLACE**

Technology is another potential player in the city that will influence how law firms' employees' works. Modern technological advances seem to signal a new era of productivity that reduces an amount of time spent by lawyers on certain tasks, especially those historically performed by trainees.

For example- As chi Nguyen an observed, the creation of smart contracts or blocks chains is likely to revolutionize a number of legitimate fields and then see the transformation of different stages of a legal process. Indeed, the first ever property contract was traded digitally in block chains in October 2017.

- **LAW AND PRACTICE OF THE UNITED NATIONS**

The council's influence on the nature of international law is struggling to deal with a difficulty to lawyers dealing with the UN Security Council. In recent years, the topic has become much sharper – and more exciting – as the council has done:

- (1) Extended the definitions of what constitutes a threat to world peace therefore a threat to world peace (such as infectious diseases);
- (2) Extended the quasi-legislative authority to enforce commitments for all states on broad issues (such as counter-terrorism) for indefinite periods of time.

Although there's much to be said about a constructive council covering gaps in international law, particularly if it is capable of preventing conflicts and massacres, there is a danger that the five permanent members will misuse that power and make or interpreting the law in such a way that serves them, but never the international community more specifically. Hopefully, there are some constraints on the Board, like the reputational costs of being seen in breach of accepted standards. A unique challenge for attorney is how to put teeth in all those checks when helping to build the council's room to move creativity to tackle global threats- both new and old.

CONCLUSION

Change is the law of life. And those who look only to the past or present are certain to miss the future"- John F. Kennedy

Law practice isn't the same as finance practice. Lawyers could not cover ourselves with an area of work of 50-50 for example, bankruptcy is real state in order to reduce their economic impact in the same way that investors were protected by a combination of 50-50 bonds and stock. Even if that were true, what lawyers in the law School might think that one day they might suffer as lawyers simply because they took on the incorrect practice area in a certain economic environment ?

There will always be a time for them what lawyers need to remember. Law is vast and broad career which has many layers in all its field of study. So don't be afraid, lawyers; whether you are in an area of practice that leans towards positive or negative economy. Somebody will need your help with their legal case sooner or later. This is when your name is called, or whatever the current economic climate, you are just going to have to get up and go to bat.