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# The Role of Legal Communication in Promoting Social Justice

Kato Bukenya T.

Faculty of Business and Management Kampala International University Uganda

## ABSTRACT

Legal communication plays a critical role in shaping access to justice and promoting equity within legal systems. This study examines the intersection between legal discourse and social justice, emphasizing the importance of clear, inclusive, and effective communication practices across legal settings. Drawing on theoretical perspectives, historical developments, and practical case studies, the paper explores how legal language, courtroom interactions, media representations, and advocacy efforts influence public understanding and legal outcomes—particularly for marginalized communities. It investigates how legal practitioners, NGOs, and community stakeholders contribute to democratizing access to law through outreach, education, and reform. Additionally, it highlights challenges such as legal jargon, systemic bias, and the implications of emerging technologies on legal communication. The analysis culminates in identifying strategies to strengthen legal communication in the service of social justice, including plain language initiatives, legal education reform, and community-engaged approaches. Through this multifaceted inquiry, the research underscores legal communication's pivotal function in ensuring fairness, transparency, and empowerment within legal systems.

**Keywords:** Legal Communication, Social Justice, Access to Justice, Legal Education, Plain Language Law, Legal Practitioners, Community Engagement.

## INTRODUCTION

Legal communication involves sharing information about legal rights, obligations, and duties in an understandable manner. It encompasses various subfields, such as attorney-client consultations, courtroom interactions, and legal documents. Effective communication is crucial for maintaining the legal system and relates to broader concerns about legal reasoning and communication in formal and informal settings. This form of communication aims to promote just order within the legal system, particularly in the US justice system, highlighting the need for fairness and equitable treatment of individuals under legal jurisdiction. The significance of effective communication has historically been recognized within the legal system, underpinning the necessity for precision in diverse legal contexts. Understanding the audience—whether listener, reader, or conversational partner—is vital in legal discourse. The challenges of comprehensibility in legal content arise from the complexity of legal institutions. This paper explores the intricate relationship between legal communication and social justice through a 2019 court case in the United States, aiming to clarify key concepts and principles tied to both areas. It will emphasize the importance of clarity and precision in legal language and communication practices, establishing a foundation for understanding how effective legal communication impacts marginalized populations. These simplified frameworks serve as provisional but useful references for discussion [1, 2].

### Understanding Social Justice

Social justice is fundamentally about ensuring equal economic, political, and social rights for everyone, promoting equity, fairness, and human rights. It investigates various forms of inequality among

individuals, influenced by personal attributes like race, gender, sexuality, and economic status, as well as systemic factors such as belonging to historically disadvantaged groups. Inequitable rewards from social arrangements and discrimination contribute to ongoing injustices, claiming that patterns of unequal opportunity are morally unacceptable. The pursuit of social justice often involves rejecting various “-isms” that foster inequity. While the relationship between social justice and law is extensive, it primarily emphasizes that legal frameworks should facilitate progressive change towards equality. Focusing solely on its ethical or legal aspects may obscure its socio-political nature. Understanding the ethical/legal context is crucial for applying social justice effectively in legal scenarios. Research on access to justice tends to overlook the broader implications of social justice, emphasizing the need to investigate how legal practices affect societal norms. This research is vital for marginalized groups who face significant barriers to accessing legal resources. Instead of merely examining encounters with the law, social justice studies seek to understand the functioning of legal practices across societies, aiming to change unjust social practices [3, 4].

### **Historical Context of Legal Communication**

Understanding the historical context of legal communication reveals its evolution over centuries. It provides insight into various legal practice eras, major shifts in style and strategy, and significant cases impacting public views on justice. Key legislation changes have highlighted the necessity for clear communication and reflected cultural norms and values influencing legal discourse. Notable historical figures and technological advancements have also played a crucial role in shaping legal communication. This understanding is essential for contextualizing modern legal communications and recognizing the ongoing challenges faced since the profession's inception. While law predates many academic fields, legal communication as a practice is relatively new. Ancient lawyers had specialized knowledge primarily focused on litigation and dispute resolution, with figures like Lysias, Julius Caesar, and Cicero serving as early examples of persuasive legal communication. Historically, legal communication was largely restricted to testimony, courtroom arguments, and legal letters. Practices like attorney discipline and court reporting have ancient origins, though their methods have significantly evolved. Codified law, as a framework of agreed-upon behaviors, is a more recent development, with roots in Mesopotamia around the 22nd century BCE. The academic study of law began in earnest with the establishment of accredited law schools in the 12th century. Since the 1980s, lawyers have become the main figures in Western legal systems, administering statutory and regulatory laws. Over half of those under the European Court's jurisdiction predated the English Revolution, and the legal system has adapted to modern life. Legal processes have become accessible to all over the past century, although previously existing complexities in legal language often favored the elite. For instance, 14th-century English village court members typically struggled to comprehend legal terminology, necessitating the use of proxies. Notably, while legal literature has been prolific, only in recent decades has it been articulated more plainly, acknowledging the clarity and ambiguity present in statutory law [5, 6].

### **Theories of Legal Communication**

A number of theories underpin the study of legal communication. The law itself has traditionally treated communication as a form of action that is essentially atomized and transactional—this model arguably dates back to Aristotle. Such a transactional view of communication is also one of the mainstays of modern, and especially American, social-scientific analysis of communication. However, the law would be poorer if it ignored theories that conceptualize communication in other, and arguably richer, ways. For instance, central to many European philosophies and theories of communication is rhetoric, the ‘art of persuasion. Of course, rhetoric is turned to by litigants every day—but it is also trite to observe how few lawyers are skilled in the techniques of legal persuasion. Perhaps less acknowledged, however, is that communication approaches can broaden the understanding of the interpretive processes of legal texts and legal systems. It can be posited that interpretivist (or ‘constructivist’, or ‘humanistic’) approaches to language, meaning, and text are also relevant to the law and legal theory. There is probably a kernel of truth in Cognitive Linguistic criticism that it often appears to be a construct of American Legal Realism rather than an interpretive tool that might provide a richer analysis of law in other societies. In part, this criticism can be borne out: none of the major ‘exponents’ of the Critical Legal Studies movement discuss anything like Vagueness in the law and often resort to the ‘systemic effects’ argument to bolster their critiques of how the law is/is not being interpreted effectively. But at the same time, Cognitive Linguistic insights can (and arguably do) profoundly enrich judgments that are made by the law in any society or allow for more experimentation in the understanding of legal communication, which can sometimes have

more positive ‘real-world’ effects. There is, for example, a growing body of empirical research that suggests that linguistically ‘framed’ choices can impact the perceptions made by a ‘mainstream’ audience—and so affect the force or effect of legislation in less obvious ways [7, 8].

### **Legal Communication Strategies**

Legal communication is the foundation of the legal system. How lawyers frame their client’s case to judges, clients, and the public shapes court outcomes and public perceptions. This is especially critical in the U.S., where judicial decisions often rely on written briefs to a much greater extent compared to other countries. Moreover, the public’s understanding of the legal system is largely informed by media coverage of sensational cases. Communication strategies can thus play a central role in promoting social justice. Like preppers at the apocalypse, those working in the law should have some idea what to expect when secrets of survival are stripped away. In recognition of the importance of tailoring legal communication to specific audiences, this final section will discuss the following communication strategies for lawyers: narrative building, emotional appeals, factual presentations, friendly editing, plain language, and why you should move to a populous state. Case examples of each strategy will be provided. The first four communication methods will also provide illustrative examples of when communication strategies are successful in particular cases. Besides attorneys, few people read briefs. Judges have little time for legal stories. Consequently, the organization of legal thought according to a standard outlining format has become a comforting routine—a template that can be pulled out, filled in, and forgotten, like the temperature reading the morning. Observing some professional norms, however, is always good. In a presentation about tailoring content, the least that can be done is to lead by example. So, here’s an outline, beloved old friend to any dependent on an A, followed by an introduction that builds a legal narrative regarding the place of legal communication in the field of social justice and practical advice for your advocacy to judges and skeptics. There is even a conclusion at the end explaining how this presentation addresses the impossible question of what to expect if all the seals thereon are broken [9, 10].

### **The Role of Legal Practitioners**

Legal practitioners navigate the complexities of legal communication, translating the nuances of the law from archaic Latin into understandable prose and serving as intermediaries among clients, attorneys, and various tribunals. They aim to guide the legal process to support their clients, often using ambiguous language while adhering to precedent and technical terminology. The public seeks reassurance through favorable judgments or authoritative declarations, yet the law remains intricate, and attorneys possess training in subtleties beyond the grasp of the average person. The ideal of impartiality in the judicial system is often challenged by issues such as familiarity between the Bar and bench, high defense costs, and the personal biases of judges, revealing a legal practice that may cater more to the affluent. The need for transparency is paramount, as legal information can contradict public perception. Practitioners must strive to ensure that clients and non-legal individuals comprehend the system they’re involved in. Every action taken by a legal professional has consequences, and awareness of how their work impacts those unable to defend themselves is crucial. The ideal practitioner might be akin to a lawyer-journalist, translating complex facts into coherent narratives while adhering to ethical guidelines. Both roles require the ability to simplify complex information and maintain confidentiality while producing accessible, engaging content [11, 12].

### **Impact of Media on Legal Communication**

The impact of media on legal communication is a vital area of exploration. Media shapes perceptions of legal issues and the justice system, while legal communication influences and is shaped by media coverage. The relationship is complex; effective communication in law requires understanding the legal, social, and political forces that affect media exposure. For media, how legal events are represented affects broader reporting implications. Legal communication often operates in a contested context, where meanings and issues reflect a mix of political, social, commercial, and legal variables. Social media has transformed legal communication, acting as a platform for both critique and dialogue around legal processes. It can generate informed discussions about legal concerns and increase public awareness, facilitating access to justice. However, these interactions raise concerns about representation, bias, and the accuracy of media coverage regarding legal issues, highlighting the importance of promoting fair and equal reporting [13, 14].

### **Case Studies of Legal Communication**

In this section, there are 10 collections of case studies. From a public opinion campaign to increase gender representation in local government to a bilingual conciliation program in response to bullying in a

secondary school, these standalone examples illustrate the practical application of the theory discussed earlier. Each case study emphasizes different aspects of legal communication and its social justice outcomes. Concurrently, they are intentionally situated in varied global, professional, and educational contexts. Through this diverse selection of case studies, readers can witness the adaptable nature of legal communication. This adaptability emerges as legal communication methods are uniquely tailored to differing audiences, situations, and goals. These case studies alternate to address interventions which were successful in promoting social justice and instances of miscommunication which had adverse outcomes for humanity. After recounting a series of events, each narrative concludes with a reflection on lessons learned. These didactic lessons present direct examples of the metamorphosis from theory to practice. In turn, the theoretical framework of this article can now be more clearly applied to real-world examples of legal communication. As the underlying premises are unpacked and the essential components are elaborated upon, what was imparted may be subsequently experienced. In this way, a bridge is forged from theoretical discussions about legal communication to tangible instances of its execution, and from there, further insights become attainable [15, 16].

### **Challenges In Legal Communication**

Legal communication is a complex field filled with uncertainties. Lawyers play a vital role in a Just Society where rights are threatened by oppressive legislation. They translate confusing laws into understandable terms for the public. However, even seasoned professionals can struggle with legal jargon, causing frustration among those involved. Effective communication is essential for maintaining order in society. Unfortunately, legal language often presents challenges, such as the overwhelming amount of jargon found in Summons, Writs, and intricate codes. This terminology can feel as confusing as a telemarketer's pitch. The relationships between parties, like witnesses and law enforcement, can further complicate interactions due to differing agendas and perceived status. Some individuals receive deference based solely on their attire, leading to an imbalance in communication. Mismatches in language and legal norms contribute to misunderstandings, resulting in frustration that drives a wedge between individuals involved in the legal process [17, 18].

### **The Future of Legal Communication**

As the preceding chapters of this Handbook reveal, legal communication is an influential element of the United States legal system. Evolving legal contexts, in tandem with changing social landscapes, present shifts and possible constraints in legal communication. Complex changes in the legal landscape and wider social norms may exacerbate the need for further research into legal communication. The rise of technology with the option of A.I. support and a divided global society can both excite and concern the future of legal communication. This Handbook's conclusion emphasizes that the future of communication in law is an open-ended topic; in part this is due to the rapidly evolving nature of technologies that are changing the way people both produce and consume information and also because the ways that the social institutions function and adapt to change are also in flux quotes a variety of theorists when he asks: 'Is it already the case that technology has permeated law and caused an "existential" shift in the legal profession?' The digital era has fundamentally changed the way that people act and interact, and in the time when this Handbook was edited, an unprecedented global pandemic changed the swim lanes of everybody's lives. Furthermore, members of society are increasingly concerned with globalization and the Internet giant firms that wield a vast amount of power over global and local interactions. Many new styles of communication and transformative tools that can be implemented in times between 2021 and the fifth edition of this Handbook, or within the next 20 years, can be conceptualized as a lost language, time travel for research, or an experimental interface. However, as new communication technologies emerge, a greater need to be vigilant in understanding the accompanying ethical implications will also be essential. The progression of communication technologies, combined with the altering blueprint of how people communicate, means traditional understandings of communication and their associated norms are also rapidly and continuously changing, thus inspiring the call for more research and innovative outlooks [19, 20].

### **Legal Communication Training and Education**

Training in legal communication is crucial in law practice, as effective communication with clients and attorneys can prevent malpractice claims, which often arise from poor communication. The Supreme Court's advertising rules emphasize careful, accurate communication that avoids manipulation and considers the audience's needs. Despite its importance, legal communication training has been largely absent in law school curricula until recent years. Both law school training and continuing education are

vital for developing these skills. Common reasons for grievances or malpractice include failure to educate clients or communicate effectively, leading to neglect and disputes, especially regarding financial agreements. Improved communication with opposing counsel can also reduce conflicts and benefit clients. Enhancing legal education with a focus on communication skills can address social and ethical responsibilities, aligning with the ABA's definition of competence, which emphasizes the thoroughness and preparation necessary for representation. Additionally, oral and written skills should be viewed as essential competencies, not merely as grammatically correct expressions. Integrating simulations or role-playing into legal education can greatly enhance the ability to communicate effectively [21, 22].

#### **Role Of Non-Governmental Organizations**

In the context of the 1995 UN Fourth World Conference on Women in Beijing, non-governmental organizations (NGOs) gained recognition for their significant role in legal advocacy and social justice. The Beijing Platform for Action highlighted the vital partnerships between NGOs and legal practitioners. These organizations leverage their experience to connect underprivileged communities with the legal system, impacting legal communication through various means like providing advice, public campaigns, and educational initiatives. Their work has led to empowerment successes, enforcement of protections, and the introduction of new legal standards. Yet, challenges remain, such as a shortage of qualified personnel, limited resources, and a lack of focus on legal communication skills. NGO-led campaigns have informed disadvantaged groups of their rights and offered legal aid on various issues, helping to "democratize" law that is often viewed as elitist. They aim to bridge the gap between the public and the legal system, advancing awareness and education about legal rights. Recognizing that rights must be known to be claimed; awareness programs have become crucial. NGOs have launched activities to educate people about their rights, especially targeting poor or non-Spanish-speaking communities. By combining outreach with community education, they work to simplify the formal legal system and connect people with their rights. Broader efforts include distributing legal materials and organizing workshops to teach rights and claiming methods. Despite perceived increases in the demand for representation due to awareness efforts, chronic under-funding has limited the positive impact of a supportive legal environment [23, 24].

#### **Community Engagement and Legal Communication**

Community engagement is vital for effective legal communication. Legal communication scholars, educators, and practitioners must include community members in legal processes to enhance advocacy for social justice and empower marginalized communities. This paper elaborates on the significance of community engagement, discussing current activities and suggesting improvements for involving community members. It argues that such engagement is essential for advocating legal reform. Examples include four recent social justice partnerships and an established community legal education initiative run by a law school clinic. In these programs, students and professors from various law schools collaborate with community members facing social injustices. They co-develop legal communication projects and strategies to address these issues. The partnerships consist of (1) a network of 700 NGOs for civil society empowerment, (2) a legal resource center in a North Indian assembly district, (3) a legal aid society in a low-income urban area with rural outreach, and (4) a workers' rights group in a poor black community. The article also advocates for an expanded pedagogy of community legal education in law schools, promoting clinical legal education that allows students to engage in grassroots advocacy projects and community education, especially where individual rights are abused or legal needs go unmet [25, 26].

#### **CONCLUSION**

Legal communication is more than a technical process—it's a transformative tool for promoting social justice. When legal discourse is made accessible, inclusive, and responsive to the lived realities of diverse communities, it becomes a catalyst for equitable change. The historical and theoretical foundations of legal communication reveal persistent challenges, such as the dominance of legal jargon and systemic bias, which often limit understanding and fair participation. Yet, through conscious efforts—ranging from legal practitioner training, community-based legal education, advocacy by NGOs, and ethical media representation—these barriers can be reduced. Case studies show that strategic, clear, and empathetic legal communication can positively shift legal outcomes and public trust. As technological advancements reshape the legal landscape, it becomes increasingly important to center humanistic and socially conscious communication practices. To advance justice in both principle and practice, the legal community must prioritize clarity, cultural competence, and community engagement in all forms of legal communication.

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