Using Technology to Enhance Legal Communication Skills

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ABSTRACT

In the rapidly evolving legal landscape, effective communication remains a foundational competency for legal professionals. As technological innovations reshape communication channels, law schools and legal practitioners must adapt their methods of instruction and interaction. This paper examines how technology can be strategically employed to enhance legal communication skills, both written and oral, across various legal contexts. Drawing on examples from legal writing instruction, oral advocacy training, and client interactions via digital platforms, the paper highlights pedagogical strategies for integrating technology into legal education. It also examines the ethical considerations, challenges, and future trends surrounding the use of technology in legal communication. Through case studies and practical applications, the research demonstrates the importance of technological literacy in fostering competent, ethical, and effective legal professionals. The findings underscore the necessity of evolving legal curricula and professional standards in tandem with technological advancements.
Keywords: Legal communication, legal education, technology in law, digital legal skills, legal writing, oral advocacy, client communication.

INTRODUCTION

Legal communication is a vital skill for lawyers. The professional responsibilities of lawyers require them to communicate effectively in writing and orally, and to be aware of the role that technology plays in the context of that communication. This introduces a module on enhancing legal communication skills that integrates technology: the law school curriculum addressing written emails to clients, preparing for and conducting client meetings using video conferencing, and providing oral email communications to clients. It describes student responses to the use of technology during the teaching of those skills. Communication is central to lawyering. A lawyer's effective performance of the tasks that lawyers are hired to perform—researching and analyzing the law, drafting documents, familiarizing clients with their obligations and rights, and representing clients in transactions or litigation—is dependent upon the lawyer's ability to communicate with others about those tasks. Those others typically include clients, other lawyers, judges, witnesses, and others. Legal writing courses must help students develop the requisite skills and understanding for drafting legal documents that effectively communicate with those audiences, and that comply with the law and the ethical obligations of lawyers. Legal communication is not limited to written communication. Oral communication is a necessary complement to written communication. The professional responsibilities of lawyers—found in both court rules and codes of conduct—place lawyers under the professional obligation to communicate effectively with their clients and others, and to be aware of the relevant audience's understanding and expectations. The prevailing communication methods are relevant to that effective communication. What lawyers are expected to know and do—and therefore, what law schools must teach law students— evolves as communication methods evolve [1, 2].

The Role of Technology in Legal Communication

Technological advancement has transformed every aspect of life, including the legal profession. Technology has significantly affected the legal field, particularly communication and information technology. Technological issues surrounding the adoption and utilization of technology have reshaped interactions among legal community members, namely judges and lawyers, with a resultant effect on the accessibility of legal assistance by individuals seeking justice. In the past decade, technological competence has come to be considered an individual agent's professional obligation in the legal community, including the judiciary. This review discusses the role technology can play in enhancing the legal community's ability to communicate competently regarding various matters. The pivotal importance of understanding the ethics of technological competency is discussed first. These measures are recommended to mitigate adverse effects on courtroom communication, misunderstandings among legal professionals, and depressingly low standards in understanding trademark matters. Recent years have witnessed an explosion of technological adoption in the legal profession throughout the world. Recent technological issues concerning integrating the internet of things into courtroom practice are increasingly being discussed. It is necessary to ensure the integrity of courtroom information transmission, for instances of bias and prejudice by the unintentional exposure of unintended knowledge on social media have occurred. Further, 'All lawyers' most fundamental ethical duty is competence,' which includes understanding the law and technology that applies to it. The importance of understanding technology in the era of social media services is suggested for appropriate personal information disclosure, securing digital evidence, and compliance with electronic discovery obligations. In addition, recommendations to preserve case information in public clouds are articulated [3, 4].

Types of Technology Used in Legal Settings

As the emphasis on legal communication skills continues to grow, technology is rapidly evolving and changing the way communication skills are taught. Technology for classroom learning is becoming increasingly important. Technology that augments classroom instruction also helps faculty teach increasingly diverse student groups. New technologies are changing the way communication skills are taught in law school, transferring skills instruction from a Socratic method to a more traditional lecture format. Students are presented with a topic and a set of standards for performance, which is then evaluated and critiqued. The adoption of new classroom technologies can enhance twenty-first century legal communication skills at law schools. Technology has changed the consulting practice and the relationship of attorney and client. While some aspects of this change are positive, others present difficulties for both lawyers and their clients. With the advent of new technology, attorney-client communications should become more effective, allowing attorneys to prepare better and accomplish more for their clients. Forms of technology that help communication should be encouraged and advocated. On the other hand, some aspects of technology define a culture that attorneys may not want clients in, particularly at the high end of the technology scale. This culture tends to dehumanize the attorney-client relationship and may eliminate even more middle-class jobs. Legal computer software is here to stay. Directing clients to use voice mail or fax completely takes away from the human element of the legal profession. The values of the alternative universe are different from the fair-and-just values of the legal profession. The utilization of lawyers' computer capabilities and systems throughout society should be monitored so that some future defense of the market may be possible. Voice mail, e-mail, and fax machines have exploded on the legal scene. Once limited due to technical knowledge and budgeting considerations, these devices are now broadly implemented in many levels and types of legal practice. Major defense firms bombard, and become bombarded by, volumes of electronic communication. But in many instances, those devices outside of court have become too prevalent and invasive of a communication method [5, 6].

Enhancing Written Communication Skills

To be effective lawyers, students must develop written communication skills. Understanding communication fundamentals is essential before using technology for writing. Students can learn legal analysis by using the IRAC model (issue, rule, application, conclusion). In writing courses, they explore various legal writing forms (briefing, memos, contracts) and their implications for attorneys and clients. They then apply technology to improve communication through outlining, drafting, revising, and editing. Students might use advanced software or basic word processing tools and enhance their content (emphasis, hypertext), presentation (font size, indentation), or information display (tables, charts). Enhancements should maintain the intended meaning and effectiveness of the writing, avoiding pitfalls like excessive document creation time or misunderstandable nuances. Writing instructors should include technological enhancements to maximize written communication impact. Legal writing courses should integrate technology, similar to civil procedure or contracts courses. Students could be tasked with writing ten memos of sufficient length, enhanced by one type of technology, with extra credit for innovative enhancements. While thoughtful integration of technology in legal writing courses is often lacking, it is pedagogically beneficial. Schools must ensure students can incorporate prevalent new technology into their legal writing [7, 8].

Improving Oral Communication Skills

In small classes, engage students by providing guidelines for simple digital recording on personal devices. After reading or performing their speeches, students may review, remind, prepare, chat, or relax, often turning to social media or other digital materials. While some may see this as distraction, it is an active, content-filled engagement with media. A supportive environment encourages speaking without feedback, fostering constructive engagement. Attendance is taken, and identifying features are tracked for later comparison across environments and devices. Personal electronics serve as a participatory medium in college classrooms, enhancing verbal storytelling and generating interaction based on character creation. Video recording and archiving student-produced material improves outreach and engagement, shifting class time from lectures to interactive activities. This approach works best in the weeks leading up to presentations and focuses on public speaking within a specific audience context. Students using voice analysis software for their verbal delivery can benefit from repeated self-assessments, gaining insights from detailed graphs on speech rate, filler words, and pauses. Instructors can also analyze visual delivery using similar applications, providing a comprehensive feedback system. Together, voice and visual analyses empower students to prepare effectively for diverse speaking contexts, from public presentations to casual conversations [9, 10].

The Importance of Feedback in Legal Communication

At a law school focused on legal writing, teaching students to write for the legal profession is essential. However, transforming law students into persuasive writers is challenging, especially when they have little prior formal training. Often, students misunderstand feedback or fail to apply it in subsequent drafts due to inexperience with the type of critiques legal writing professors provide. Students may anticipate feedback similar to that from undergraduate instructors, not realizing that professors can't regularly monitor their writing due to large class sizes. Instead, comments are made at a more detailed level, correcting errors identified in the first drafts. Unfortunately, this professional feedback may not resonate as deeply as earlier critiques. To bridge this gap, professors should guide students on the nature, intent, and importance of the feedback they will receive, emphasizing their role in processing it. Typically, feedback includes written comments with line edits and margin notes on drafts. Students are graded on their initial resolution, rewritten drafts, and final submissions, with detailed explanations for each grade. In addition to written feedback, discussions on critiques of final drafts should occur to foster a more open learning environment. Students facing heavy workloads might rush their writing, leading to a tendency to undervalue editorial feedback. This notion must be challenged, as meticulous legal writing is crucial in the profession—outcomes can hinge on precise grammar and analysis. Professors

must highlight the significance of thorough feedback, potentially illustrating it with examples of common writing mistakes noted from past experiences [11, 12].

Ethical Considerations in Legal Communication Technology

Law schools work hard to teach students substantive law, legal thinking, and advocacy skills. Recently, there has been an acknowledgment among regulators and educators that law graduates must also be adept in technology used for client, attorney, court, and administrative communications. Although most educators agree on the need for incorporating technology competency into the curriculum, there's less consensus on the approach and whether it should be the responsibility of law schools or bar authorities. Lawyers' ethical duties remain unchanged by technological advancements, necessitating that law schools not only teach the use of new technology but how to use it competently, ethically, and in accordance with client confidentiality. Ethical concerns related to lawyer competency must be integrated into the technological training. New technology does not exempt lawyers from the risk of communicating irrelevant or harmful information, nor does it ensure their proficiency in its use. Legal educators must ensure students understand these ethical issues alongside other aspects of technological competency. Attorneys are often consulted on using new technologies for client communication, such as instant messaging and social media. Ethical questions arise once remote communication is possible, regardless of the form. Recent technological progress has transformed communication and access to information in the legal field, providing more efficient means but also presenting greater ethical challenges. Rapid advancements can quickly outdate ethics rules, law school teachings, and Continuing Legal Education programs. Established ethical standards were created before technology became ubiquitous. The ABA Commission on Ethics 20/20 was formed to address how technological advances affect legal practice ethics. Law practice is professionalized by adherence to ethical codes. Therefore, ethical considerations can appear to restrict the application of new technologies. Issues in technological communication arise in traditional areas like attorney-client privilege and newer areas involving social media usage by lawyers and clients. Expanding technology enhances communication but also increases the risk of third-party access, complicating the status of privileged communications and their potential waiver, among other consequences. These challenges relate directly to lawyers' ethical obligations regarding competence, confidentiality, communication, and the oversight of nonlawyers [13, 14].

Challenges of Technology in Legal Communication

The use of technology in legal writing, drafting, and editing is fraught with challenges. Some challenges are presented by technology itself: the speed of evolution in software and devices and the lack of comprehensive instruction on how best to use them. Others arise from developments in the broader world of connected technologies, especially the use of those technologies to explore and manipulate legal work product. The legal profession moves slowly. Law schools are conservative institutions. Licensing bodies are traditional organizations. Law firms require detailed approval processes. There are no rewards for embracing the new or for early adoption of untried tools. Meanwhile, the world of technology marches forward. The absence of customary concepts like ownership, source coding, and resume preparation leaves many in the legal profession paralyzed by the new world of technology. Exciting advances exist across the technological spectrum that might significantly enhance legal communication. Each application represents a long development run requiring investment both of money and time. Each application presents significant questions concerning training and support. A relatively inexpensive new technology may fade into obsolescence in a few months while a cross-department installation of an expensive enterprise technology might invite disaster, both internal and external. Also, how best to perpetuate the new applications daily, weekly, or monthly? How to keep up with advances in the best current applications and how to respond to misconduct and poor judgment both at the user's level and at higher ones? As soon as it appears one could follow one particular piece of exciting technology development, another just as interesting appears. Schooling and lawyering must remain broad and multi-dimensional. Nevertheless, experimentation with new technologies is essential, particularly for educators [15, 16].

Case Studies of Technology in Legal Communication

Faculty and students at the University of North Dakota started a collaborative project to develop a series of interactive technologies to enhance legal academic writing, research, and communication skills. The instructors chose to pilot the course on legal research and writing in summer 2013. As a year-long project, multi-year development of content, testing of technologies, and improvement of materials is anticipated. In fall 2013, a group of librarians at the University of North Dakota joined the project and began collaborating to develop interactive modules for legal research. It is hoped that this new series of content will be a valuable addition to students' skill sets. This Presentation focuses on considering a new combination of free interactive technologies that can be used to enhance delivery of content, create opportunities for practice, facilitate assessment, and encourage reflection. This presentation described how this combination of technologies was applied to develop modules focusing on legal communication skills and experiences designing creative assessment tools. It also detailed plans for developing a self-guided course combining three modules addressing legal writing for new hires: creating a predictive email subject line, writing a title block for a memo, and proofreading for typos and clarity. The modules, instructional materials, and experiences designing them were shared, along with first assessments of the students' experiences. Suggestions were provided for using the technologies to create additional modules. Participants had opportunities to ask questions about the modules and technologies used and how to create similar content [17, 18].

Future Trends in Legal Communication Technology

With the rapid evolution of technology, changes in lawyer-client communication are inevitable. Legal technology education is crucial to mitigate the risk of noncompliance with ethical obligations stemming from inadequate training, as law schools must prepare competent advocates. The Commission emphasizes that failing to use technology could breach ethical duties, while also expanding the attorney's responsibility to understand how technology affects clients' businesses. The revised text replaces specific mentions of telephone calls with the broader phrase "varies in form, mode of transmission, and location," which includes all communication channels. Lawyers must respond quickly to emails, as clients expect prompt communication; however, the Commission acknowledges the impossibility of guaranteeing electronic security, mirroring the risks of storing physical documents. This is particularly concerning given the heightened scrutiny over data breaches affecting law firms and federal agencies. The Ethics Committee notes the vast range of evolving technologies and recognizes the difficulty in pinpointing when violations occur. A clear standard of conduct specific to various technologies and communication methods is necessary, although guidance on complicated technologies like building information modeling or data mining for e-discovery is currently lacking [19, 20].

Training and Development for Legal Professionals

Advancements in technology have significantly transformed the landscape of legal work, particularly in the areas of client communications and legal writing. The advent of text messaging and instant messaging platforms has fundamentally altered the way lawyers interact with their clients, necessitating a profoundly deep understanding of the potential risks involved in these modern communication methods. It is crucial for educators and practicing lawyers to thoughtfully guide the next generation of legal professionals as they navigate this rapidly evolving landscape filled with both opportunities and pitfalls. New technologies present innovative methods for communication while simultaneously introducing challenges, especially when it comes to discussing sensitive matters with clients. This is particularly critical for those clients who may struggle to use technology effectively or who rely on older, insecure devices for their correspondence. Legal writing professors have a pivotal role in raising awareness of these pressing issues among aspiring lawyers. In tandem, the Internet and advancements in telecommunications have revolutionized how legal advice is delivered across the board, as emails and voicemails have largely replaced more traditional modes of communication such as phone calls and written letters. The ability for collaboration among colleagues has markedly improved, allowing

teams to engage in real-time research and draft documents efficiently through various web-based tools and platforms. However, alongside these advancements comes the rise of email communication, which presents its own unique set of challenges. While emails are easily recordable, they often lack the depth and thoughtfulness that characterizes traditional correspondence methods. Given the substantial ease of sending emails to numerous recipients simultaneously, lawyers must invest significant time and effort into perfecting the clarity and professionalism of their email communications. Legal writing faculty should emphasize the importance of clear thinking, thorough organization, and brevity in writing. This focus is essential to ensure that lawyers can uphold the expertise and authority that clients expect from their legal representatives. By prioritizing these elements in communication, the quality of client interactions can be preserved even in the face of rapidly advancing technology, ultimately benefiting both lawyers and their clients in a landscape that continues to evolve [21, 22].

Measuring the Effectiveness of Technology in Legal Communication

If law schools are to teach legal communication using technology, they must also assess what students have learned. Assessing student learning in the context of performance on a practical exercise can also realistically give instructors insight into those students' lawyering skills. Assessing the written communication skills of law students is a complicated task because of the competing interests at stake. Accordingly, it is helpful to start with a relatively simple assignment that presents students with a factual scenario and sets out the deliverables to be assessed. An appropriate first assignment would entail preparing a predicate writing sample for submission to a judge to support a motion for a change of venue. More advanced assignments can shift focus to assessing nuance in a particular application and tailoring legal communication to a narrower audience. Effective communication involves choosing the right methods, considerations of time and place, and an awareness of the audience. Although many academics still think of legal writing as writing memos, documents such as emails, briefs, and client letters all qualify as legal writing. As such, any assessment of whether students effectively communicated the law should account for the specific exercise. Permitting students a choice from deliverables reduces anxiety and brings ownership to the task while enhancing creativity. Students should also be required to submit their written assignments as attachments to emails that would be appropriate for the audience. In many ways, this adds complexity to the assignment and assessment but is an important consideration. Furthermore, asking students to think about method and format reinforces the idea that communication is a vital skill that law students will need in the future. It also provides insight into how students chose to present their legal communication to a particular audience, enabling more nuanced grading. Gradually moving towards more complex assignments will give students the opportunity to reflect on their process and improve it over time [23, 24].

Best Practices for Implementing Technology

The rapid proliferation of digital technologies has transformed communication and profoundly affected the practice of law. Today's attorneys must possess a range of communication skills far beyond the written and oral skills that traditional legal education emphasized. Although revised accreditation standards emphasized the need to teach students how to use technology in the practice of law, legal educators have lagged behind in fully implementing technology in the law school curriculum. Fully implementing technology means incorporating it into the delivery of legal education as well as into the course content. At the course content level, this means explicitly teaching students how to use technology to conduct legal research, write and edit documents, collaborate with others on legal matters, and communicate with clients. At the delivery level, this means considering how the course content is delivered and how students interact with the course content both in and outside the classroom. Legal educators can enhance the teaching and learning of practical legal writing and other communication skills through the use of technology. For example, traditional in-class writing assignments can be enhanced through the use of collaborative writing software. Additionally, traditional in-class, small group peer editing sessions could be augmented through the use of a video conferencing platform and screen sharing during asynchronous meetings, with a collaborative writing platform used to edit documents. Technology can also help with the organization and administration of practical

legal writing and other skills-based courses. With the emergence of numerous video clip sharing platforms, teachers can easily record, edit, upload, and share instructional videos with students. These instructional videos can be used not only to deliver direct instruction and provide feedback to students, but also to promote their independent learning. Moreover, easy-to-use website creation tools have paved the way for teachers to create websites for their courses at little or no cost. These websites can be immensely beneficial for hybrid, asynchronous, or entirely online courses. For example, assignment descriptions, guidelines, and samples could be publicly posted on websites for all students to access. In addition, course websites can serve as repositories for class materials and instructional videos. Notably, websites provide a means of organizing and storing the content produced for delivery-of-content purposes in a more structured manner so that learners can navigate the materials easily and locate what they need when they need it. Online platforms can also help with the formative assessment of skill-based courses. For example, students could submit peer feedback that could be collated before it is returned to the peer writer [25, 26].

CONCLUSION

The integration of technology into legal communication is no longer optional but essential. As legal professionals navigate a world increasingly defined by digital interaction, law schools must ensure students are equipped with the tools and ethical grounding to communicate effectively across platforms. From writing and speaking to interacting with clients and courts, technology can significantly enhance the clarity, efficiency, and accessibility of legal communication. However, this integration must be guided by a thoughtful approach that balances innovation with the core values of the legal profession—confidentiality, competence, and professionalism. Ethical training, robust feedback systems, and exposure to real-world technologies are critical components of a legal curriculum that prepares students for modern practice. Ultimately, embracing technology in legal communication empowers future lawyers to meet evolving expectations while upholding the integrity of the legal system.

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