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Submit, Defend, and Persuade: The Renaissance of eloquence and Communication Skills for Lawyers

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Abstract: *Effective communication skills are crucial for lawyers to advocate for clients, persuade adjudicators, and engage in meaningful dialogue. However, due to modern emphasis on technology and legal expertise, these skills have been overlooked. Traditional education, a lack of focus on interpersonal and communication abilities, and the use of plain English have led to a gap between the theoretical importance and practical application. This paper explores the importance of communication skills in the legal domain, highlighting the role of oral eloquence and persuasive speech in shaping legal outcomes. It also critiques the use of legal jargon in legal submissions, highlighting the need for legal professionals to recalibrate their communication strategies to bridge the gap between specialized knowledge and accessible discourse.*

Key Words: Ommunication Skills, Lawyers, Effective Communication, Legal, Professional

Introduction

The legal profession, characterized by its intricate web of rules, regulations, and intricate cases, has always placed a high value on the legal adroitness and procedural intricacies. Yet, nestled within this framework of legal expertise is a timeless yet unacknowledged skill set: the art of effective communication. Communication skills, encompassing both oral eloquence and written persuasion, have played a pivotal role in shaping legal outcomes throughout history, from the days of ancient orators to the grand courtroom dramas of modern times. The ability to articulate legal arguments with precision, eloquence, and persuasiveness may well be termed as a decisive factor to a lawyer's success. From Cicero's impassioned speeches in the Roman Senate to Clarence Darrow's compelling courtroom performances, communication skills were a distinguishing factor that could sway juries, influence judges, and solidify legal victories. However, as the legal landscape has evolved, a shift has occurred—a shift against the prioritization of communication skills. In this age of digital communication and specialized legal expertise, the once-celebrated art of communication

has been relegated to a secondary role. Law schools and Bar vocational training programs and personal conduct of lawyers, focused on producing technically adept professionals, have placed less emphasis on training lawyers to be persuasive communicators, resulting in a significant gap between the theoretical importance of communication and its practical implementation. This shift raises a critical question: What has been lost in this transition, and what are the consequences of this loss? The decline of communication skills among lawyers has not only impacted their ability to effectively advocate for clients but has also hindered their capacity to engage in nuanced dialogue with other legal professionals, clients, and the broader public. This gap in effective communication has led to misunderstandings, inefficiencies, and even communication breakdown between lawyers and the clients they serve.

Comprehending the Term Communication

A communication is comprised of three parts which effectuate the communication: the sender, the message, and the recipient. The sender employs encoding techniques to formulate the message,

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utilizing symbols such as words or visual aids to effectively communicate and elicit the desired reaction.(K.M, 2020) The recipient 'decodes' it. The different categories of communication are: Spoken or verbal communication (which includes nose to nose, telephonic, through radio or television and other mediums); Non-verbal communication (which includes body language, gestures, tone of voice, etc); and Written communication (which, in legal context, includes letters, notices, summons, etc).(Luhmann, 1992).

Legal Communication

Language is the principal tool for Lawyers.(Allen, 1964) The communication in the field of Law takes place in different scenarios, including interactions in the courtroom, drafting legal documents such as contracts, affidavits, legal case reports, constitutions, and statutes.(Supra K.M) It encompasses various forms of communication used by legal professionals, including lawyers, judges, paralegals, and other individuals involved in the legal system. Professional jargon is worthless to a layman, and one has no other option than to characterize as "gobbledygook" the outlooks of attorneys they are not capable of comprehending.(Weihofen, 1980) Hence an effective legal communication is crucial for ensuring clarity, accuracy, and the proper functioning of the legal process.

Legal communication may take place either orally e.g. cross examinations, verbal submissions of arguments, attorney-client meetings, negotiations and panel discussions etc or textually e.g. contracts, pleadings, notices, warrants, summons, applications, replications, motions, briefs, and opinions etc. The more proficient a lawyer becomes in these abilities, the higher the likelihood of the lawyer attaining a favorable reputation.(Barkai,) Hence ultimately Legal communication serves as gathering information and conveying information.(Mellinkoff, 1957).

Oral Legal Communication

A lawyer carries out these communicative tasks using both verbal and written forms of communication. In verbal exchanges, the efficiency of these tasks frequently hinges on the lawyer's aptitude in creating a rapport with his counterpart or the adjudicators. Indeed, the informational and bond aspects of communication are frequently seen as indivisible. The greater a lawyer's proficiency in these skills, the more likely the lawyer is to garner a positive reputation.(Supra, Barkai) This chapter delves into the intricacies of oral communication, examining its

multifaceted role in legal practice and its significance within the context of modern legal education.

While communication holds a vital role in the practice of law, a distinct communication framework hasn't been formulated for the legal field. Even though substantial focus has been dedicated to the subject of legal communication, the majority of emphasis has been placed on the written forms of communication.(Binder, 1972) Nevertheless lawyers are required to collect and transmit a substantial amount of information verbally. A significant portion of a lawyer's day-to-day tasks involves engaging in discussions with clients, witnesses, judges, and fellow lawyers.(Shaffer, 1979) Hence verbal communication holds a central and indispensable role in the practice of law, as lawyers interact with clients, colleagues, judges, juries, and other stakeholders throughout legal proceedings. Effective verbal communication encompasses a wide range of skills that contribute to successful advocacy, negotiation, and overall professionalism within the legal field.

Courtroom Advocacy

One of the most discernible aspects of verbal communication in law is courtroom advocacy. Lawyers advance their versions, interrogate witnesses, and make opening and closing statements before judges and juries. The capacity to present complex legal concepts clearly and persuasively is crucial for influencing legal outcomes. Lawyers must craft compelling narratives that resonate with their audience and effectively convey their clients' positions. Effective verbal communication is characterized by clarity, conciseness, comprehensiveness, and respectfulness. It also necessitates the capacity to adapt mannerisms and communication strategies based on the specific recipient of the information.

During the trial's commencement, lawyers present opening statements to outline their case's key points and set the stage for the proceedings. Effective opening statements involve clear articulation of the case's theme, the evidence to be presented, and the anticipated outcome. Breakdowns can also occur in the opening statement, particularly when counsel pledges evidence they cannot fulfill, and during the closing argument, especially when they become overly enthusiastic about their own expression.(Cicero, 1982) Lawyers aim to capture the judge or jury's attention and establish a persuasive narrative from the outset. When examining their own witnesses, lawyers employ oral communication to lead witnesses through their testimony. This involves asking open-ended questions that allow witnesses to provide narrative responses. Clear and concise questioning helps in eliciting relevant

information and building a coherent narrative that supports the lawyer's case. Similarly during Cross-examination lawyers are expected to question the opposing witnesses to challenge their credibility, highlight inconsistencies, and weaken their testimony. Skillful cross-examination relies on strategic questioning techniques, active listening, and the ability to quickly adapt to the witness's responses. Effective communication can expose weaknesses in the opposing side's case.

Lawyers also use oral communication to introduce and explain physical evidence, documents, and exhibits. They must effectively connect these items to the case's narrative, using descriptive language to help judges and jurors understand their relevance. For the purpose of submitting objections to the conduct, statement or evidence of opposing counsel, lawyers need effective communication skills. These objections are based on legal rules and require quick thinking and effective communication to justify their objections to the judge. Judges then make oral rulings, and lawyers must respond accordingly. Lawyers engage in oral communication with judges during sidebar conferences as well, where they discuss legal issues outside the jury's hearing. These conversations require discretion and concise articulation of legal points.

Oral Persuasion

Lawyers must be skilled in using language to persuade, influence, and convey credibility. Persuasive speech techniques, such as rhetorical devices, emotional appeals, and logical reasoning, are employed to sway judges, and adverse counsels. Effective oral persuasion involves tailoring arguments to resonate with the values, emotions, and reasoning of the intended audience.

Lawyers must communicate their arguments clearly and in a well-organized manner. Complex legal concepts should be explained in plain language, making them understandable to non-legal professionals. Clear organization ensures that the audience can follow the logical progression of the argument. Crafting a compelling narrative is essential for engaging the audience. Lawyers can use storytelling techniques to present facts, evidence, and legal principles in a coherent and relatable manner. A well-told story can evoke empathy and create an emotional connection, making the argument more memorable.

Effective legal communication requires projecting credibility and confidence. Lawyers should speak with authority, cite relevant case law and statutes, and use persuasive language to support their arguments. Confidence in delivery can inspire trust and enhance

the persuasiveness of the message.(Grinder, [1976](#)) They should integrate evidence, whether it is the witness testimony, documents, or exhibits, to reinforce their arguments. Presenting evidence in a concise and compelling manner helps build a strong case and supports the persuasiveness of the argument. Analogies and comparisons can further simplify complex legal concepts by relating them to familiar scenarios. Lawyers can use relatable instances to make their arguments more understandable and relatable to the audience.

Lawyers can also use metaphorical strategy such as reverberation, parallelism, and metaphorical questions to give emphasis to the core concepts and improve the persuasiveness of their arguments. The tone, pace, and manner of speaking can significantly impact the effectiveness of oral persuasion. Lawyers should adopt an appropriate tone that matches the context – confident and assertive while remaining respectful and professional. Nonverbal cues, including facial expressions, gestures, and posture, contribute to the overall message conveyed. Lawyers should use positive body language to appear engaged, confident, and in control.

Effective persuasion also involves active listening to the responses, questions, and cues from judges or opposing counsel.(World, [2023](#)) Lawyers should adapt their arguments based on the audience's reactions and shape their responses to the specific audience, whether it's a judge, or opposing counsel, while maintaining professionalism and ethical standards throughout the process. A combination of logical reasoning, emotional appeal, and skillful presentation can lead to successful oral persuasion and better outcomes for their clients.(Kaufmann, [1979](#)).

Negotiation and Mediation

An effective dialogue fuels the engines of negotiation and mediation.(Milofsky, [2005](#)) Lawyers negotiate settlements, draft agreements, and engage in discussions to reach mutually acceptable resolutions for their clients. Strong negotiation skills require active listening, empathy, adaptability, and the ability to communicate assertively while maintaining a collaborative atmosphere.

Building rapport and showing empathy can create a conducive environment for productive negotiations. Good rapport arises when the lawyers genuinely respect and trust one another.(Roper, [1990](#)) An often observed error committed by lawyers is to perceive their opposing counsel as adversaries. Naturally, their objective is to ensure your client's defeat. While this holds truth, regarding a legal opponent as an enemy can hinder productivity. Jerry Seinfeld(Blumber, John

[n.d](#)) humorously remarked that sports essentially revolve around team jerseys; you support the player wearing your team's jersey and oppose the one in the opposing jersey. When players switch teams and don a different jersey, your allegiance changes accordingly. Similarly, the adversary is akin to a lawyer wearing a jersey, and in reality, most are individuals who are concerned about causes like puppies and children. Approaching them with this understanding can yield advantages. Firstly, it reflects a mark of professional conduct. Secondly, it can foster cooperation that streamlines your responsibilities.

Choose the power of a call over the pixels of an email when reaching out to opposing counsel. (Shonk, [2023](#)) Initiate the conversation by inquiring about their weekend, as it's challenging for them to respond with hostility in the face of social niceties. Additionally, extend courtesies whenever feasible. Not only does this exhibit professionalism, but it also enhances the likelihood of receiving courtesies when you're in need. Lawyers who genuinely empathize and acknowledge the emotions and concerns of the other party can foster a sense of collaboration, making it easier to find common ground. Lawyers must clearly articulate their client's position, interests, and desired outcomes. Communication in negotiation often involves employing specific strategies such as anchoring (starting with an extreme position), framing (presenting the issue in a particular context), and concession management (gradually making concessions). Lawyers must communicate these strategies effectively to achieve desired outcomes.

Client Communication

As per a commentator, the ultimate objective is for a lawyer to facilitate their client not only in understanding the available choices but also in attaining full administrative capability. Subsequently, the lawyer should engage in the litigant's managerial process by providing information, legal counsel, and alternative perspectives. (Elimann, clients) The Code of Professional Responsibility encourages lawyers to make every effort to ensure that their clients' decisions are made only after the clients have been fully informed of pertinent deliberations. Still, the absence of effective communication remains one of the primary grievances voiced by clients regarding their legal representation. Delivering impactful counsel necessitates ensuring clients are kept abreast of ongoing negotiations made on their behalf of proposals of agreement in civil cases, and of submitted plea bargains in criminal prosecutions. Efficient counseling also entails attorneys elucidating the character and consequences of documents to their clients, addressing inquiries

regarding the authenticity or advisability of projected and undertaken actions, assessing the prediction of accomplishment in a lawsuit, and deliberating on measures for the expense of levelheaded service fees. (Jacobson, [1985](#))

Client interviewing and counseling demand proficient communication skills. Proficiency in communication materializes when lawyers accurately and precisely convey questions, while also optimizing the client's capacity and willingness to respond. Active listening is crucial to discern the importance of statements, and skillful probing serves to enhance the strength, precision, and breadth of the client's answers. Counsels must translate complex legal concepts into accessible language when communicating with clients. Clear and effective communication helps clients understand their legal options, potential outcomes, and the implications of their decisions. Lawyers who can explain legal matters in understandable terms build trust and facilitate informed decision-making. They are expected to discuss various legal strategies and potential outcomes with their clients. By presenting different options, lawyers empower clients to make decisions aligned with their goals and risk tolerance. Consistent communication keeps clients informed about the progress of their case. Regular updates on developments, milestones, and deadlines demonstrate transparency and reduce uncertainty.

Lawyers must communicate ethically and avoid making false promises or misleading statements. They should observe the significant concept of attorney-client privilege and confidentiality. Establishing trust is essential for open and honest communication. They should be conveniently accessible and responsive. Promptly addressing client inquiries and concerns reinforces trust and confidence.

Silence possesses its own potency as a response. Lawyers often believe that every pause in conversation necessitates filling with words. There's a concern that extended silence might reflect inadequacy in their competence from the client's perspective. Nevertheless, there are numerous situations where silence holds significance. For instance, silence can be apt when a client reveals a distressing and emotionally charged experience. It serves a purpose when the client momentarily halts in their narrative to gather thoughts before proceeding. Moreover, silence can be fitting when an attorney desires the party to continue and prefers the client to shape the conversation's course. In these contexts, silence becomes an effective and meaningful element of communication.

Soler Model

Gerard Egan (1977) provides an efficient device to effectively communicate with the clients denoted by the acronym “SOLER approach.”

- i. **Face the client Squarely:** Position yourself in a way that directly faces the client. This stance demonstrates attentive listening and conveys respect for the client’s words. Organize your workspace to facilitate direct facing during interviews.
- ii. **Maintain an Open Posture:** Avoid crossing your arms or legs, as these gestures suggest a lack of receptiveness. Open postures signal that you remain open-minded towards the client’s thoughts. Also, ensure that physical objects don’t hinder communication. A clutter-free environment removes barriers between you and the client.
- iii. **Lean toward the Client:** Responsiveness towards the client displays engagement in their narrative. Conversely, reclining in your chair or adopting a casual pose can convey detachment. However, be mindful not to invade the client’s personal space; maintaining a distance of around two to three feet is generally optimal.
- iv. **Establish and Maintain Eye Contact:** Maintaining appropriate eye contact conveys your attentiveness and interest. This doesn’t mean a continuous, unblinking gaze; rather, modest focus on the client’s eyes and occasional shifts in stare are ideal. While note-taking is permissible, remember to return to making eye contact. Striking a balance is key—avoids constant eye contact or excessive looking away.
- v. **Stay Relaxed and Natural:** Being at ease in your environment and task demonstrates confidence and puts the client at ease. Natural behavior fosters comfort and encourages clients to discuss sensitive topics. Strive for a balance between formality and casualness, avoiding extremes of either. An environment where you’re relaxed yet professional encourages open communication. Employing the SOLER technique enables lawyers to establish a conducive atmosphere for productive client interviews.

Effective communication with clients goes beyond legal expertise; it requires empathy, active listening, and the ability to tailor communication styles to suit individual clients’ needs and preferences. Lawyers who excel in client communication not only provide better legal representation but also build strong, lasting professional relationships.

Effective Cross-Examination

Cross-examination, having a decisive role in any trial, is a critical aspect of legal communication during trials, where one party’s lawyer questions the other party’s witness to challenge their credibility, elicit favorable information, and weaken the opposing side’s case. Besides strategic approach, effective cross-examination also requires persuasive communication skills and eloquence to extract relevant information and advance one’s own case. Lawyers use strategic questioning to challenge opposing witnesses’ credibility, reliability, and versions of events. Skillful cross-examination requires the ability to think on one’s feet, remain focused, and use leading questions effectively to elicit desired responses.

Before beginning cross-examination, lawyers should have a clear objective in mind. This could be impeaching the witness’s credibility, highlighting inconsistencies, or introducing favorable evidence for their own case or laying down the grounds for the legal outcomes of his case. Lawyers control the pace of cross-examination to prevent the witness from fully explaining their responses. Quick and direct questioning can limit the witness’s ability to expand on their answers, focusing on the lawyer’s desired points.

As per Article 37 of Qanun e Shahadat Order 1984, leading questions may be asked in Cross Examination, the questions that suggest the desired answer. This technique allows the lawyer to control the direction of the testimony and elicit specific information. While leading questions dominate cross-examination, lawyers might occasionally use open-ended questions to extract information that supports their case. However, this must be done carefully to avoid giving the witness an opportunity to present a narrative that benefits the opposing side.

Lawyers often seek to impeach the witness’s credibility by highlighting inconsistencies between their current testimony and prior statements, documents, or testimonies. This undermines the witness’s reliability and casts doubt on their version of events. Lawyers might explore the witness’s bias, personal interests, or motives to testify in a particular way e.g. by preventing the witness from going off on tangents or providing lengthy explanations. By sticking to concise and focused questions, they can control the narrative and prevent the witness from altering the course of the examination.

Active listening is essential during cross-examination. Lawyers need to pay attention to the witness’s responses, adapting their questioning based on the witness’s answers and the potential impact on the case. Effective cross-examination requires a blend

of legal knowledge, communication skills, and strategic thinking. Lawyers must use their understanding of the case, the witnesses, and the legal context to craft questions that effectively challenge the opposing side's evidence and arguments. A well-executed cross-examination can significantly influence the judge or jury's perception of the case and play a pivotal role in achieving a favorable outcome.

Public Speaking

Besides the afore stated factors which are practice oriented in nature, Public speaking is yet another essential ask for lawyers, whether they are addressing at seminars or participating in public debates. Commanding presence, confident delivery, and the ability to engage an audience enhance a lawyer's credibility and effectiveness as a communicator. Given the critical role of verbal communication in law, it is concerning that its emphasis has waned in legal education and practice due to the prevalence of technological advancements and specialized knowledge. Reintroducing comprehensive communication training into legal curricula and professional development can address this gap, ensuring that lawyers are equipped with the skills necessary to excel in the varied verbal communication scenarios they encounter. By revitalizing the art of verbal communication, the legal profession can honor its tradition of eloquence and persuasion while adapting to the evolving demands of modern legal practice.

Written Legal Communication

Written legal communication skills are essential for lawyers to effectively convey legal arguments, advice, and information to clients, colleagues, opposing parties, and the court. Lawyers are required to communicate via written submissions in the form of Pleadings, motions, Legal opinions, Briefs and Memoranda, Contracts and agreements, Appeals and petitions, Legal notices and Disclosures, Regulatory and compliance documents and Legal publication and Articles etc. Clear and precise written communication ensures that legal documents are accurate, well-organized, and easily understandable. W. Zinsser outlines seven C's that define a robust professional style. Implementing these principles of professional communication ensures writing that is Clear, Coherent, Concise, Concrete, Correct, Complete, and Courteous. (Zinsser, [n.d](#))

Lawyers ought to communicate complex legal concepts in a clear and precise manner. Avoiding jargon and using plain language ensures that the intended audience can understand the content without

confusion. Well-organized documents are easier to read and comprehend. Lawyers should structure their written communication logically, using headings, subheadings, and paragraphs to present information in a cohesive manner. Writing requires accurate legal research to support arguments and advice; hence Lawyers should be skilled at finding and analyzing statutes, case law, regulations, and other relevant legal sources. They should also customize their written communication based on the recipient. Documents for court, clients, colleagues, or opposing parties require different tones and levels of formality.

This chapter uncovers the intricacies of drafting legal documents, contracts, briefs, and other written materials. Proficiency in written communication is essential for ensuring clarity, precision, and persuasiveness when conveying complex legal concepts to clients, colleagues, and judges.

Authority

Legal writing gives significant importance to authoritative sources. This is because the field of law relies heavily on established sources of authority. In the majority of legal documents, the author is required to substantiate their claims and statements by referring to appropriate sources of authority. These sources of authority can encompass legal statutes, established customs, or previous judicial rulings. For instance, the precedent set by the *Carlill v. Carbolic Smoke Ball Co* (1892] 2 QB 484) case can be referenced to support an argument concerning the definition of an offer and acceptance. Similarly, Articles 8-28 of the Constitution of Pakistan, 1973 can be employed to bolster arguments related to fundamental human rights, depending on the specific right being advocated for.

Language

Legal writing broadly utilizes technical terms, which can be classified into four groups. *Firstly*, the Specialized terms unique or almost exclusive to the field of law, such as tort, fee simple, Libel, assault and battery. *Secondly*, Common words that take on different meanings in legal contexts compared to their everyday usage. For instance, "action" refers to a lawsuit rather than movement, "consideration" pertains to the support for a promise rather than kindness, "execute" means to sign rather than to kill, and "party" denotes a principal in a legal case rather than a social gathering and Person in the context of Legal fiction also includes corporate bodies. *Thirdly* the Archaic/Outdated vocabulary: Legal writing employs numerous obsolete words and phrases that were once commonplace but are now rare in everyday language, except within legal contexts. Examples include

"herein," "hereto," "hereby," "whereby," and "wherefore." And *lastly*, the Borrowed terms from other languages: This encompasses phrases originating from languages like French (e.g., estoppel, laches, voir dire) and Latin (e.g., certiorari, habeas corpus, prima facie, inter alia, mens rea, sub judice). Notably, these foreign terms are not italicized or presented differently, unlike the customary practice for foreign words in other English texts.

Formality

The preceding characteristics contribute to the elevated formality present in legal writing. Formality in legal writing maintains consistency and adheres to established conventions that are recognized and respected within the legal field. Drawing upon historical sources can prompt lawyers to adopt a more traditional and formal writing style. Additionally, the repeated utilization of template documents without revising their language further sustains this formal approach. Numerous law schools instruct writing in a manner that adheres to this classical, formal, and occasionally excessively intricate style, thus perpetuating its use. Nonetheless, in recent times, there has been a shift away from traditional legal writing, towards a more accessible and succinct approach to conveying ideas in a reader-friendly manner.

Advantages of Formalized Legal Communication

Formality enhances clarity and precision in legal writing. Using standardized language, terminology, and formats helps convey complex legal concepts accurately, reducing the potential for misunderstandings. Formal language and clear structure reduce ambiguity and vagueness in legal writing. Precision is crucial to prevent misunderstandings that could lead to disputes or unintended consequences. For instance;

- i. Informal: "The persons are good with the terms."
- ii. Formal: "The parties hereto hereby acknowledge and agree to the terms and conditions set forth herein."
 - i. Informal: "I swear it's true."
 - ii. Formal: "I solemnly affirm, under penalty of perjury, that the statements contained herein are true and accurate to the best of my knowledge."

Formality is essential in court submissions, pleadings, and proceedings. Courts require standardized

formats, headings, and citations to facilitate orderly presentation and efficient review. For instance;

- i. Informal: "This case is ridiculous!"
- ii. Formal: "The assertions presented by the opposing party appear to be inconsistent with established legal principles."
 - i. Informal: "Stop using my trademark!"
 - ii. Formal: "This communication constitutes a formal demand for the immediate cessation of the unauthorized use of the registered trademark."

Similarly formalized language makes the legal notices more professional and attractive. It ensures that the content of the legal notice is precise and unambiguous. This clarity is crucial to convey the intended message accurately and to prevent any misunderstandings or misinterpretations. e.g.

- i. Informal: "Stop using my trademark!"
- ii. Formal: "This communication constitutes a formal demand for the immediate cessation of the unauthorized use of the registered trademark."

Accuracy

All legal writing must uphold accuracy as a paramount principle. Legal language should be clear and unambiguous, so as a preliminary end, clarity necessitates appropriate sentence structure and punctuation. (Lillian, [n.d](#)) Facts and information should be presented with precision, avoiding any inclusion of false or inaccurate details. It's crucial to keep in mind that the judge will rely on you, acting as a Legal Assistant to provide proper references. When citing authorities, ensure accurate quoting and confirm that the cited source hasn't been overruled or altered in meaning. Certain judges may even require lawyers to provide citations for the sources of factual statements.

For instance, if a specific fact is established through Supreme Court's Circular, the corresponding statement should be accompanied by a reference like "(Circular- S.M.C.4/2022)." This reference aids the judge in swiftly tracing the statement, comprehending it within its context, and validating its accuracy. Frequently, lawyers substantiate their factual claims in a brief by referencing depositions, trial transcripts, or exhibits. It's essential to verify these citations prior to incorporating them into the writing to ensure their correctness.

In contracts, agreements, and other legal documents, abstinence from imparting accuracy can have grave consequences, potentially leading to legal disputes or unenforceable provisions. Accurate representation of the parties' intentions is crucial.

Brevity

A writer has highlighted the significant amount of costly legal time that is squandered daily as partners and senior associates attempt to decipher poorly written law memorandums. (Skelly, 1985) Some deficiencies, including unnecessary digressions, the intermingling of factual statements with legal opinions, and a lack of organization in presenting arguments, have been identified. The deficiency in directness and the excessive formalism of expression found in poorly written correspondence, as well as inadequate legal memos, are particularly noticeable among young counsels. (Supra, Skelly) Avoiding "unintelligible jumbles" (Weisberg, 1978) in lawyer-to-lawyer conversation will streamline the work of counselors and ultimately benefit the litigants.

Many writers tend to use more words than needed, resulting in verbosity that makes a document cumbersome. Lawyers can greatly enhance their writing by removing unnecessary words. Concise legal writing not only saves time for both the writer and the reader, but also ensures that the meaning of brief sentences is easily understood. On the other hand, long and complex sentences can be hard to comprehend. This doesn't imply that every sentence must be short, but rather that every word used must have significance. For instance, consider the following sentences:

"Because the defendant has not made any effort to repay the 3 million Rupees owed to the plaintiff, it is imperative for the lawyer to pursue appropriate legal action to recover the aforementioned amount."

"Since the defendant has not paid the 3 million Rupees owed to the plaintiff, the lawyer will file a lawsuit seeking reimbursement."

The second sentence conveys the same information in 22 words, as opposed to the 47 words used in the first sentence. Removing unnecessary words clarifies the sentence's meaning and adds impact. Therefore, it's advisable to avoid unnecessary words.

Novelty/ Creativity

Originality stands as a key attribute of effective legal writing. Lawyers should infuse creativity into their expression of ideas, avoiding the direct replication of content from other authors. When drawing from the concepts of other writers, proper acknowledgment must be given. Lord Denning eloquently emphasized the significance of creativity in legal writing, stating:

"Regardless of the strength of your way of thinking, if it is articulated in a monotonous and uninspiring manner, your audience or your readers will lose interest. They will not pause to listen; they will skim

through the pages. However, when presented in a dynamic and captivating manner, they will become attentive and intrigued. They will engage as if under a spell. They will read your words with absorption." In everyday dialogue, individuals tend to converse at a pace of around 125 words per minute. Interestingly, our capacity for listening allows us to comprehend information at about four times that speed. Nonetheless, while listening, our minds often engage with various other thoughts and considerations. Effective communication capitalizes on this surplus mental capacity to focus on aspects that contribute to a fruitful legal interview. This approach is referred to as "Active Listening." (Oriola, T. B, 2021).

Fostering creativity brings forth one's personality in writing, transcending mere language to connect with the reader on a personal level. To understand the importance of personality, recall a novel you read long ago. The one that lingers in your memory, even as the characters, setting, and plot fade, is your perception of the writer as an individual behind the words.

Tentative Patterns in Communication

This chapter outlines certain communication patterns that indicate uncertainty, subsequently diminishing one's authority and influence. These verbal tendencies imply a lack of confidence in the speaker, thereby weakening the potency of their concepts, declarations, and messages. Although these methods aren't universally inappropriate and can be strategically employed to convey deference or counteract aggressiveness, their advantages are generally outweighed by the impression they generate. If a lawyer aims to project confidence and substantial ideas, it's essential to recognize these hesitant speech patterns and restrict their use to suitable contexts. (Oriola, T. B, 2021).

Undermining Phrases

Undermining phrases are expressions inserted at the start of sentences to convey uncertainty. However, they are often misconstrued as reflecting a lack of confidence. These phrases, also known as hedges or prefatory qualifiers, (Humphrey, 2012) can inadvertently create doubt even when unwarranted. When used habitually and without forethought, they project uncertainty where it might not exist, for instance; Maybe, This may, I feel, I may not, I don't have all the answers but, I'm not an expert on that but, I kind of think that etc.

While there are situations where such phrases serve specific purposes, they can inadvertently diminish the perception of confidence and weaken the impact of your communication. It's important to be watchful of their use and reserve them for appropriate contexts.

Weakening Modifiers

Certain modifiers, when used, diminish the strength of your message. These modifiers yield a similar effect as undermining starts—rendering the speaker's tone tentative and unsure. I've encountered instances where lawyers have described their peers as firmly asserting an issue, even when utterly mistaken. (Pamuk, H, 2020). Conversely, the situation here is different; the speaker might possess full certainty, yet the insertion of these routine modifiers conveys the opposite impression. Here are some common examples:

"Hopefully we will be able to deal with this."

"I just want to explain that ..."

"It's kind of normal for this ..."

"Basically the main issue is ..."

Diminishing Conclusions

Diminishing conclusions consist of words tacked onto the ends of sentences, hinting at uncertainty and eroding strength. They are akin to verbal "up-speak," characterized by the rising inflection at the end of a sentence that imparts a questioning tone. When every statement concludes with this upward inflection, the pattern becomes evident and distracts from the message. I've observed an increasing prevalence of this trend in seminars and individual coaching sessions. (Ali, 2019) Psychologically, it's employed to foster connection with the listener—to signify a desire for mutual conversation. Regrettably, "up-speak" and "undermining conclusions" dilute the impact of the message and diminish the speaker's authority. Again, there is nothing inherently wrong with such conclusions or "up-speak," and they are completely fitting when used among friends or others who communicate in this manner. Nonetheless, for individuals with a distinct, more authoritative communication style, these tendencies often suggest a dearth of certainty, expertise, and capability. Here are some common examples:

"... How does that legal argument resonate with you?"

"... Isn't the precedent in this case relevant?"

"... Right, given the legal precedent?"

"... Okay, considering the evidence provided?"

"... Does that legal interpretation make sense?"

"... If it's acceptable to discuss this approach in court."

A research conducted by J.W. Pennebaker (2011) analyzing around 400,000 digital texts reveals that individuals frequently employing the pronoun "I" are perceived as more personable, warm, and honest. In

contrast, those using fewer instances of "I" tend to project greater self-assurance. This investigation further discloses that individuals of higher status tend to minimize their usage of "I," while those with lower status tend to use it more frequently. (UNOCA, 2015). Hence, if your goal is to convey confidence, it's wise to monitor your usage, possibly even overuse, of the term "I." An additional inadvertent outcome of excessive "I" usage is the inadvertent self-placement as the subject of a sentence. This weakens the impact of the message and inappropriately shifts attention to the writer. Certain experts recommend refraining from commencing sentences with "I" unless you are specifically discussing yourself. As a result, consider using "I" deliberately when aiming to enhance personal engagement and convey warmth and honesty.

Technical Jargons/ Legalese as Barriers to Effective Communication

Jargon refers to specialized terminology or technical language that is specific to a particular field, profession, or group. While jargon can serve as useful shorthand for communication within a specific community, it can also act as a barrier to effective communication, particularly when used in interactions with individuals who are not familiar with the terminology. Using specialized terminology that the recipient is not familiar with can lead to confusion and hinder effective comprehension. Jargon often consists of words, phrases, and acronyms that are not commonly understood by people outside the specific field. When jargon is used without explanation, it alienates those who are not part of the field and can lead to confusion or misunderstanding. (BBC, 2023).

To individuals outside the legal profession, professional jargon can be incomprehensible, and they often label counsel's opinions they cannot understand as "gobbledygook." (Weihofer, 1980) The prevalent use of legal jargon in communication with clients is occasionally ascribed to questionable motives on the part of the lawyer, suggesting it may be an attempt to inflate fees, self-promote, or engage in deception. (Stark, 1984) Regardless of the criticism aimed at legalese, attorneys persist in using obscure legal language when advising clients. Consequently, clients often perceive lawyers as ineffective communicators and, as indicated by surveys, typically choose one lawyer over another based on communication ability rather than technical competence. (Burke, 1988) Using jargon in communication can make people feel excluded or marginalized, as they may perceive a lack of effort to make the content accessible to them. This can hinder collaboration and teamwork. Hence a lawyer needs to tailor his communication to the level of

understanding and familiarity of his audience, avoiding jargon unless it's essential. (BBC,2023).

Intertia / Legalese

Inertia is embodied by the continued utilization of identical forms, form books, buzzwords, precedents, techniques, and practices over time. Even academics are not immune to the affliction of legalese and occasionally contribute to the perplexity and ambiguity within the legal realm by introducing novel legal theories that lack a connection to practical reality.(D'Amato, 1983) One commentator has posited "inertia, incompetence, status, power, cost and risk" as "a formidable set of motivations to keep legalese."(Wydick, 1984) These motivations, he asserts, "lack any intellectually or socially acceptable rationale" and "amount to assertions of naked self-interest." In my personal experience, I've observed that the excessive use of lawyerisms and legalese in counseling clients and drafting legal documents is primarily driven by inertia and incompetence.

Conclusion

The role of effective legal communication in the field of law is indispensable. Through various dimensions i.e. oral advocacy, mediation and negotiation, communication with clients, cross-examinations, and such other written submissions, legal professionals rely on adept communication skills to navigate complex legal landscapes, advocate for their clients, and uphold the principles of justice. Oral legal communication, including courtroom advocacy, mediation, negotiation, and cross-examination, demands the mastery of persuasive techniques, active listening, and adaptability to diverse audiences. The ability to articulate arguments clearly, address

counterarguments effectively, and engage with empathy contributes to successful legal outcomes. When interacting with clients, lawyers must demonstrate not only their legal expertise but also their proficiency in conveying complex legal concepts in accessible language. Maintaining transparency, providing regular updates, and managing expectations are essential components of client-centered legal communication.

Written legal communication is equally pivotal, with formalized language serving as the cornerstone of effective communication in various legal dimensions. From drafting contracts to submitting court pleadings, the use of precise terminology, adherence to legal norms, and professionalism in written communication bolsters the accuracy, legitimacy, and enforceability of legal documents. The legal profession's reliance on communication skills underscores the symbiotic relationship between law and language. The intricate dance between legal principles and effective communication is integral to ensuring that justice is served, clients are well-informed, and the legal process is navigated with integrity. In a world where legal matters are increasingly intertwined with diverse cultures, technological advancements, and intricate global systems, the importance of honing legal communication skills remains paramount. As legal professionals, embracing the multifaceted dimensions of communication not only empowers us to excel in our roles but also reinforces the trust and credibility that the legal field upholds within society. Ultimately, the fusion of law and communication is a testament to the dynamic nature of the legal profession and its enduring commitment to upholding the principles of justice and fairness.

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