

Legal Communication and Marginalized Communities

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ABSTRACT

Legal communication plays a pivotal role in the interpretation, application, and accessibility of law. However, marginalized communities characterized by social, economic, cultural, and linguistic disenfranchisement continue to face systemic barriers that hinder effective communication within legal systems. This paper examines the intricate relationship between legal discourse and marginalized populations by examining the structural, linguistic, and institutional barriers that inhibit access to justice. Drawing on interdisciplinary perspectives from law, psychology, and communication studies, the paper analyzes how legal language, courtroom norms, attorney-client dynamics, and cultural misunderstandings collectively contribute to legal disenfranchisement. Through case studies, technological considerations, and discussions on legal literacy, the research highlights the critical need for culturally competent legal practices, improved public legal education, and reforms in legal ethics and policy. Ultimately, the paper advocates for inclusive legal communication strategies that empower marginalized voices, foster trust, and promote equitable participation in the justice system.

Keywords: Legal communication, Marginalized communities, Legal literacy, Cultural competency, Access to justice, Legal ethics, Language barrier.

INTRODUCTION

Within the intersection of law and psychology, legal communication is critical in a variety of contexts – experts using it to represent parties in court, laypersons needed to communicate (interviews, reporting crimes, etc.) with legal experts, and mediating the communication happening within a contract (understanding a plea deal, client interactions, etc.). Recently, it has been discovered that a substantial portion of the world's population, disproportionately the most vulnerable inhabitants, are entirely unaware of their most salient legal obligations. In response, there has been an increase in attention and resources, especially within the developing world, to determine effective legal communication structures. Transducers of the law recognize and hail the importance of communicating with the lay public but persist in issuing their wares completely in legalese. According to one system, needy laypersons are offended by simple language because it implies they are less intelligent than those who covet, and have special access to, the monopolizing language of the law. There has also been an emphasis within some law studies on the way current ontological stipulations of language and discourse inhibit access to legal information. Legal texts, at least in their written manifestation, are made and parsed by pros in a highly textbook set of language and discourse. Apart from that, in states where court decisions and legislative codes are legally binding, all refer to larger corpora of text. Court rules and legislation issued by state officers give directions on how to constitute legal text and also stipulate the definition of certain terms found in there. The rules regarding rules of linguistic interpretation also partake the legal edifice to intertextually expand the legal corpus [1, 2].

Understanding Marginalized Communities

Traditional definitions of marginalized communities, such that they are groups excluded from or disadvantaged by social, cultural, economic, and political processes, have broadened in attention and scope. Despite this, the mechanics of marginalized identities and marginalizing processes and the specific

legal communication strategies marginalized persons prefer, need, and use to navigate formal legal systems continue to receive limited, underdeveloped, and sporadic interest. Communication between marginalized individuals and their shadows is complicated by myriad factors. These factors include: legal communication is characterized by linguistic, cognitive, educational, affective, and dynamic complexities; a history of institutional, structural, and individual practices of surveillance, control, and domination often sour marginalized persons' initial understanding and preclude the formation of transparent, trusting, and reciprocal attorney-client relationships; larger, global, socio-political systems of power contribute to disparities between professional accountability and transparency, resulting not in an unlikely but possible accident that directly benefits traditional legal actors, but rather in the production of "punitive common sense" that pathologizes and creates dangerous populations out of historically marginalized and monetarily indigent individuals; and legalized channels of information give rise to proliferating realities that muddy the discursive waters between individuals sitting on either side of a courtroom. These various types of systemic risk are made worse by the fact that most professionals involved in legal interactions do not have the time, resources, or inclination to address the needs and desires of marginalized communities. Finally, the assumptions of most systemic reforms have been developed and implemented by non-marginal and non-legally mediated civil populations. Marginalized communities are not monolithic groups but are intersectional and heterogeneous; actors within their communities possess varying degrees of formal education, levels of power, relationships to law enforcement, language ability, patient advocacy, and comfort and familiarity with medical and academic institutions. These many aspects of diversity must be taken into account if the legal communication needs and desires of all individuals disposed to clearing are to be better understood. Similarly, attorney competency, norms, and practices, jurisdiction, and area of law affect the form and content of legal communication. There are many ways in which language combines with and exacerbates structural violence to assure that legal information and advice is not optimal, is not internalized, and is not circled or is rapidly forgotten, and a multitude of preferences, needs, and strategies for overcoming these chilling effects exist within the linguistic narratives of marginalized persons [3, 4].

The Importance of Effective Communication in Law

Communication is the mechanism through which the law is made. Litigants research and present information that is transformed into legal rules. Transcripts ship every word of legal events. Law enforcement officers convey admonishments. Prosecutors and defense attorneys tell incrimination or exculpation narratives to adjudicators and jurors. Litigants employ persuasive techniques to sway legal actors. Legal outcomes can change if procedural requirements are not strictly followed during the interactional negotiation of agreements. Public perceptions of the legal system can differ significantly depending on how similar legal events are covered by the media. Entire publications map how distinct narratives can emerge from the same trial. reveals how litigation outcomes can be influenced by extravagant storytelling. describe a fair trial violating public expectations of the law. Effective communication is, therefore, essential to legal processes and outcomes. In public defense, proficient communication with state prosecutors can help balance discrepancies in bargaining power and caseloads. As communication maintenance is a primary task, the development and utilization of a cognitive-communicative model is outlined, along with corresponding systemic risks and interventions. To better utilize such models, it would be prudent for legal systems to reduce avoidable systemic communication resources. Talk less, act more. While perception may often be to the contrary, a lawyer's thoughts must be presented in writing. They must tell opposing counsel what to do with the client's proposal or information. They must query opposing counsel when documents do not evidence the clients' needs or goals. To be blunt, the philosophy of many defense attorneys boils down to the more rabbinical adage "five lawyers, six opinions". A lawyer's every written sentence is labored over, and with good reason. "The law is a beast," they say. "There are many traps." It is not unlike the implicit difference between a verbal and written treaty. Details count. Details come from the written word. Besides, hearsay is inadmissible. A written record supplies proof of a party's actions. To stand alone can be dangerous. If nothing else, however, any independent single instrument—be it video, audio, or writing—enhances credibility. It proves a chain of events. More importantly, the added pressure in a lawsuit stemming from an official written instrument is considered enough in itself to falsify any reply. Refusing to permit the luxury of meticulously crafted words, what other recourse does an individual have but action? ("Actions speak louder than words") [5, 6].

Barriers To Legal Communication

Legal communication is a complex ongoing process of exchanging information related to the law, central to criminal procedure and sentencing. It involves adults with limited legal literacy and skilled legal practitioners. The risk of miscommunication varies throughout the criminal process for defendants,

especially marginalized individuals in the U.S., who face heightened risks of miscommunication with legal professionals. Communication behaviors often favor the prosecution and are biased against defendants. Additionally, a defendant's criminal record can further incite biased attorney behavior. In adversarial contexts, while attorneys must request court interpreters, public defenders may refrain from doing so to expedite cases. A pro se defendant, unable to request an interpreter, must rely on predominantly English-speaking attorneys, complicating communication. Language differences are significant obstacles to understanding rights during prosecution. Legal settings suffer from dilemmas where an imbalanced attorney-client dynamic risks strategic misrepresentation of clients' statements. Often, interpreters are untrained and inadequately evaluated. Thus, the New York statute ensuring non-English speakers' access to interpreters is ambiguous. Miscommunication may lead informed individuals to face legal repercussions, illustrating issues such as misunderstanding judicial orders or plea agreements, accepting unfavorable plea deals, or refraining from pursuing valid claims. This miscommunication increasingly benefits the prosecution over the defense [7, 8].

Case Studies of Marginalized Communities

Marginalized communities experience unique legal communication challenges. These challenges are compounded in an increasingly complex legal world in which the law is inaccessible to most without the aid of those who have been trained to understand it but who often assume this knowledge is intuitive. This special collection of papers addresses some of the unique challenges and showcases some creative attempts at meeting them in the contexts of criminal law, civil law, and international policy. Public legal discourse mostly assumes that the law is a neutral conduit of justice accessible to all. In many cases, the opposite is true. It imposes a profound limitation on the way in which justice can be sought and makes those who seek it highly vulnerable in a process that is weighted against them. Marginalized communities often confront problems within the law that can trigger more problems. These problems arise from the violence of the law itself or from the practical limits and risks of engaging with the legal system. Systematic intersections between different systems of disadvantage may be particularly impactful on legal communication access. Legal issues are found in a wide range of socioeconomic, physical, emotional, environmental, and linguistic problems. For example, an Indigenous person in a rural location may experience numerous interlocking barriers to legal communication access. Marginalized communities are often disproportionately burdened by legal issues. Additionally, these issues more often occur in interconnected areas such as culture and social security. These communities can face risks of violence, including institutional violence, for which seeking legal advice indicates exposure [9, 10].

The Role of Technology in Legal Communication

Advances in technology are reshaping legal communication, making it more accessible and efficient for individuals. Legal tech software allows remote work, enabling students to better understand client needs through virtual meetings. This is particularly beneficial for marginalized communities with limited access to lawyers due to geographical or transportation barriers. Elderly and economically disadvantaged individuals often cannot visit lawyers in person, necessitating legal professionals to be skilled in technology for equitable representation. However, many who need technology may lack both the resources and knowledge to use it effectively, highlighting the urgency of addressing the "digital divide." Training is essential to ensure that all clients are equipped with the necessary skills to access legal services. The intimidating nature of distance-learning technology can deter those unfamiliar with it, and differing laws across jurisdictions require students to understand specialized practices for diverse populations. A one-size-fits-all approach is inadequate; clients distrustful of technology need tailored training. Failure to address these needs may drive clients toward more tech-savvy lawyers, thus widening the representation gap. As technology evolves, it is crucial to assess both its benefits and risks in legal services, focusing on training legal professionals to enhance their competencies and effectively serve diverse communities [11, 12].

Cultural Competency in Legal Practice

Cultural competency involves a holistic understanding of diverse backgrounds, originating from anthropologists in the 1960s due to limitations in healthcare professional training. It has three key components: self-awareness of cultural worldview, knowledge of various cultural practices and historical perspectives, and skills to adapt professionally. Individuals often know most about their own culture, learned informally from a young age, shaping their relationships and interpretations of others' actions. Legal professionals must consider clients' cultural backgrounds to understand how their actions may be perceived, as trust in the legal system often correlates with cultural similarity. A homogenous group is more likely to understand and trust each other. People of Color are underrepresented in the legal field, leading to weaker legal relationships. Research indicates that Asians are particularly underrepresented in legal professions. Community understanding evolves, influenced by various factors. Cultural competency

training is formal education in institutions, while community engagement is informal learning accompanying formal education. This training aims to develop formal cultural competency programs for legal professionals, identify successful culturally responsive legal service models, and reconsider legal ethical obligations through the lens of cultural competency [13, 14].

Legal Literacy and Education

Legal literacy empowers marginalized communities, helping them navigate the legal system and understand their rights and obligations. Community education groups and advocates recognize its connection to well-being and health. By educating individuals on their rights and the legal process, advocates equip communities to identify and address legal issues, tackling systemic barriers linked to poverty and poor health. Economic stability highlights the link between rights awareness and legal issues. Problems like bail, wages, and welfare eligibility are often litigated unfairly in a lawyer-centered system, increasing barriers for marginalized populations. Access to legal resources is crucial for navigating the legal system. Community education and legal literacy projects arise from recognizing the negative consequences of being excluded from necessary resources. The literature highlights inequalities in legal knowledge and resources, making it harder for less educated individuals to access the already complex system. Individuals without higher education or civic experience face disadvantages, while lawyers often overlook marginalized members, eroding trust in the justice system. Legal jargon complicates understanding, as much public legal education material is written at levels too high for the general population. Community legal education projects, often in partnership with legal organizations, aim to make legal rights, obligations, and options more comprehensible. Educating individuals fosters further advocacy, making it easier for them to push for collective legal action. The gap between recognized rights and their realization is stark. Enhancing legal resources empowers individuals in numerous ways [15, 16].

Advocacy and Policy Changes

The ability of marginalized communities to effectively navigate the justice system is tied to their ability to understand lawyers and the language of law, to ask questions, to provide meaningful consent, to appreciate the consequences of decisions, or to engage in specific advocacy. Client-centered practice requires lawyers to communicate more effectively with their clients. Further, access to legal knowledge is access to power, and it can be that knowledge can inform other forms of advocacy. This collection of pieces reflects the importance of legal communication as an under-acknowledged aspect of systemic advocacy and invites discussions about innovative approaches to effecting changes necessary to guarantee justice and access to legal services. At its most simple, advocacy is about speaking up for someone or something to trigger change. At law school, despite learning that the system works very well for some, clinics expose the fear that this system doesn't work for most. Beyond one lawyer, one client, students see the apparent bad faith; they see the system won't help. But rather than lawyering in a vacuum, students see it is possible to use the status and power afforded by the law degree 'lawyerlyness' to advocate for clients in a way beyond just legal advice. This can mean working from the margins, challenging what is downtown or at the high court bench simply because that feels like how things are done, and bringing local community law centres, activists, and advocacy to the table. Advocacy on behalf of marginalized communities is critical for systemic changes in laws, regulations, and systems governing lawyers' licensing, conduct, and practice to advance access to justice. Ensuring representation occurs in ways that take into account the cultural, ethnic, and other relevant population characteristics. Policing oversight requires further research into the appropriate design of attorney discipline systems and the impact of those systems on access to justice [17, 18].

Ethical Considerations in Legal Communication

When communication is a judgment call or a matter of safety, there are times a legal professional may not be able to be 100% open with a client. In many cases, attorneys are not just authorized but required to control what is said outside the law office. Information shared in confidence is not just one of the key aspects underpinning the attorney-client relationship, but—even when made in error—a pledge the attorney must keep if s/he does not wish to breach her/his professional and ethical duties. The duty of maintaining client confidences has been labeled as 'central to the lawyer-client relationship' because it 'encourage[s] full and open communication between parties' and 'guarantee[s] that the attorney brings all of the information and assurances' to the representation even 'in situations where the client has acted wrongly.' Hence, being able to talk freely without fear of third-party disclosure is a prerequisite. There can be serious personal or societal legal repercussions to forging ahead with a course of legal action without being fully apprised of the situation. Legal professionals are also ethically bound to discuss facts and issues with the pertinent knowledge required by law. A professional can be held ethically and professionally accountable and even fined, disbarred, or imprisoned for acting 'negligently, incompetently

or unethically where the attorney does not have the required level of familiarity' with a case, the client or the law. Legal advisors not able to be forthcoming in a particular circumstance face other ethical issues for whichever course of action is taken. Confidentiality conflicts with other obligations inherent in the attorney-client relationship, specifically the duty to act competently and warn of potentially harmful consequences. Finally, an attorney cannot have full client consent without being able to express the inevitable outcomes. This last concern can arise in any professional arena; in all events, weak or transacted consent places a pall over the final product. On the societal scale, insufficient representation can lead to current problems resolving into larger ones, which in turn can upend the justice system [19, 20].

The Future of Legal Communication

Legal Communication is in a state of epochal renewal, the consequence of the dramatic changes that have characterized the Information Age and the global world. Dramatic social dynamics have profoundly transformed traditional scenarios, enabling the rise of new publics in the global public sphere. These dynamics are presenting legal communication with new challenges and opening up new opportunities to deploy innovative communication strategies to establish dialogues between judges, legislators, and the public on the one hand and to inform marginalized communities about law and legal procedures on the other. This scenario invites scholars in Law, Mass Communication, and Linguistics to share their points of view about strategies to be implemented in legal communication between courts and the public, legislative communication, and communication about rights. Communication strategies will be analyzed both from the point of view of explicitation processes in texts and contexts and through the lens of psychological and cognitive disciplines. In a multi-scientific perspective, pragmatic, linguistic, and multimedia aspects implicated in the complexity of legal communication will also be characterized together with detailed descriptions of the activities realized in experimental projects. The activities disclose the strategic role of communication in Law: the way information is communicated in the courtroom can affect the outcome of the trial; integrative projects of communication strategies inform the foreigner and resident communities about law and legal procedures and the overall situation, i.e., by this way, innovative and far-sighted projects and languaging activities can remove the disuniformity of information and access to law, thereby realizing Low threshold institutes to equality before the law. The globality of the projects and activities should stimulate stakeholders sharing with public and private research agencies to develop long-term efforts to address the several critical legal topics developed during the meeting. Two could be the points of departure: the influence of strategic communication effects on legal trials and judgments and the application of the Principle of Territorial and Legal Equality in multilanguage and multicultural contexts [21, 22].

CONCLUSION

Legal communication is not merely a function of linguistic exchange—it is a powerful determinant of justice, inclusion, and social equity. For marginalized communities, whose identities and experiences are shaped by complex intersections of disadvantage, the inaccessibility of legal language and processes often deepens existing inequities. Despite increasing recognition of these challenges, legal institutions continue to fall short in addressing the communication gaps that separate vulnerable populations from their rights. As this paper demonstrates, reforms must move beyond surface-level simplifications of legal texts and toward a structural transformation of legal practices, norms, and educational systems. Effective legal communication requires an acknowledgment of cultural diversity, a commitment to ethical transparency, and the integration of technological and educational tools that center on the needs of the marginalized. Only through such multifaceted approaches can the justice system begin to fulfill its promise of fairness and accessibility for all.

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