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## THE IMPORTANCE OF LEARNING COMMUNICATION SKILLS FOR STUDENTS OF LAW

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### ABSTRACT

Human beings, being social animals are in a constant state of interaction with one another. The society as an organized whole demands a constructive adhesiveness which is the plinth of togetherness that in turn exists to keep the banner of socialization high. Communication holds a significant place in stitching the varied threads of this fabric called society. It has become utterly important to share and communicate in today's world. Humans are constantly interacting and communicating with one another in some form or the other almost every moment in their lives. Every moment a message is formulated and transmitted. On the other hand law is one of the most effective tools of social control and aims at delivering the noble concept of justice to each and every individual who comes knocking at its door. The lack of coordination that may arise in any form of social interaction is averse to the society and may lead to social disorganization. The negligible inches of barriers are built up day after day and one fine morning can result in a big social problem such as poverty, corruption, beggary, terrorism and so on. The paper looks forward to indicate the importance of learning communication skills for students of law.

**Keywords:** Communication, Interaction, Society, Law, Students of law.

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### Introduction:

“Communication is a two-way process in which there is an exchange and progression of ideas towards a mutually accepted direction or goal” (Kaul 2). The process of communication requires certain elements to be identified for utilizing it in any frame of educational discipline. As a subject of study, 'Law' requires one to have a powerful plinth in understanding the ideas, concepts, feelings and emotions of people and society. Lawyers should be good judge of a person's behaviour. Technically speaking, a lawyer, especially a practicing one should also practice how to decipher the intricacies of human behaviour. A lawyer should take pains to understand the basic elements of communication in order to interact both inside and outside the courtroom.

## Discussion

Perhaps the toughest summit to achieve today is to persuade a person to do a thing, leaving alone the question whether it is right or wrong, ethical or unethical and so on. Lawyers are supposed to do this throughout their career in varied positions. They have to persuade and communicate with clients, opposing counsels, court clerks, judges and a host of other people. Their acceptance, as can be easily comprehended depends on their capability to fabricate the message to reach their goal of persuasion. This calls for the identification of the essential elements of communication.

The communication network involves the following–

1. Sender/Encoder/Speaker
2. Receiver/Decoder/Listener
3. Message
4. Medium
5. Feedback

If these elements of communication are taken into consideration so far as the field of Legal Communication is concerned, they can be interpreted in many ways, for example when lawyers deal with their clients, the lawyers take the position of the encoder of the message as they are being approached by the client for a possible solution to a problem and therefore form the driving force behind the smooth functioning of the entire communication process. However, at times the clients also take the role of senders or encoders. In this situation the clients must be allowed to speak their mind freely, for this, the lawyer should allow them the time and chance to speak. The personality of the lawyer, especially the body language, eye-contact skills, gestures and so on come into play. The aim is to put the clients at ease so that they (who might be in some distress and therefore have come to the lawyer) can speak up their mind freely to the lawyer making it easy for the latter to take up the tidbits for the case. This may include many things, starting from the personal life of the clients, the conflict that has drawn the client/s to the lawyer, their social position and from a larger viewpoint a picture of the society of which law is an essential part. Trust and dependence lead to removal of the psychological barriers of communication and the message get smoothly delivered to inculcate a veritable feedback.

“Law schools focus on teaching the law and legal theory. Communication skills covered in law schools tend to revolve around the arguments and persuasion necessary in the courtroom” (USCAnnenberg). This is perhaps the most important point so far as learning communication skills by students of law is concerned. Lawyers come across a number of persons in a court and each one of them requires special communication skills. There can be judges, senior lawyers, junior lawyers, court clerks, librarians, peons and so on. Here comes the importance of understanding the different channels of communication, viz., vertical, horizontal and diagonal. Again, vertical communication can be understood in two ways – upward and downward communication. Therefore, when lawyers speak or communicate with their senior lawyers or deal with the judge, the channel is vertical and upward, that is the message moves from a person of lower authority to higher authority. Care should be taken during this time regarding issues such as proper greeting, formal language, respectful body language and so on. In this context, a recent incident needs mention: on February 23, 2021 a law student in India got impromptu lessons on proper greeting by honourable Judges of The Supreme Court of India when he addressed them as “Your Honour” which is not the correct way to address the honourable Judges of The Supreme Court of India. The report said, “A bench headed by Chief Justice S.A. Bobde and comprising Justices A.S. Bopanna and V. Ramasubramanian told the law student, who as appearing as part-in-person, ‘When you call us Your Honour, you either have the United States Supreme Court or the Magistrate in mind. We are neither’” (*The Times of India*). On the contrary the essentials of

downward communication have to be maintained when communicating with a junior; while colleagues should be treated with horizontal communication techniques, there is not much scope for diagonal communication in the court. However, diagonal communication, which is a mix and match of vertical and horizontal communication can be utilized for keeping up the rapport outside the court as well as inside any law firm where the law student may be working as an intern or as an employee.

A lawyer's behaviour should be a hallmark of professionalism. Law is a specialized body of knowledge and any occupation related to law is based on the same and further demands skills and efficiency that smack of professionalism. Lawyers enjoy a set of privileges and status and therefore should be equally responsible to setting a benchmark of fulfilling certain social obligations such as honesty, integrity, charity, righteousness and so on. They should be respectful towards their opposing counsel; they shouldn't be considered as enemies. Though each case should be taken up as a challenge against the opposing counsel, the lawyer should understand that the opposing counsel is just another lawyer fighting legally for a different client. S/he is just another player in a different jersey. Therefore, the communication involving the opposing counsel should be that of respect and fellow-feeling. The interaction that perpetuates should uphold the banner of healthy competition which is also one of the chief pre-requisites of a developing society. This decency may beget benefits such as mutual respect, cooperation, discussion on probable result of the case (which may benefit either of the clients in the long run), and other pleasantries. Negative elements such as anger, distress, frustration, and so on should be kept at bay while dealing with the opposing counsel.

Dealing with juniors and clerks require some special qualities in a lawyer, such as understanding and compassion. For example, young lawyers may be given necessary training to be an efficient one when they come to work under a senior lawyer. They should be given an opportunity to remove their mental barriers so that they can communicate with the profession well. Time management and stress management are significant skills that students of law should learn in order to cope up with issues such as punctuality and deadlines. Legal profession is very demanding and it tends to create a lot of stress which in turn leads to birth of a siege mentality. This situation can be won over with smile and kindness. Requests rather than demands sometimes make the job easier and also build up healthy professional relationships. Therefore, relationship management is also an essential interpersonal skill that lawyers should possess if they want to broaden their business as well as contribute to the society.

“Another important element of communication is the medium or channel. It can be oral, written or non-verbal. Prior to the composition of the message, the medium/channel should be decided” (Kaul 4). It is a well-known fact that each medium or channel should follow its own rules and regulations. For example, an oral communication may be informal in nature but a written one should maintain certain formal rules for the sake of purity and correctness of expression. In law, nothing much affords to be informal because law has its own formal corpus of discipline and decorum. Legal writing should involve brevity in the choice of words, terseness in expression and specificity of thought. Good legal writing should be characterized with accuracy, clarity and conciseness. The message delivered through legal writing should be completely free from any erroneous elements and must look for organized encoding so that the target receiver can easily decode it and give proper feedback. The statements made should be based on facts and data. Acts, articles, sections and so on need to be properly indicated for any kind of legal writing. The message delivered, whether by speech or in writing should be clear and concise. The facts, as said earlier should be the soul of what is being written or said. In law, language plays a very important role, be it any. The language in which the speech or writing is being delivered should be understandable to both the sender and the receiver (lack of that may require a translator). Accuracy is a must because meanings change when even a single word gets misplaced or is left out, for example –

**Inaccurate:** The Head of the department went for a decision against the employee.

**Accurate:** The Head of the department rendered a decision suspending the employee for misrepresentation of facts and figures pertaining to the accounts of the company.

Clarity in expression is another important pillar of legal communication. The message that is being encoded should be coherently expressed in the way that the decoder comprehends. In this context the role of language-learning comes into play. It is an accepted fact that learning English gives an extra edge to learning of law. In India, all institutions which teach law in the undergraduate level has English as a compulsory paper. Even the Bar Council of India, the approving authority to law institutions across the country requires English to be kept as a compulsory paper in all courses of law. The portions that are commonly taught include grammar, legal words and legal maxims and their application in sentences, essay writing, article writing, comprehension passages, some portions of literature and so on. "Those who practice in the judicial line, English is of utmost importance," said Siddhartha Mukherjee, vice-president, Bar Council of West Bengal" (Choudhury). Studying English language is not only important for the sake of students of law studying in law colleges and universities but also for the aspirants of judicial examinations. There is no denying the fact that the dynamic language of English delivers an extra edge to students of law in India. The access to this indisputable language opens up new vistas as students get access to a huge number of books and documents written in English along with the additional opportunity to frame examination answers, term papers, articles and so on in English. It is easy to comprehend the unassailable position of English in the study of law in a country like India with so many regional languages.

"Feedback is the most important component of communication. Effective communication takes place only when there is a feedback" (Kaul 4). The entire communication process in any arena is complete only when there is proper feedback from the receiver/decoder. This feedback can come in many forms. In a classroom a simple and assuring nod from a child after listening to the teacher is an assurance to the teacher that the child has understood the message delivered as teaching. Similarly, for a lawyer, feedback is essential. As already discussed in this paper, lawyers have evolved to be relationship managers who have to maintain effective communication with their clients, colleagues, superiors, and people working under them as juniors or interns, it is imperative that they receive proper feedback for whatever they communicate. The body of feedback received may have trust and support of clients as customers, respect and dignity among colleagues and seniors and above all success that always speaks for itself.

## **Conclusion**

The whole world is set to a system of communication network. Messages get formulated and transmitted in every moment as humans communicate with their surroundings. In this arena of interaction and exchange it is highly essential that clarity of expression is maintained. This clarity will result in credibility between participants of a communication network and thus result in effective communication resulting in a proper feedback. The same applies to the discipline of law where lawyers need to turn out to be relationship builders bridging gaps in the society by communicating justice to all.

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