



The Role of Communication in Remote Legal Work

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ABSTRACT

The transition to remote work has significantly altered the communication landscape within the legal profession. Lawyers, paralegals, and staff now rely heavily on technology to maintain productivity, client relationships, and ethical standards. This paper examines the pivotal role communication plays in the success of remote legal work, emphasizing the technologies enabling this shift, the evolving nature of client interactions, and the professional challenges encountered. It also explores best practices for effective communication, the importance of structured training, and the impact of remote relationship building on legal careers. By analyzing case studies and reviewing technological implications, this study highlights strategies to optimize communication in remote legal environments, ensuring both efficiency and adherence to professional standards.

Keywords: Remote legal work, Legal communication, Technology in law, Client-lawyer communication, Ethical challenges, Remote work best practices.

INTRODUCTION

The adoption of remote work practices has transformed many facets of work for professionals in the legal field. Remote work typically refers to work performed at a location other than the employer's primary workplace. This involves the use of technology, such as virtual meeting platforms, email, and various cloud-based services, which allow workers to perform their jobs from anywhere. The COVID-19 pandemic caused a widespread shift to remote work, which has continued to some extent after many "normal" operations have resumed. Notably, remote work has become common for lawyers and staff working in law firms and offices. Attorneys and their staff have a plethora of tools for remote work communication. Commonly used tools include video conferencing and messaging, for email, for cloud-based file sharing, and legal research. eDiscovery technologies and case management software have also become more collaboratively viable in this arrangement. Technology is crucial for all aspects of remote work, from the candidate search, application, and onboarding processes to case collaboration and work submission. Tech that fosters video and audio interactions has helped maintain relationships with co-workers, clients, and opposing counsel, and it has allowed for both in-house and remote meetings of various sizes. Cloud-based software and tools have allowed for the sharing and editing of documents, research, and case materials to help with case collaboration. Communication is an essential skill for lawyers in all aspects of their practice, incorporates many facets, and comes in various forms. Thus, communication in the legal field pertains to written, verbal, in-person, and virtual communications with a variety of audiences, such as clients, courts, opposing counsel, witnesses, and other third parties. A lawyer's basic understanding of legal writing and effective presentation organization is expected by their clients and counterparts. Standards of communication, or behavioral expectations, vary depending on the person or group being addressed. In-house employee expectations, staffing, hierarchical, and relational dynamics vary greatly from one firm to another [1, 2].

Overview of Remote Legal Work

Law can be practiced globally today, from remote cabins to luxury hotels, due to the accessibility of secure internet connections. Remote legal work has become a permanent aspect of the profession, with technology enabling lawyers to operate from anywhere. This shift allows law firms to hire talent regardless of location, as long as attorneys are skilled, experienced, and licensed in appropriate jurisdictions. Clients can now seek legal counsel beyond their local area, enjoying a wider range of options

for interaction with their lawyers. They can connect through video calls or mobile apps in addition to traditional methods. Billing practices have also evolved; clients can log into online portals to view billable hours or access work products. Lawyers utilize technology for marketing and billing, while clients increasingly prefer texting over formal letters for communication. Social media and texts facilitate communication, allowing clients to shape messages, resulting in an environment where immediate and public exchanges are the norm. This shift has made it challenging for lawyers to communicate messages discreetly, as control over information has diminished. Lawyers also face scrutiny regarding the professionalism of their communication, influenced by the rapid dissemination of information and potential misinterpretation by clients and the public [3, 4].

Importance of Communication in Legal Practice

Communicating with clients is crucial in legal practice, encompassing oral, written, and electronic exchanges. It significantly impacts the Model Rules of Professional Conduct and various state rules. For instance, Rule 1.0 defines “reasonably,” and Rule 1.1 mandates the necessary knowledge and preparation for representation. Rule 1.4 focuses on a lawyer’s duty to inform clients and manage their responsiveness, while other rules like 4.4 and 8.4 further govern communication duties. New lawyers may find these obligations overwhelming, as many require experience gained over years, demanding ongoing adherence to rules and client expectations. Furthermore, technology can hinder the understanding and retention of these obligations. For new lawyers entering the job market, communication responsibilities may appear more complex than personal interactions, risking missed deadlines and potential penalties. Continuous, structured training tailored to adult learners is essential. This should cover ethical duties, standards for courtroom appearances, client updates, and billing practices. Such substantive training would equip new lawyers with the tools needed to navigate their roles, and mentor support through clear expectations and resources would enhance their confidence and effectiveness in practice [5, 6].

Types Of Communication in Remote Work

During the period of COVID-19-related initial lockdowns, officials and employees at the Finnish public sector organizations experienced a substantial change in their workplace. Their offices shifted to the workers’ homes, and face-to-face meetings became virtual discussions. This major change also influenced the communication among the employees. Classic communication types are the following: information, relational communication (RC), and organizational communication (OC). The employees’ responses mention information related to remote work, and OC challenges experienced by employees were prominent. This is concerning as previous studies of remote work-related challenges mention RC challenges as the most concerning. Lawyers rely on a litany of technologies, including telephones, email, cell phones, text messaging, and video conferencing to communicate with clients, which were not ubiquitous just 20 years ago [7, 8].

Tools and Technologies for Communication

Technology and communication tools transform how lawyers communicate with clients and conduct legal business. New technologies are developed continually; today’s fads become outdated tomorrow. Even while many of these technologies can very positively and dramatically impact law firms and the provision of legal services, they can present significant risks if not understood, evaluated, or used well. Technologies that may be risky include social media, email, encrypted messaging applications, blogs, voice over internet phone services, cloud computing, and location tracking. It is crucial that newer technologies be carefully evaluated before use and that policies be created regarding the use of those technologies. Because technology is evolving rapidly, however, there is no magical, one-size-fits-all solution. Traditionally, innovations in law firm technology have focused on two areas: efficiency and client service. Regarding efficiency, technology has automated processes and enabled quicker document generation. For example, word processing software can produce many kinds of documents. Even more specialized software can generate ‘boilerplate’ documents automatically by using pre-set criteria. Other technologies, such as citation checkers, automate the re-checking of case law footnotes. Quickly created and communicated work product promotes a law firm’s efficiency. Increased efficiency can result in increased income. Also included in the idea of efficiency is how technology enables a lawyer to fit more work into 24 hours. Smartphones permit a lawyer to work from virtually anywhere, freeing up time previously spent on commuting and allowing a lawyer to check voicemails, texts, and emails anywhere at any time [9, 10].

Challenges of Communication in Remote Legal Work

Since the COVID-19 pandemic began, remote legal work has become standard for law firms, especially larger ones. Lawyers, staff, and clients no longer need to be in the same location to communicate, thanks to advanced communication technologies that allow real-time connectivity and document sharing.

However, this mode of communication presents several challenges: (1) lack of proper etiquette, (2) information unfairness and miscommunication, (3) distractions, and (4) documentation chaos. In law firms, written communication is often favored over oral exchanges, particularly concerning sensitive issues, as lawyers prefer using emails to maintain audit trails. Many establish separate email accounts for internal communication to protect sensitive information and may restrict subject lines to avoid external queries. Despite this, many have shifted to oral communication for efficiency, which can lead to senior lawyers discussing matters without including junior members responsible for the work, creating a knowledge gap and overlooking concerns. To ensure clarity, law firms traditionally document conversations in memoranda, but this practice is lacking in remote communication. Consequently, lawyers often neglect to provide memos following remote conferences, resulting in ambiguity and unfair information distribution in competitive environments. Instead of consulting one another directly post-decision, lawyers may find it too burdensome to seek out notes later, leading to questions about whether separate follow-up meetings should occur depending on relationships within the ranks. Additionally, without chat histories or final reports, focus can wane during remote meetings, as lawyers may become distracted by tasks or unrelated content. In-person meetings tend to facilitate more constructive ideas, while remote setups may lead to misaligned expectations regarding meeting minutes. In terms of documentation, remote meeting notes might be scattered across various accounts and devices, complicating retrieval and causing concern for clients. Many firms have thus developed integrated digital platforms that facilitate meetings, document management, and progress tracking, aiming to streamline the process. However, these innovations might clash with existing systems familiar to lawyers, potentially leading to conflicts of interest [11, 12].

Best Practices for Effective Communication

With remote work rising, communication methods between management and legal teams affect productivity. Effective communication is essential for remote lawyers to maintain good relationships with in-house clients and other stakeholders. Well-crafted internal and external emails enhance comprehension and discussions through consistent organization and concise headings. Information should be logically grouped and clearly expressed, avoiding long phrases, with important points highlighted. Using a capable video conferencing platform enhances online meetings, while audio or video messages are more likely to be engaged with than lengthy internal emails. These messages can include key discussions and related documents to aid recipients' recall. In-house counsel feedback is essential for the legal team to achieve company goals, necessitating a straightforward tone. All advice must rely on accurate data and logical reasoning, with facts and law taking precedence. Clearer billing practices are vital due to the myth concerning lawyer fees; this involves transparent timekeeping and proactive alerts for unforeseen changes. In-house counsels should proactively work to earn clients' trust, sharing knowledge and strategies. Additionally, regular feedback on platform usage is crucial, as daily use doesn't ensure proficiency; inquiries on leveraging tools should be communicated with the tech team consistently [13, 14].

Building Relationships Remotely

Organizations that wish to succeed in remote work seek to utilize technology as an opportunity to bring people together in innovative and interactive ways. However, building and maintaining relationships, networks, and communities of practice in remote work becomes more complicated than anticipated. The responsibility for relationship building shifts from the organization to the individual employees, which may tempt some employees to withhold their time and resources toward building and maintaining relationships out of fear of the expectations and accountability attached to this effort. The burden of relationship building and network maintenance lies largely with the employees. As a result, the risk of mutual distancing increases. If a member of an organization chooses to limit relationship work or must prioritize their job away from it, a consequence of shifting accountability to individual employees arises: Should one choose not to invest in relationship building and maintenance, their career may stall, and opportunities for advancement may suffer. Furthermore, those trying to build relationships are faced with an expanded task with increased emotional burden. Information and communication technologies have transformed the way attorneys work and communicate with clients. However, the prevalence and diversity of technology haven't fully resolved the difficulties each technology creates. In fact, the ethical duties created prior to the expansion of this new medium often must now be interpreted or reanalyzed in light of its use. Used incorrectly, professional communication via technology can compromise the attorney-client relationship. Attorney-client contact through technology presents additional vulnerabilities that must be fully addressed. Today, more than ever, it is important to ensure that

attorneys and law students understand how to evaluate and regulate technology with a view to compliance with their ethical duties [15, 16].

Training and Development in Communication Skills

Good communication is an indispensable component for a successful teleworking task. Technology enhances the communication process between colleagues who are not in the same location. Nevertheless, working remotely raises some new challenges related to communication, creating a need for training. The moderation tool of the video conference application promotes feedback by offering feedback options to the participants during meetings through valuable emojis. Another helpful option is the provision of two screens by workplaces, allowing participants the view of participants and the ownership of their screens, so that any team of the video conference call does not hinder access to any task during the call. There are other tips for maintaining good communication and building a positive work environment in remote working, however, they already existed pre-COVID-19, and the pandemic did not create this group of good practices needing training in the digital way of working. Team members should prioritize a meeting preparation time for letting team members know what would be expected from them and allowing them preparation time to be able to participate more actively during the meeting. This expectation call and the call suggestions should also be sent via email before sending the meeting agenda to let team members prepare, should organize a welcomed ritual with more sociality in the first 5 minutes of the meeting to create an inclusive feeling, and should indicate the speaker during the call, for example, after the first back-and-forth meeting following a specific agenda item. In addition to team leaders, team members should also take great responsibility for good communication. There are some tips offered for team members for participating in remote meetings actively. Sense the positivity and the intention of the meeting and the meeting leader, prepare agendas and ideas, schedule follow-up appointments, take notes or comment on the call statistics, set follow-up reminders for their action items, share the agenda after the meeting, and take notes and comments on it, create the sense of inclusivity [17, 18].

Case Studies of Successful Remote Legal Teams

Technology can aid in discussing sensitive issues, but it must adhere to ethical guidelines. Clients often realize confidentiality risks when using phones or unsecured Internet, but struggle to grasp the threats from advanced tech. Even in solitary settings, information may be vulnerable. For instance, a lawyer learned that a sensitive case was discussed on a social media platform with numerous lawyers involved. Clients less familiar with technology may send paper mail or fax, while those using only smartphones may struggle to share complete contracts due to screen limitations. Law students and professors overly focus on new technology, overlooking that clients have varying levels of tech access and understanding. A new employee required substantial time to learn the firm's software, discovering that changing computers alters everything. Clients using public devices or systems accessible to third parties, like library computers or phones in noisy areas, compromise privacy. Also, clients might carelessly discuss their situations publicly, risking exposure. Lawyers must be precise in every client conversation. One individual was charged with Domestic Violence but didn't disclose critical details to his lawyer, who missed vital context. Ultimately, evidence cleared the charged individual, highlighting the need for careful communication [19, 20].

Future Trends in Remote Legal Communication

The Committee values feedback on this working paper, which will be revised accordingly. Technological advancements since the drafting of Ethical Rule 1.2 show that while advancements in legal technology are essential, significant progress is lacking in client communication, a critical aspect of ethical representation. Despite improvements in word processing and automation for associates, the means of communication with clients remains stagnant. The need for efficient, ethical representation is highlighted by cases that reveal the vulnerability of clients who cannot afford alternatives. Securing sensitive communications often mandates in-person meetings and established ground rules, as similar concerns have largely been addressed with mobile devices. The lack of competition in this area mirrors the restrictive conditions found in certain internet monopolies. While there are options for secure online communication storage, concerns arise about the capitalist motives driving technological development, where professionals' data may be exploited similarly to medical records. Addressing these issues is straightforward, but creating a concise thesis that meets academic standards poses a greater challenge, inviting novel commentary worthy of further exploration. [21, 22].

Legal and Ethical Considerations

The attorney-client relationship is often unbalanced, with both parties having rights and obligations. To offer comprehensive services, barristers must carefully consider technology's legal effectiveness and ethical compliance, while also managing associated risks, including potential breaches of conduct, loss of

client service, and litigation. Pro bono representation involves additional challenges, such as losing control of confidential information and misrepresenting the nature of services provided, which can shift from attorney-client to commercial interactions. An attorney's understanding of technology's impact on documentation is complex, influenced by practice areas, court jurisdictions, and firm policies. Risks range from loss of protections to serious ethical breaches that could lead to denied service. The nature of pro bono work with technology is shaped by dignity, legality, and the firm's vision, making it susceptible to external factors that limit its clarity and creativity compared to other scenarios. Despite these concerns, there has been little moral outcry in legal discourse regarding technology use in pro bono work. Pro bono programs are often underfunded, yet more in-house counsel are engaging in such efforts, although the extent of this trend is uncertain. Ultimately, firms must recognize the ethical implications and collaborate with tech firms in corporate social responsibility [23, 24].

CONCLUSION

The evolution of remote legal work has made effective communication more critical than ever before. As technology bridges physical gaps, it simultaneously introduces new ethical, logistical, and relational challenges. Legal professionals must adapt to a dynamic communication environment, leveraging appropriate technologies while maintaining clarity, confidentiality, and professionalism. Structured training in communication skills and technology use is vital to ensure compliance with ethical obligations and foster strong client relationships. Additionally, individuals must take proactive responsibility for building and sustaining professional networks remotely. Firms that prioritize communication excellence, invest in ongoing training, and implement best practices will be best positioned to thrive in the increasingly digital legal landscape.

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CITE AS: Kato Bukenya T. (2025). The Role of Communication in Remote Legal Work. RESEARCH INVENTION JOURNAL OF LAW, COMMUNICATION AND LANGUAGES 5(2):60-65. <https://doi.org/10.59298/RIJLCL/2025/526065>