

**Mr. Emad-ul-Hasan- Advocate Supreme Court of Pakistan**

Inauguration Ceremony of 'The Lex' magazine at the Jinnah Auditorium at the City Courts, Karachi on August 19, 2023.

1. I am humbled to be invited by the team of the Lex Magazine to address this august audience.
2. I just noted the slogan of the Lex Magazine here i.e. "*A journey from knowledge to justice*". This is a very powerful slogan and a whole day seminar can be held to understand this slogan as it is very important that knowledge is used for justice. In today's era there is a flood of 'information' but every information is not 'knowledge' i.e. only relevant information is knowledge. But obtaining knowledge is not enough, but it is important that the 'knowledge' is implemented in a manner to achieve justice.
3. I checked Web-site of 'The Lex' and noted that:
  - It is very **attractive and dynamic** web-site containing heavy load of **legal information** but can be easily find out at a click of a button.
  - The site is **useful for all** i.e. lawyers, fresh graduates, law students, litigants as well judges.
  - The **hyperlinks, graphics etc.** have been duly used.-- News flash at the bottom (running line) is very attractive
  - **Templates** of various frequently used applications have also been given in downloadable form as well as there are other downloads also, including my book 'Lawyers' Manual- Volume-1 (How to Institutionalize legal practice)
  - **Jobs** of various for legal professionals are also mentioned.
  - Various relevant **reported cases** have also been mentioned as well as Headlines/links of various news and articles.
  - Even most relevant laws are also given.
4. I congratulate the team of 'The Lex' magazine to launch the magazine and its Web Site within a short period as I remember Mahnoor and Mohammad Hasan had visited me to discuss about the Magazine in **August 2022** only. However, that discussion was not that on the basis of which such a professional magazine could be launched. I am totally impressed.
5. I am a firm believer that **litigation is not good** for the society, so the question arises that then what lawyers will do?
6. Taking opportunity of this august gathering, I will like to share **some thoughts and values** regarding role of lawyers, i.e.:
7. First of all we should realize that 'Lawyers' are '**Knowledge Workers**' whose work starts with the establishment of a business or institute by assisting a party to obtain approval, permissions, registration, license, etc. from the Authorities,-- then helping an organization in entering into various contracts with Employees, Suppliers, Vendors, Customers, Financial Institutes etc.--- as well as in listing, de-listing, merger etc.--- even for individuals especially in purchasing or selling a property, its registration etc.---and then giving opinions and advices with respect to various transactions-- All these activities we term as '**Corporate Practice**' i.e. before the litigation. These services minimize the litigation when due legal legs are given to various transactions, activities etc.
8. The three basic skills of lawyers are (i) reading with 'comprehension', (ii) writing with 'drafting skills' and (iii) speaking with 'presentation' skills. So before coming to the court these skills can be utilized before various authorities and forums also to make a transaction/activity as per law.
9. In a recent article by Mr. Mansoor Hassan Khan, it is mentioned that in '**Developed Nations**' a good percentage of lawyers provide these advisory

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services, while unfortunately in our country around 99% lawyers are 'Litigators'. In the same article it is also mentioned that per-capita lawyers in Pakistan are highest in the world. But unfortunately, even then people are protesting everywhere for justice. It means that there is problem in the structure somewhere.

10. Litigation is not good for the society as **'Litigation' is not a need of the society**. It is created only in case of **'Disputes' or 'Accidents'**, hence efforts should be that minimal litigation arises and if arises then should be **'Efficiently' and 'Effectively'** adjudicated upon as timely establishment of **'rights' and 'obligations'** only ensures progress of a society.
11. **'Efficiency'** means, a matter is adjudicated upon consuming minimum time, efforts and cost and **'Effectiveness'** means that it is decided rightly the first time, rather than people going till Supreme Court.
12. Unfortunately, the **delay in adjudication** is due to our 'Obsolete Adjudication Procedures'.
13. We should realize the **'Value'** is in the **'Product'** and not **'Process'** as is said that **'the important thing is not the efficiency of 'input' but effectiveness of 'output'**. And the value in 'Product' is created at its **'Closure'**.
14. Also, it is said with respect to Internal Controls that **'The cost of control should not be more than the cost of risk'**, therefore the process should be compatible with the 'Product'
15. The **'Product' of the Court** is decisions in the shape of Orders and Judgments. Hence the **Adjudication procedure** should be such that the Orders and Judgments are produced **'Efficiently' and 'Effectively'**.
16. For this we should realize that the rule of thumb is to use the **latest technology** available for which continuous process re-engineering is required.
17. One of the **important factors** for quick adjudication is the role of a lawyer.
18. As is said that **'A lawyer is the officer of the court'** hence a lawyer should duly assist the court in explaining the facts, contentions, relevant laws and precedents focusing relief of the client.
19. However unfortunately many times lawyers **abuse the court** procedures for their clients.
20. **Ethics demand** that instead of pursuing **false and frivolous** cases, the lawyers should give a **clear message to the society** that if a matter will not have due legal legs, then it will be difficult for a client to obtain the relief from the Court. When a matter is not legally fit, then adjournments is the only way to delay relief to the opposite party. National Judicial Policy 2009 prescribes principles to curb false & frivolous litigation.
21. Quick adjudication on merit helps in establishing a **lawful society**.
22. We should also realize that **'What is good for the society, is good for everyone and what is good for an individual, but not for the society, is also ultimately detrimental for that individual also in the long run'**. It is due to the short-vision of selfish interest that we are suffering as compared to other nations. Therefore, in our work we should focus the larger picture.
23. Lawyers should follow the **'Canon of Professional Conduct and Etiquette of Advocates'** in letter and spirit as mentioned in the **'Legal Practitioners and Bar Councils Rules 1976'** which covers dealing of a lawyer with other advocates, clients, court and Public generally, then we can achieve good level of **'Efficiency' and 'Effectiveness'** in the 'Adjudication Procedures'.

Full text of the speech of

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24. Launching of 'The Lex' magazine is a sincere effort to bring 'Efficiency' and 'Effectiveness' in the legal profession by imparting knowledge as this is our responsibility being lawyers.
25. I once again congratulate the team of 'The Lex' and wish them more success.  
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