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**“UPSKILLING” AS AN ESSENTIAL FOR FUTURE LEGAL  
PRACTITIONERS**

~ Professor. (Dr.) Ashok R Patil & Dr. Rabindra Kumar Pathak\*

**ABSTRACT**

*In recent times, the legal landscape has undergone a gradual transformation to adeptly navigate increasingly complex societal realities. Legal practitioners, fundamental for the just functioning of society, must adapt to new societal and technological challenges that pose unprecedented legal problems. This article underscores the urgent and inevitable need for upskilling of legal professionals, to bridge the gap between traditional expertise and emerging legal issues. As contemporary problems demand contemporary solutions, age-old foundations should be strengthened and novel innovative tools and techniques must be harnessed.*

*This article begins by examining the evolving role of legal practitioners, highlighting the shift from traditional court-room advocacy to diverse legal tasks that extend beyond court rooms. It then explores the growing importance of ‘T-Shaped lawyers’ who combine rich legal knowledge with interdisciplinary expertise in areas such as artificial intelligence and technology. Furthermore, the article concludes by touching upon and highlighting certain selected facets of ‘upskilling’ such as use of artificial intelligence, legal research, contractual analysis, linguistic skills and commercial awareness, which are imperative tools for survival in the modern-day legal sphere.*

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\* Professor (Dr.) Ashok R Patil is the Vice-Chancellor, National University of Study and Research in Law, Ranchi, Jharkhand (“NUSRL”). Dr. Rabindra Kumar Pathak is an Assistant Professor of Law, NUSRL.

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## I. INTRODUCTION

The evolving nature of law and legal profession requires rethinking so that the future of law and its practice do not go out of sync with a world in transition. Legal practitioners are an important part of any legal system. They keep the law and the legal system responsive and alive. They have to deal with diverse problems of life and law. If they change, the change will be reflected in the legal profession.

In this day and age, legal practitioners are at the cusp of a major change owing to the changing social and technological landscape. In the recent past, the hitherto unknown and unthinkable legal problems and challenges have engaged the legal thinking like never before. The legal profession in the contemporary times is undergoing a paradigm shift, and there is a pressing need for deliberation. There is a widening-rift between the existing legal expertise and the expertise needed to deal with new legal problems. The legal practitioners have a tedious task of dealing with cases for which they have received no formal education or training in their formative years of legal education and practice.

In the future, to deal with the demands of a new world, legal practitioners will have to take refuge in “upskilling” which will be their tool for survival and being relevant. The present paper seeks to explore some of the important aspects of “upskilling”. There are few important aspects of upskilling that deserve reflection and attention so that, in the times to come, legal practitioners are capable of helping people get justice at every level of justice delivery system.

## II. 'LEGAL PRACTITIONER' AND 'PRACTICE OF LAW'

Legal practitioners occupy a primal place in the realm of 'practice of law', which is an important aspect of justice delivery system. They are well-conversant with the art of advocacy which Lord Simon regarded as an *art* of persuasion whereas Harvey believed it to be a *method* of persuasion, "*a method which relies primarily on words*".<sup>1</sup> However, there is more to advocacy and practice of law, especially when seen in view of the gradual growth of legal profession and the role played by the legal practitioners. They need to be skilful not only in the context of skills of advocacy *within* the courtroom, but more importantly *outside* it. Brandeis acknowledged, though in American context, that the "*lawyer has become largely a part of the business world...by far the greater part of the work done by lawyers is done not in court at all, but in advising men in important matters, and mainly in business affairs.*"<sup>2</sup> Though the statement was made more than a century ago in the context of American legal practice, it reflects the transition in legal practice elsewhere as well. Similar trends were perceptible even in India after independence, and more so in the preceding few decades.

In the past, newer forms of law-jobs, have emerged which do not require practicing before the court and are primarily concerned with out-of-court working of legal professionals. It is more than an 'appeal to reason'<sup>3</sup> and an advocate is more than a mere "*priest in the Temple of Justice*".<sup>4</sup>

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<sup>1</sup> C P HARVEY, THE ADVOCATE'S DEVIL 2 (Stevens & Sons Limited 1958).

<sup>2</sup> Louis D. Brandeis, *The Opportunity in the Law*, 39 AM. L. REV. 555 (1905).

<sup>3</sup> *Id.* at 5.

<sup>4</sup> JUDGE PARRY, THE SEVEN LAMPS OF ADVOCACY 13 ( Adelphi Terrace 1923)

Textually speaking, under the Advocates Act, advocates and legal practitioners are defined differently. Under section 2(a), the word advocate is defined as “*an advocate entered in any roll under the provisions of the Act*” whereas under section 2(i) a legal practitioner is defined as “*an advocate or vakil of any high court, a pleader, mukhtar or a revenue agent*”.<sup>5</sup> When the Advocates Act, 1961 was enacted, it intended to “*amend and consolidate the law relating to legal practitioners*”.

“Practice of law” has undergone a sea of change as the legal profession has gradually become more demanding and diverse. The sphere of law has become wider, compared to what it was in 1961, a time when practice of law was focused primarily upon “court practice”. Julius Stone, writing way back in 1966, could notice the transition in the making when he wrote that unremitting growth in volume, complexity of legal regulations, and associated activities had expanded the functions, opportunities of lawyers, and increased the knowledge, skills demanded of them.<sup>6</sup>

With the passage of time, legal profession has broken through its confines and is no longer limited to working as an advocate in a court of law; but there are many newer avenues and areas where a law graduate may use his or her law degree. With the legal practice shifting to comparatively new areas, a lawyer is required to engage with the “*endless web of statutes, regulation and common law*”,<sup>7</sup> and it “*accentuates the tendency to*

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<sup>5</sup>Advocates Act, 1961, § 2(a) & 2(i), No. 25 Acts of Parliament 1956.

<sup>6</sup> JULIUS STONE, SOCIAL DIMENSIONS OF LAW AND JUSTICE 57(Universal Law Publishing 1999).

<sup>7</sup> *Id.*

*lawyer-specialization and to the division of labour of so-called “law-factories.”*<sup>8</sup> Bar Council of India Rules of Legal Education defines ‘practice of law’ thus:<sup>9</sup>

*“Practice of law” means and includes (a) practising before the Court, Tribunal, Authority, Regulator, Administrative Body or Officer and any Quasi-Judicial and Administrative Body, (b) giving legal advice either individually or from a law firm either orally or in writing, (c) giving legal advice to any government, international body or representing any international dispute resolution bodies including International Court of Justice, (d) engaged in Legal Drafting and participating in any Legal Proceedings and (e) representing in Arbitration Proceedings or any other ADR approved by law.”*

Statutorily speaking, a legal practitioner engages with some, but not all areas and aspects of “practice of law” which, as aforementioned, encompasses many other broad and diverse areas. A legal practitioner, therefore, is to be understood in the context of “*practicing before the court*”, and it refers to a person who practises before the “court”. Legal Practitioners (Women) Act, 1923 recognised the rights of women to practise as “legal practitioners.” Section 3 of the Act inter alia provided that “*no woman shall, by reason only of her sex, be disqualified from being admitted or enrolled as a legal practitioner or from practising as such; and any such rule or order which is repugnant to the provisions of this Act shall, to the extent of such repugnancy, be void.*”<sup>10</sup> The lexical of meaning of a “legal practitioner” is one who

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<sup>8</sup> *Id*, Harwell Wells, *All Lawyers are Somewhat Suspect: Adolf A. Berle and the Modern Legal Profession*, 42 SEATTLE U. L.R. 641 (2019).

<sup>9</sup> Rules of Legal Education, 2008 Rule 2 (xx), Bar Council of India.

<sup>10</sup> Prachi Bhardwaj, *The Story of Three Women and Their Fight to Make “Women in Law” a Reality in India*, SCC TIMES,

<https://www.sconline.com/blog/post/2020/10/11/the-story-of-three-women-and-their-fight-to-make-women-in-law-a-reality-in-india/> (Last accessed on 26.10.2024).

*practises* law as compared to a ‘legal professional’ who may be in the “practice of law” but may not be *practising* it before a court of law. Legal professional is a wider term and subsumes under its different categories of works requiring professional legal education and skills as is evinced by the above-quoted definition of “practice of law”. All said, a legal practitioner is nonetheless required to be prepared and alert to new developments in law, life and technology.

### III. NEED FOR T-SHAPED LAWYERS

The idea of a T-shaped lawyer,<sup>11</sup> originates from the concept of a T-shaped professional, characterised by having “depth of knowledge” in their chosen area and a “breadth of knowledge” across other disciplines that are tangentially connected to their chosen area of expertise. Likewise, a T-shaped lawyer, the vertical bar symbolising profound knowledge and the horizontal bar symbolising generalized knowledge, not only has an expertise in law but also possesses an understanding of technology, artificial intelligence, design thinking and data analytics.<sup>12</sup> It goes without saying that the increasing use of technology and the evolving nature of legal services necessitate a new approach to ensure that the lawyers meet client demands for faster, affordable, and improved services.<sup>13</sup>

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<sup>11</sup> ELAINE MAK, *THE T-SHAPED LAWYER AND BEYOND: RETHINKING LEGAL PROFESSIONALISM AND LEGAL EDUCATION FOR CONTEMPORARY SOCIETIES* (Eleven International Publishing 2017).

<sup>12</sup> Alyson Carrel, *Legal Intelligence Through Artificial Intelligence Requires Emotional Intelligence: A New Competency Model for the 21<sup>st</sup> Century Legal Professional*, 35 GA. ST. U. L. REV. 1153 (2019).

<sup>13</sup> *Id.* at 1166.

Moreover, it is important that there is an extension of legal and non-legal knowledge of the lawyer to include leadership and soft skills.<sup>14</sup> According to Custers, this encompasses areas like project management, planning, finance, and HR, which are valuable for managing or working in law firms. Additionally, emotional intelligence is often highlighted as a key attribute, along with technological proficiency in areas such as programming, artificial intelligence, design thinking, and statistics.<sup>15</sup>

Therefore, there is a growing need for T-shaped lawyers for a twenty-first century legal profession, an idea that suits the complexity of the emerging societal and legal landscape. As per Alyson Carrel, such a lawyer must excel in legal expertise, utilize technologies such as artificial intelligence, and possess emotional intelligence required to adapt to the evolving landscape and deliver unique value in an era of growing reliance on technology for legal services.<sup>16</sup>

#### IV. UPSKILLING OF LEGAL PRACTITIONER IN A NEW WORLD

It is, thus, pertinent that upskilling of legal practitioners is undertaken as a stepping stone towards ensuring a bar and bench that would be well-equipped to meet the challenges of a newer world pervaded by hitherto unknown technological innovations, Artificial Intelligence (“AI”), demands of a *new* global order and increasing relevance of space law, to mention a few. These challenges will be more than a mere addendum to the *existing* challenges and problems that law has to deal with

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<sup>14</sup> Bart Custers, *A fair trial in complex technology cases: Why Courts and Judges need a Basic Understanding of Complex Technologies*, 52 COMPUTER L. & SEC. R. 5 (2024).

<sup>15</sup> *Id.*

<sup>16</sup> Carell, *supra note*. 12.

day in, day out. These challenges will not just be confined to the upper echelons of judicial process; its impacts will be felt down to the lower strata of judicial hierarchy as well. Some of the new developments such as the advent of AI may well act as a boon for increasing the efficiency of the bar and the bench. Therefore, it is important that there is a concerted effort aimed at bringing about a holistic change at every level of judicial system, and a legal practitioner cannot remain untouched from these changes. They will have to adapt to the need of the changing times, and ‘upskilling’ of legal practitioners will be pivotal to transforming the functioning of the justice delivery system. Lexically speaking, upskilling implies enhancing skills leading to acquiring of new capabilities, and legal upskilling involves acquiring new skills based on AI or digital skill or understanding of new technology such as blockchain. Therefore, upskilling required for new-age lawyers as also for future lawyers may be deliberated upon under the following heads:<sup>17</sup>

#### **A. ADVENT OF ARTIFICIAL INTELLIGENCE**

AI, “a distinct subfield of computer science”,<sup>18</sup> is premised on the idea and belief that human thinking can be systematised and may be given a structured form. Although AI has no universally accepted meaning, it is an

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<sup>17</sup> See generally, Mari Sako, Matthias Qian, and Jacopo Attolini, *Future of Professional Work: Evidence from Legal Jobs in Britain and the United States*, 9 J. PROFESSIONS & ORG. 143 (2022). See also Susan Swaim Daicoff, *Expanding the Lawyer’s Toolkit of Skills and Competencies: Synthesizing Leadership, Professionalism, Emotional Intelligence, Conflict Resolution, and Comprehensive Law*, 52 SANTA CLARA L. REV. 795 (2012).

<sup>18</sup> Edwina L. Rissland, *Artificial Intelligence and Law: Stepping Stones to a Model of Legal Reasoning*, 99 YALE L.J. 1957-1981(1990).

idea having its roots in distant past.<sup>19</sup> It was in 1748 that the idea found its germinal existence in Julien Offray de La Mettrie's work *L'Homme Machine*, and one may look back at the concept of Laplace Demon as a precursor to AI. It basically implied that the universe works like a "mechanical machine" and the human mind and intelligence works likewise. Philosophical roots of AI may also be traced back to ancient Indian, Chinese and Greek philosophers' technique of formal reasoning.<sup>20</sup>

As neurons in the brain transmit information between the main brain and other parts of the body facilitating communication, "artificial neurons" facilitate the working of AI. The "input" to these artificial neurons is in the form of real numbers, each input carrying a "weight" corresponding to a "synapse", which is a point at which the electrical signal moves from one nerve cell to another.<sup>21</sup> AI may thus be described as the science of making machines do things that would require intelligence if done by men and may be found in machines that can carry out tasks which normally require human attributes like pattern recognition, learning from experience, decision-making, and problem-solving.<sup>22</sup>

It is this ability to learn from experience and the ability of decision-making and problem solving that become instrumental in law, legal research and legal practice.<sup>23</sup> AI can assist in various tasks related to

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<sup>19</sup> Uday Shankar & Shubham Pandey, *Balancing the Scales of Justice Through Artificial Intelligence*, 63 J. INDIAN L. INST. 190 (2021).

<sup>20</sup> Patrick Krauss, *What is Artificial Intelligence?*, ARTIFICIAL INTELLIGENCE AND BRAIN RESEARCH (Patrick Krauss ed., Springer 2024).

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 107-112; David Bolter, *Artificial Intelligence*, 113 ANTICIPATIONS 1(1984).

<sup>23</sup> Farooq Ahmad Mir, *An Exploratory Analysis of Law and Artificial Intelligence Interface in India*, 66 J. INDIAN L. INST. 28 (2024).

‘practice of law’ in different ways, both from the perspectives of legal practitioners and judges. Hon’ble Justice Manmohan of the Delhi High Court, while highlighting the same, observed that AI ought to be harnessed to improve efficiency in Alternate Dispute Resolution and justice delivery processes, offering deeper insights, and achieving a level of precision that was previously unattainable. He also highlighted the high efficacy of Large Language Models in quickly analysing, comparing, and summarising documents.<sup>24</sup> The transition to AI will resemble the earlier adoption of technology by lawyers, enhancing efficiency while preserving the foundational skills of the legal profession.<sup>25</sup> Recently, the Supreme Court of India has adopted the use of AI for the purpose of translation of judicial documents and for legal research. Moreover, for transcribing the oral arguments, the Court has started making use of AI.<sup>26</sup> Sooner than later, the use of and reliance upon AI will percolate down from the Bench

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<sup>24</sup> Nupur Tapliyal, *Supreme Court To Implement AI Tool To Generate Summary Of Pleadings: Delhi High Court ACJ Manmohan*, LIVE LAW (Sept. 20, 2024), <https://www.livelaw.in/high-court/delhi-high-court/delhi-high-court-artificial-intelligence-in-law-pleadings-270115>; Swarana Kanta Sharma, *Transforming Justice: The Impact of Artificial Intelligence on the Judiciary*, 65 J. INDIAN L. INST. 307 (2023).

<sup>25</sup> Aiman J. Chishti, *Artificial Intelligence Can Handle Routine Tasks, Freeing Lawyers’ Time for High-Value Work: CJI DY Chandrachud*, LIVE LAW (Aug. 10, 2024), <https://www.livelaw.in/top-stories/supreme-court-chief-justice-dy-chandrachud-artificial-intelligence-artificial-intelligence-will-augment-efficiency-without-impacting-foundational-skills-of-legal-profession266363#:~:text=Aiman%20J.&text=Chief%20Justice%20of%20India%20DY,they%20would%20similarly%20embrace%20AI>; J K Das, *Reformulating India’s Artificial Intelligence Regulatory Framework: Retrospect and Prospect*, J. INDIAN L. INST. 441 (2022).

<sup>26</sup> Ministry of Law and Justice, *Artificial Intelligence in Judiciary*, PRESS INFORMATION BUREAU, (Aug. 9, 2024), <https://pib.gov.in/PressReleseDetailm.aspx?PRID=2043476&reg=3&lang=>.

to the Bar. Supreme Court of India is a good example of the changing trend where AI has already made its presence felt.<sup>27</sup>

### **B. 'UPSKILLING' VIS-À-VIS LEGAL RESEARCH**

Legal research, needless to say, plays an important part in the life of any legal professional, more so in case of a legal practitioner. It is crucial to the legal process, as good research may prove to be a boon to the cause of justice in a court of law. Legal research is increasingly becoming more technology driven and AI-based, offering significant opportunities for learning and improvement through effective use of emerging tools and techniques. This creates a space for “upskilling” for legal practitioners who can no longer afford to be ignorant of the importance and relevance of use of technology and AI in legal research. While the vast majority of lawyers continue to use and rely on traditional, time-tested means of legal research, in contemporary times, these approaches are no longer sufficient. A technology-based and AI-driven era of legal practice is in the making where basic computer literacy is no longer adequate, and soon it will require legal practitioners who are well conversant with new-age methods of legal research which are a far-cry from the manual and demanding outdated ways of doing research.

AI based legal research tools can also be very useful in fishing out the most relevant information needed in a given case from the vast pool of information available in the form of precedents, statutes, regulations,

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<sup>27</sup> Akhilesh Nagauri, *Chief Justice asks AI lawyer question on death penalty, watch its response*, INDIA TODAY (Nov. 8, 2024), <https://www.indiatoday.in/india/law-news/story/chief-justice-dy-chandrachud-death-penalty-constitution-artificial-intelligence-ai-lawyer-video-2630152-2024-11-08> (last accessed on Nov. 11, 2024).

and other relevant legal documents. A lawyer familiar with such tools and the related techniques may easily analyse and review plethora of documents in a given area of law, and may increase his/her efficiency and accuracy. For example, Manupatra, LegisQuest, Kanoon.ai, and CoCounsel are some tools that a legal practitioner may use for understanding, analysing and reviewing precedents and other legal documents.

### **C. CONTRACT DRAFTING AND ANALYSIS**

Contract drafting and its analysis is one of the basic and essential works a lawyer has to do given the rights and duties that are enumerated in a contract explicitly or implicitly. Oftentimes, contracts need to be interpreted and analysed. It therefore matters how much care, caution and expertise is made use of in drafting and its analysis. Learning the use of AI may be a boon in this context as it may be used for contract analysis and to draft contracts and agreements.

Ellen Glover provides a succinct analysis of the application of AI in contract drafting and the generation of agreements. She observes that AI tools are instrumental in contract analysis, a critical aspect of the legal profession, by reviewing contracts and identifying potential risks or compliance issues. She also highlights the capability of certain AI systems to autonomously generate legal documents. In this process, a lawyer inputs specific requirements or key details into the AI tool, this then produces an

initial draft for subsequent review and refinement by human professionals.<sup>28</sup>

Furthermore, AI can help identify errors, possible risks, and may even suggest revisions. It is therefore one such upskilling that legal practitioner should learn and become familiar with AI based tools that are helpful in contract drafting and analysis.<sup>29</sup> They should make good use of ‘machine learning’, despite the apprehensions that remain among many minds as to the use of technology, especially AI, in the domain of contract drafting and analysis.<sup>30</sup> According to Audrey Yang’s observation, the integration of AI into these processes signifies a profound shift in legal practice, extending beyond mere technological adoption. While acknowledging the challenges this transformation presents, including the need for new skills and careful ethical considerations, she underscores the unprecedented opportunities it offers for enhancing efficiency, accuracy, and insight in contract management. The successful adoption of this evolving legal technology, she asserts, will depend on striking the right balance between human expertise and AI capacities. Those who can adeptly combine legal acumen with technological proficiency will be best

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<sup>28</sup> Ellen Glover, *AI in Law: How Artificial Intelligence Is Transforming Legal Practice*, BUILTIN, (Oct. 17, 2023), <https://builtin.com/artificial-intelligence/ai-lawyer>.

<sup>29</sup> Can AI Write Legal Contract, Bloomberg Law (Nov. 4, 2024), <https://pro.bloomberglaw.com/insights/technology/can-ai-write-legal-contracts/>; H Autto, H Haapio, & J Nuottila, J., *Contracts rethought and redesigned: A new era with AI*, J. OF STRATEGIC CONTRACTING AND NEGOTIATION (2024), <https://journals.sagepub.com/doi/10.1177/20555636241261278>.

<sup>30</sup> Kathryn D. Betts and Kyle R. Jaep, *The Dawn of Fully Automated Contract Drafting: Machine Learning Breathes New Life into a Decades-old Promise*, 15 DUKE L. & TECH. REV. 216 (2017).

positioned to thrive.<sup>31</sup> As the legal practice moves from the era of age-old “traditional contract” to an era of “smart contract”,<sup>32</sup> a legal practitioner cannot afford to turn a Nelson’s eye to the growing presence of technology in the realm of contract law and practice.

#### **D. USE OF AI IN LITIGATION**

Justice Holmes is known for his ‘Prediction Theory of Law’ which, simply put, implies that law consists only of predictions of what the courts will do in particular cases.<sup>33</sup> He asserts that the primary rights and duties with which jurisprudence busies it again are nothing but prophecies.<sup>34</sup> Such an understanding of how law works portrays law as prophetic.<sup>35</sup> Certain degree of prophecy is commonplace in the practice of law when seen from the perspective of legal realism. Therefore, it matters that a legal practitioner is equipped with tools that may act as ‘guiding lights’ as to the outcome of a particular case, despite the ‘human elements’ in a given case that remain beyond the reach of AI. Time has come to integrate science with law, echoing Holmes’ belief that law could be scientific even if many cases yield unpredictable results. He posited that legal theory is a useful science which enhances the likelihood of predicting court decisions in advance.<sup>36</sup>

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<sup>31</sup> Audrey Zhang Yang, *AI in Contract Drafting: Transforming Legal Practice*, RICHMOND J. L. & TECH. (2024).

<sup>32</sup> John Linarelli, *Artificial Intelligence and Contract Formation: Back to Contract as Bargain?*, (University of Pittsburgh Legal Studies Research Paper No. 2023-46 2023); Max Raskin, *The Law and Legality of Smart Contracts*, 1 GEO. L. TECH. REV. 305 (2017).

<sup>33</sup> SURI RATNAPALA, JURISPRUDENCE (New Delhi, Cambridge University Press 2009).

<sup>34</sup> Oliver Wendell Holmes, *The Path of Law*, 10 HARVARD L.R. 457 (1897).

<sup>35</sup> Catharine P. Wells, *Holmes on Legal Method: The Predictive Theory of Law as an Instance of Scientific Method*, 18 SOUTHERN ILLINOIS U. L.J. 329 (1994).

<sup>36</sup> *Id.* at 345.

The use of AI based tools may help predict the outcomes of a given case and may also help assess the strengths and weaknesses of legal arguments on the basis of past precedents. Technological upskilling has the potential to revolutionize the justice delivery system not only at the appellate level but also at trial courts. Lawyers can significantly contribute through the use of AI and other tools and software, particularly in emerging areas like that of electronic discovery (“**e-discovery**”) which is a digital investigation aimed at finding evidences in email and other forms of data that may be useful in a civil or criminal proceedings. Such an investigation is crucial to collecting evidence from social media profiles, online documents, content available on a website and digital images. In the near future, cases relating to digital evidence will increase significantly by leaps and bounds. Therefore, a legal practitioner should be well acquainted with the knowhow of e-discovery.<sup>37</sup> Moreover, at a more general level, AI may help a legal practitioner in drafting, case analysis, solving language barrier, and legal research.

#### **E. LAW AND LANGUAGE: NEED FOR UPSKILLING**

Ronald Barthes said: “*Birth of the reader in the death of the writer*”. Sometimes in law, a lawyer has to deal with a “*text of many authors*”, whether it be a statutory text or a judgment. A good grasp over language

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<sup>37</sup> Amalia R. Miller & Catherine E. Tucker, *Electronic Discovery and the Adoption of Information Technology*, 30(2) *The Journal of Law, Economics, and Organization* 217 (2014); Jack G. Conrad, *E-Discovery Revisited: The Need for Artificial Intelligence Beyond Information Retrieval*, 18 *Artificial Intelligence Law*, 321 (2010); B. G. Bokolo & N. S. Senol, *The Digital Forensic Approach to e-Discovery*, in *BREAKTHROUGHS IN DIGITAL BIOMETRICS AND FORENSICS* (K. Daimi, G. Francia III & L. H. Encinas Eds., Springer 2022); Steven C. Bennett, *E-Discovery: Reasonable Search, Proportionality, Cooperation, and Advancing Technology*, 30 *J. MARSHALL J. INFO. TECH. & PRIVACY L.* 433 (2014).

is, therefore, one such skill that goes a long way in the making of a good lawyer. Moreover, argumentative skills are also very intricately related to language. For instance, persuasiveness of arguments most often than not depends upon language.

When a lawyer encounters a hard case to argue or meets with what H.L.A. Hart would call “open texture law”<sup>38</sup>, they are required to exhibit not only an understanding of law but also of language. Bentham had also emphasized this by perceiving law as an assemblage of symbols, representing the sovereign’s will within a state.<sup>39</sup>

The law and literature movement has shown how much we can learn from literature to interpret the law. Ronald Dworkin has so elegantly demonstrated how we can understand the dynamics of law when we go through his conceptualization of judges as chain-novelists. Oftentimes, the pursuit of justice gets lost in the quagmire of legalese, especially when the legal practitioner is in the formative years of his or her professional life. Amid the hustle and bustle of courtrooms and hardship of law practice, it is advisable that lawyers and legal practitioners develop fondness for enriching linguistic skills. This will reflect in their understanding and practice of law.

Mastery of language and word is crucial to proper understanding of law as it is believed that law is fundamentally a law of words. While there are several major sources of law, they all consist of words, which are

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<sup>38</sup> Frederick Schauer, *A Critical Guide to Vehicles in the Park*, 83 N.Y.U.L.R. 1109 (2008).

<sup>39</sup> BENTHAM’S OF LAWS IN GENERAL 1(Hart ed., Athlone Press 1970.).

a lawyer's most essential tools.<sup>40</sup> These words may be constitutive of statutes, legal precedent or regulations. Therefore, linguistic upskilling is one of the basic and foundational upskilling that a lawyer should strive for.

#### **F. SOCIAL AND COMMERCIAL AWARENESS**

An innate and critical understanding of social and commercial realities is essential to understand the working of law as it is, and such an understanding enables a lawyer to appreciate the true dynamics of law in a given field.

Life and law grow together, and influence each other in myriad ways. American sociological and realist writers have emphasized at looking beyond the "law in books". Oliver Wendell Holmes underscored the importance of *experience* in law while observing that life of law is not that of logic but that of experience. An experience rooted in social and commercial awareness of a given society will give a lawyer a perspective that may not be available to one who is confined merely to "law in books". Therefore, one of the important skills that a legal practitioner should develop is to gain experience of social, economic and commercial condition in the society.

#### **V. IN LIEU OF A CONCLUSION**

All said, it is essential to underscore a few points. A legal practitioner in contemporary times is to be well-equipped not only with the textual learning of law but few other skills as well. Digital skill is the

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<sup>40</sup> PETER M. TIERSMA, *LEGAL LANGUAGE* 1 (University of Chicago Press 1999).

most important one given the perceptible presence of “digital life”<sup>41</sup> as a new societal reality. Moreover, it goes without saying that in this day and age understanding of innovations such as blockchain, AI and so on is a must, as more and more litigation will be in these areas in the near future, despite the challenges it poses in the form of AI hallucinations, absence of “human element”, lack of transparency, etc. Besides technical upskilling, upskilling in soft skills is a *sine qua non*. Legal practitioners should jettison their reluctance to adopt new technology and tools as regards legal research and litigation. The new-age ‘legal practice’ demands being in sync with the changing times in terms of skill and knowledge. Legal upskilling is not merely a choice but a lifelong journey, essential for staying relevant and thriving in this dynamic profession. The future of legal practitioners belongs to those who embrace ‘upskilling’ by adapting to change and consistently refine their skills and knowledge.

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<sup>41</sup> ELISA SERAFINELLI, DIGITAL LIFE ON INSTAGRAM: NEW SOCIAL COMMUNICATION OF PHOTOGRAPHY (Emerald Publishing Limited 2018).