



Continuing Legal Education: The Importance of Communication Training

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ABSTRACT

While legal education has traditionally prioritized hard skills such as legal writing, statutory analysis, and case law interpretation, there remains a significant gap in the development of communication skills among law students and practicing attorneys. This paper examines the importance of incorporating structured communication training within Continuing Legal Education (CLE) programs. Drawing on personal reflection, institutional practices, case studies, and the psycho-educational foundation of debate societies, the discussion underscores the practical relevance of communication in client interaction, courtroom persuasion, negotiation, and professional collaboration. The paper advocates for a reevaluation of curricular priorities in law faculties and CLE initiatives, emphasizing communication as not only a complementary asset but a core legal competency that enhances every facet of legal practice.

Keywords: Legal Education, Communication Skills, Continuing Legal Education (CLE), Soft Skills, Legal Practice, Debate Training, Client Relations.

INTRODUCTION

I have always been interested in how we do things. It has been over seven years since I worked with Education. Once I started the last phase of my formation, I combined these two passions and decided to ponder why, in Education, we do the things that we do. I shall do so by asking questions in the style of the first scholar with the academic background I was able to read. However, this paper shall not be on Education in general or on Education in the Faculty of Law in specific. I shall reflect on a very specific method of Education in the Faculty of Law: the communication training program and the debate society. The question I shall try to answer is: "Why should it present and why do we take part in it?". The audience of such pondering is expected to be only the members of the program and of the psycho-educational selection process, at least for the academic secretary of the Faculty of Law. Communicative skills and debating are both essential soft skills, not only for a lawyer or a judge but for almost any professional or social interaction. Nevertheless, great attention is put on the hard skills and great importance is given to them in stricto sensu evaluation methods. At the same time, it is ignored when it comes to soft skills. These are taken for granted and not ranked above the acquired knowledge. Thus, students should be left to act on their own. After five years of Law School, it is striking that students are not better at their communicative skills [1, 2].

The Role of Communication in Law

For those in the legal profession to communicate with clarity and precision is paramount. However, a review of CLE opportunities around the country shows that most states offer very few options when it comes to honing this essential skill. There is a plethora of CLE courses on topics like ethics, social media, e-discovery, and even appellate law, but practitioners who want to sharpen their communication skills are generally out of luck. Communication is a broad topic that can be tackled in countless ways. It can include instruction on more technical skills like enunciating, phrasing issues, eliminating fillers, and being more animated, but it also encompasses the larger concern of truly understanding one's audience, framing issues from their perspective, adapting to their communication styles, and principles of persuasion. These lawyers devote six hours to communication skills training to mix lecture, experiential learning, group discussion, and video critiques to ensure substantive understanding and lasting change. The quality of

communication is essential to every other skill exercised in the practice of law. In today's demanding environment, lawyers cannot afford to squander their verbal communication advantages; they must master their use of words. Effective communication in the practice of law is important because it makes clients founders and ferments the likelihood of referrals, repeat business and, ultimately, a successful practice; it increases the chance of successful negotiation and mediation; it persuades juries in favor of one party or another; it results in stronger briefs, motions, opinions and other written work; and it leads to productive relationships with fellow attorneys, judges, clerks, employees and even opposing counsel to enhance the pleasant of daily practice [3, 4].

Effective Communication Skills

Legal practitioners possess many skills which should be met, namely legal knowledge, analytical reasoning, advocacy skills, negotiation skills, emotional intelligence, ethics, etc. This technical knowledge and capabilities are defined as hard skills. However, those who work with Law know that being a lawyer is not just about knowing the law. Whether for substantial or practical reasons, it is necessary to apply this technical knowledge and capabilities in a certain manner. Soft skills are the interpersonal perspectives or capabilities that are part of the hard skill's best application. For almost all professionals, soft skills do affect technical skills in employment. In addition, and especially for lawyers, having a dazzling resume is not enough in the battle activities of the adversarial system. A lawyer might be ordinarily brilliant, yet if he/she cannot express it, he/she has a serious problem. In the State of Rio de Janeiro, there are monthly moot courts in the Court of Justice, where eager young lawyers argue their cases. Subsequently, the Court renders a decision judging the winner of the session. In some of the sessions, it is possible to observe well-documented arguments that do not prevail. Conversely, on other occasions, certain arguments do prevail even though they are poorly documented. It is quite clear: it is just a matter of communication. There might be a thousand good ideas; nonetheless, if they are not expressed clearly, they are useless. In addition, soft skills might be law-related, in the sense that they cannot be applied in other professions. Communication skills should and could be trained. Many concepts have to be taken into account to be able to communicate effectively: speech organization, argumentative structure, audience analysis, concentration, speech density, etc. Also, these concepts can be taught or trained on. By working and training with or about these concepts, it is hoped that one can be able to express his/her brilliant ideas clearly and persuasively [5, 6].

Impact on Client Relations

The communication skills lawyers apply are crucial to the quality of their interaction with clients and their efficacy in building relationships and trust with them. Good communication skills affect the efficiency of the lawyer-client interaction, facilitate the mixture of emotional and practical concerns, the formulation of objectives, and the choice of the appropriate procedure to adopt. Many complaints made to the Law Society against a lawyer stem from poor communication or misunderstanding. Competent communication is thus a prerequisite for effective client relations. Similar principles apply internationally about the importance of communication skills and client relations. Despite the significant consequences resulting from the lawyers' communication, it could be said that they pay little attention to this important area of competence and skill development during their Continuing Legal Education (CLE) training. Statutory CLE programs typically devote greater attention to substantive aspects of law in comparison to communication and other design-related issues. Much of the professional training that focuses on these initial and intermediary stages is informal and passed on only between generations. In part, this is a consequence of the relatively early stage of scientific research, which, because of professional apprehension of the ramifications of exposing lawyers' interviews to observation, has been harder to promote than would be research on arguments or presentation. Yet the initial stages of the interview and follow-ups have been seen as the hottest research territories. Nonetheless, some considerable work has been done, with surprising advances being made recently [7, 8].

Types of Communication in Legal Practice

The legal profession comprises different categories of practitioners, such as judges, attorneys-at-law, specialists in diverse areas of law, criminal law officers, legal assistants, and legal experts. As there are various branches of law, there are also different words and expressions used in each branch. In addition, legal concepts may differ in each branch of law and different jurisdictions as well. This creates difficulties in understanding the meaning of the text or speech. Given these, translators and interpreters specialized in law are needed to help understand the source texts and accurately produce target texts. Polysemy in the legal field is common. In every branch of law, there is a high number of keywords that have different meanings or senses in each branch of law. The same legal concept in one jurisdiction may have a different connotation and denotation in the other jurisdiction. Different jurisdictions may have different

denominations for the same legal concept. All these aspects create comprehension difficulties for translators, interpreters, and all practitioners handling documents or speeches written or spoken in a foreign language. These issues shouldn't be ignored by the translator and interpreter in the legal field, as they could cause serious consequences. This does not mean there cannot be any difficulties in translating and interpreting. These are difficult tasks that depend on the complexity of the written texts and speeches as well as on translators' and interpreters' knowledge and experience in that particular field. Like any other interpreting or translation, interpreting and translation in the legal field presuppose both linguistic and non-linguistic knowledge. Linguistic knowledge involves knowledge of target and foreign languages. Non-linguistic knowledge implies knowledge of extra-linguistic fields such as culture, the law of different states, cross-border treaties, etc. Legal interpreters and translators should have a better understanding of the law of the countries of the communicating parties in legal talks or of the diplomatic intercourse that regulates the relationship of two or more states. Having such knowledge helps to better produce the target text [9, 10].

Challenges In Legal Communication

Writing a legal document is different than writing a letter or a scientific article. Spelling and punctuation alone do not guarantee high-quality legal writing. Legal practitioners spend years building their legal knowledge and skills, yet they have little or no formal training in legal writing. A quality legal document is required to meet the standards of clarity, precision, conciseness, correctness, currency, completeness, comprehensibility, and cogency. In this regard, grammar and style are tightly interwoven, even though specific points call for the attention of legal practitioners. All sentences in a legal document must be grammatical. They should also follow the conventions of the relevant jurisdiction for capitalisation, numbering, cross-referencing, and formatting. The use of jargon terms and phrases should be avoided due to the readers' consideration. Formatting styles have been created to help legal practitioners present a legally effective document. Indeed, different jurisdictions require different types of formatting styles. Providing reasonableness and sound relations for a legal document requires more than grammar, style, or formatting. Unlike a good driver, a good legal practitioner needs to comprehend both the driving machine and the rules of traffic [11, 12].

Benefits Of Communication Training

Communication is an essential skill in law practice, and poor communication can lead to lawsuits and even disciplinary charges. Lawyers often have more communication training than attorneys; however, the training is generally ineffective, especially for non-English speakers. There is a strong need to teach lawyers-in-training the skills they will need to succeed both in their careers and in their professional life. Law schools should offer classes on cross-examination in a criminal case, talking with the media, dealing with a disagreement in an office, and being a true critic of the work product. The persuasive memo and oral argument should only be one-half of the assignments in legal writing courses. Overall, lawyers have a unique way of thinking that leads to the formulation of issues. Good communication is an art, but it can also be a science. Lawyers should assess their clients' communication needs and develop and implement a focused plan to meet those needs. As noted previously, educated people have their specialized vocabularies; different occupations and disciplines utilize special words that others do not. It is the lawyer's responsibility to help his or her clients comprehend the lawyer's thinking. Therefore, lawyers must understand the need to communicate at the same level as a client to achieve a common understanding of the situation. Traditionally, schools have focused significant classroom time on research and writing; however, as stated above, little effort has been made to teach communication skills. Law schools should amend their curricula to include writing and talking to clients, opposing counsel, co-counsel, and witnesses. These classes should be taught by attorneys with extensive experience in these areas who can share their stories of mistakes and successes. Students need to learn why some ways of expressing a thought are better than others. They need to understand what can be revealed in some ways of asking a question and what can be hidden. In addition to formal classes, schools should offer student-run programs that allow students to hone their skills [13, 14].

Methods of Communication Training

Effective communication training must be focused on one or more specific communicative tasks, with a comprehensive model specifying the component behavior and its underlying cognitive organization. Communication training has been conducted with both law and non-law audiences. For law audiences, a psychodrama-based concentration was designed to teach the skills to do excellent closing arguments and to present expert witnesses. For non-law audiences, a recovery-aimed communication training was developed. The construct of a referential communication task (RCT) was defined and compared with its originally developed and subsequently adapted task. Performance on the N-Chat encouraged comparison

of the communication of text- and picture-based RCTs. Such communication training can be extended into or adapted to other tasks and contexts, including negotiation. For an effective communication training based on applied psychology literature, the communication task must be definable. The task chosen can be a basic communicative act or a higher task incorporating basic acts. An approach to training other than a behavior-oriented one can be developed. The process of translating the task model into training materials is the best way to understand how to analyze a communicative activity for training purposes. Task models can be a comprehensive basis for communication training to ensure trainees are trained in the same acts as the best communicators, which can enable less skilled communicators to communicate better. The validity of referential models for training tasks has been demonstrated. It has been shown how task models find application in communication training, clarification communication training has been undertaken within legal and relocation contexts, and is adaptable to training in other tasks and other settings. Such comprehensive and specific frameworks are needed for change-oriented, communication skills training in law and elsewhere, because communication is a cultural and profession-specific human endeavor, and the choice of communicative acts is a joint function of cognitive resources and the contingencies of the task context [15, 16].

Measuring The Effectiveness of Training

Continuing Legal Education (CLE) programs are designed to improve the knowledge, skill, and professionalism of attorneys. The CLE development in this discussion is designed to improve communication training for attorneys who want to enhance their ability to conduct an interview or interrogation effectively. The CLE is designed to teach some techniques for conducting the interview or interrogation effectively. Therefore, without really knowing the user's background, it is unnecessary to provide too much time-consuming information about the background of the interview itself. The focus will be on providing the participants with knowledge and skill training on the most useful techniques that attorneys could use and exist in extensive literature. The Design of the CLE should include four steps. First, the Needs Assessment should describe the user's background as well as the need for the development of this training program. Second, in Training Design, there is a description of the design and organization of the training program. Third, in Training Implementation, there is a description of the suggested implementation of the training program. Finally, the Evaluation of Training Effectiveness should provide a thorough evaluation of training effectiveness through at least four different techniques. The Needs Assessment needs to include four components. First, the organization should provide a demographic description of the organization, including the name and job titles of potential users of the training program, the setting of the organization, and an organizational chart for the organization. Second, the skill training and training needs identification should describe the task being trained (both what the trainable skills are and how they fit into the overall task hierarchy). Third, a thorough training needs level description should be provided, including who needs to be trained specifically and why. Users should also be identified in terms of which previous skills they already have and which skills they are lacking. Fourth, an assessment of historical factors that might affect training design should be included to provide any potential designer with a useful background [17, 18].

Case Studies

As part of a negotiation and ADR course for mid-career international attorneys, I utilize various cases, including a modified version of the Savvy Samurai, to teach negotiations across different cultures. This case involves participants in diverse roles, such as samurai and ex-Nazis, allowing resolution through brainstorming and positional focus. However, its two-sided nature can lead to unproductive depth on one side. Another case, East End Valley, features a disruptive road in a scenic area, but it's problematic as it reveals the negatives of public agency comments misaligned with peer review rules, leading to ineffective distributive bargaining. This often leaves participants lost and favoring the opposing party, resulting in extensive, convoluted negotiations rather than intended short discussions. While one case was beneficial, the others proved difficult due to their structural flaws. Additionally, I teach a popular contract law case involving a sporting goods manufacturer negotiating exclusive selling rights to a new material. This case elaborates on leaving problematic contracts, the importance of silence, and dysfunctional founder relationships, providing valuable lessons for students. Following exposure to conflict avoidance, vital strategies emerge, emphasizing the utility of both effective and poor public speaking cases in learning. The Petticoat Lane case illustrates a nine-minute negotiation involving two contract points, sparking student engagement through its compelling facts. Its inquiry structure invites discussions on effective negotiation tactics, benefiting from a brief film that prompts lively debate, especially regarding the protagonist's moral choices. Observations on the film's humor often arise, creating an engaging prelude to the semester's intensive sessions. Highlighting the protagonist's competent portrayal fosters appreciation

for the skills accrued over generations in negotiations. Despite an agreement on the dullness of the campus post-Yale, the opposing systematic film serves to illustrate the limitations of overly condensed instructional approaches [19, 20].

Future Trends in Legal Communication Training

In recent years, law schools have been held accountable for what students know instead of how students learn. Standards and inquiry within the legal profession have caused schools to rethink methods of assessment, shifting the focus from curricular content to students' demonstrated understanding. The text describes a foolproof method of assessing future lawyers' communication skills as a result of this shift that is normal to any practitioner of human or computer-produced communication. Currently, there is no program within a law school or within a group of schools to assess whether students adequately communicate updates, analysis, or recommendations regarding client matters. However, a standard outlining competency in communicating understanding of legal matters could benefit law schools, bar examiners, and the public. Currently, the Class of 2023 will graduate at least six years post-COVID. Accordingly, expectations are that law schools will have evolved into advanced delivery systems. Specifically, communication competency assessment systems will exist similar to what is currently done at many law firms. This will comprise a series of written and oral assignments over a semester and log/track communication with each client. Peer assessments will be a part of each assignment along with iterative submissions, and all parts of the system will be immutable in that they will not change in content over time, ensuring that students do not have an advantage due to knowledge of the assessment or its process [21, 22].

CONCLUSION

Effective communication is not merely an accessory to legal expertise—it is a fundamental component of successful legal practice. Despite the overwhelming focus on doctrinal knowledge and technical competence in law schools and CLE programs, the ability to communicate clearly, persuasively, and empathetically remains underdeveloped in many legal professionals. This paper has shown that communication skills—whether in the courtroom, in client meetings, or across cultures and jurisdictions—can be taught, trained, and measured. Programs like debate societies and structured CLE modules rooted in experiential learning have demonstrated positive outcomes in this regard. To meet the evolving demands of the legal profession and ensure lawyers are fully equipped to serve their clients and communities, communication training must be elevated in legal education priorities. By bridging the divide between knowing the law and expressing it effectively, the legal field can foster not only more competent lawyers but more trusted and impactful advocates.

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