



The places I've been, the things I've seen

See it, feel it, live it: **Jamil Mohammed** recounts his adventures with the American Bar Association during his Pegasus Scholarship to Washington DC

Allow me to rewind back to 2022. The pilot has just switched off the 'fasten seatbelt' sign on our eight-hour transatlantic flight from Washington Dulles International to London Heathrow, so this is a good time to take stock and reflect on what exactly has just happened. Here goes...

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To understand the US legal system you've got to first read the constitution. If you really want to understand the US legal system you've got to visit the US and move around from state to state, to see the differences between the state and

federal courts. From court to court you'll find that there's a different mindset, an individual take on a collective application of law. However, if you want to best understand US legal system, you've got to see it, feel it, you've got to live it. And that is what the Pegasus Scholarship allowed me to do.

Similarities that differ

The USA's judicial system was originally based on that of Britain but, along the way, they have undoubtedly made it their own. On a trip that saw us visit multiple states – Virginia, Maryland, Delaware, California, Kentucky, and New York – I had the pleasure to see first-hand how the rule of

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law is applied within the United States of America.

And therein perhaps lies the most immediate contrast in our respective judicial systems. For the most part, the law is the same within the UK. The same cannot be said for the USA, where laws, restrictions and sentences can differ upon the crossing of state lines.

I would describe the US legal system as a conglomerate. The USA is big enough to be a continent, with an approximate population of 332 million people (at the time of writing). A country broken up into 50 states, of which each has its own standalone (and yet stand within) legal system, with the overarching Federal system. Accordingly, a lawyer must be admitted to the specific Bar of the state in which they seek to practise.

Admirer of an admirer

Perhaps what I appreciated most was the mutual fascination with our respective judicial systems – and at all levels. Sitting with a Federal Court Judge after she had finished the last criminal sentence hearing on her docket, she wanted to ask us questions about the UK criminal courts as much as we wanted to ask about what we had just witnessed in her courtroom.

Everywhere we went it was the same – we had questions for each other, we wanted to compare and contrast. The shock on the faces of attorneys when we explained to them that criminal barristers in the UK can both prosecute and defend. The unbridled fascination with the wig and gown UK barristers wear in court, immediately met by the disappointment to hear that it is not worn in every single court. Conversely, our surprise when we discovered the strict time limit on submissions during court of appeal hearings – often a 10 to 15 minute timer on show, counting down like an NBA shot clock. It’s hard not to reminisce about many of my unfortunate tautologist opponent advocates that would have benefited from this.

Throughout the programme there was always an opportunity to learn. No better example of this was during a hike trail through Red River Gorge. For those of you not familiar with Red River Gorge, this is a unique canyon system in east-central Kentucky which is contained within a national forest with spectacular views. Much like back in the UK, an emergency protection order application in the Family Court can come in at any moment. In the UK, a barrister like myself would be expected to deal with this on very short notice, and in the USA it is no different... However, unlike the UK, this application came in mid-hike. So, picture me, sitting on a rock close to the highest point in the 29,000 acre gorge, next to the judge, reading the case papers on a shared phone screen. We discuss the case merits, and an emergency

order is granted. We spend the rest of the hike discussing the challenges our respective Family Courts face in this current climate, pausing for intervals to take in the spectacular scenery.

Supreme dreams

My visit is during unprecedented times; like the rest of the world, the USA is trying to readjust to living with COVID-19. But also, this is a country that, not unlike Britain, is having to ask itself serious questions about race treatment, diversity and equality. While the protests aren’t still as prominent on the streets, the message still remains clear, it still remains active, it still remains necessary.

One afternoon I am given a private tour of the Supreme Court of the United States, and while walking around this building I soon appreciate that this is not only a functioning vessel of law in action, it also acts as a museum to how the court and the legal system has matured over time.

I learn more about Justice Sandra Day O’Connor who served as the first female Associate Justice of the Supreme Court of the United States. I see the proudly framed portrait of Justice Thurgood Marshall, lawyer and civil rights activist who served as the court’s first African American Justice. Fittingly, a few days later, news quickly spreads that Judge Ketanji Brown Jackson is confirmed by the Senate to become the first Black female Justice to the Supreme Court in the court’s 233-year history. Being in the District of Columbia at this historic moment was not lost on me.

The visit also gave me the opportunity to spend the day at Howard University School of Law a well-respected member of the HBCU alumni network. That includes the aforementioned Thurgood Marshall and the current Madam Vice President Kamala Harris. I got to sit in on class, discuss points of law with lecturers and see first-hand the development of tomorrow’s future Black and ethnic lawyers. I was also given the great honour of being made Honorary Howard Law School Alumni (Go Bisons).

I would like to thank everyone involved at American Inns of Court, as well as Inner Temple, for making this happen. I shall carry lessons from this incredible experience and insight as I move forward in my career, whatever I choose to do next. I leave the US more enlightened than I arrived.

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Well, would you look at that – there’s the illuminated ‘fasten seatbelt’ sign. The pilot announces over the speaker system that passengers are to fold tables up and put away electronic devices as we approach descent.

Got to dash. ●



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The Inns of Court Pegasus Scholarship Scheme

makes it possible for gifted young lawyers to learn about the practical working of the common law system in countries other than their own, and to form enduring links with lawyers in those counties. Applications for 2024 placements will open at 1pm on Monday 2 October 2023, with a deadline of 1pm on Friday 1 December 2023. Find out more at: bit.ly/3NWzp6s

The Bar Council International Professional and Legal Development Grant Programme

allows barristers under seven years’ practice to apply for financial assistance to participate in international legal programmes which contribute to their professional development. Since 2009 over 100 grants have enabled junior barristers to visit jurisdictions such as South Korea, Hong Kong, Brazil, Japan, France, Singapore, and the United States. Applications will be accepted on a rolling basis and must be submitted at least two months prior to the event or programme. Find out more here: bit.ly/3T6PyW6



About the author
Jamil Mohammed is a junior barrister at 33 Bedford Row, with a multidisciplinary practice. Jamil is the 2021 recipient of the Pegasus Scholarship Award and ambassador for the programme, spending spring of 2022 in Washington DC with the American Bar Association.