

The Ethics of Communication in Legal Practice

Akwagiobe Richard Akpanke and Aminu Bakori Mohammed

Faculty of Law Kampala International University Uganda

ABSTRACT

Communication is central to the legal profession, encompassing activities such as client counseling, advocacy, negotiation, and public representation. This paper examines the ethical dimensions of communication in legal practice, emphasizing its role in fostering trust, maintaining professional integrity, and ensuring justice. Key areas of focus include the importance of ethical communication in upholding the lawyer-client relationship, the influence of professional standards and rules governing legal communication, and common dilemmas faced by practitioners. The paper also outlines best practices for ethical communication, stressing transparency, clarity, and adherence to professional guidelines. Finally, it advocates for enhanced training to equip legal professionals with the skills needed to navigate ethical challenges in an evolving legal landscape.

Keywords: Legal ethics, communication in law, lawyer-client relationship, professional standards, ethical dilemmas, legal practice.

INTRODUCTION

Communication is a pervasive part of the practice of law. Lawyers engage in many types of communication when advising and representing clients, teaching students, and attempting to change the law. These communications are often complex because of the mixture of technical and lay audiences; they involve persuasion, counseling, and explanation and, in legal practice, carry ethical implications. While clear communication of legal concepts and rules is important for legal accuracy because of rules that require knowledge and consent of legal rights and responsibilities in areas such as contractual matters, estate planning, and the execution of legal documents, there are also separate obligations to "advise" the client of information "reasonably necessary for the client to make informed decisions" as part of counseling. Furthermore, interpreters,

translators, and others who help in communication must adhere to similar ethical guidelines for communication in their work, and clear communication is important to avoid legal malpractice related to misunderstandings [1, 2]. Ethical communication has been highlighted in the legal literature as an issue of academic interest as lawyers grapple with the increasing participatory role of clients in legal representation. Attorneys constantly are confronted with the ethical challenges raised by the changing needs of their clients, as well as by diverse cultures, pluralistic belief systems, and rapidly advancing technology. Given the pervasiveness and importance of communication as an ethical issue in the law, the organization of this symposium around the theme of "Ethical Communication and Legal Practice" is timely [3, 4].

Importance of Ethical Communication in Legal Practice

Ethical communication is considered to be a keystone to the efficient functioning of legal practice and access to justice. Ethical means of contact are also important building blocks of the client-lawyer relationship and ensuring that the public maintains its trust in legal services and the reputation of an individual's legal deeds.

Ethical communication is believed to be essential to protecting the integrity of court proceedings and the legal system, and removing suspicion and secrecy associated with them. The proper functioning of these areas provides a means for validation and removal of prejudice. As a result, any deliberation impacts the

knowledge of the informed public in political or scholarly debates [5, 6]. Ethical issues at the heart of communication can influence the conduct of a trial and also the decisions reached by a jury. Certain types of language and speech can attract theories of miscarriages of justice. Unjust outcomes have been related to prejudicial language that creates emotions that side with or against a victim or accused. Ethical implications can also arise from the inaccurate information expressed or allowed. Communication without due accuracy can inhibit access to services a client might need. Similarly, inaccuracies, particularly in the context of negative information about clients, can damage the interests or credibility of those

Professional Standards and Rules Governing Communication in the Legal Field

There are multiple standards governing the professional conduct of lawyers in their communications with clients, opposing parties, and the court. Most, if not all, of those standards state that lawyers should comply with the law in the jurisdiction where they are practicing, but they also establish, at times, more stringent rules. Commentators often are uncertain as to whether to appeal to those standards because of the danger that those rules and standards may inhibit what is allowed for attorneys to do under the law, or because the applicable standard is helping establish criteria for standards governing relevant codes of professional conduct. Most, if not all, of those standards call for confidentiality in communication between attorneys and clients, honesty, and comportment that respects the process and the professionalism of opposing lawyers. The difference in the rules

Common Ethical Dilemmas in Legal Communication

The writer's goal is to sharpen the focus of legal practitioners on the ethical considerations that arise when they partake in certain communication practices. The most common ethical dilemmas that will be discussed in this section include: [11, 12]. The ethical obligations of the practitioner when a conflict of interest exists due to creating certain forms of representations. The practitioner's responsibility to create a truthful yet not legally accurate representation when the facts are not yet clear. The practitioner's duty to disclose confidential information to the extent needed to represent the client's interests when a client has disclosed something that may be harmful to another and should be revealed to fulfill a legal

Best Practices for Ethical Communication in Legal Practice

The law is a practice built around knowledge and information, connecting us to our clients in

clients. Additionally, a member providing inaccurate advice to clients or arising from engagement can also be damaging to the reputation of a lawyer. Such omissions are failures of duty and become arbitrary preferences of a communicator torn between their duty and prejudice and the withholding of information. The effects stemming from challenges impacting ethical communication can arouse groundless discredit in the system and the legal practitioner. Over time, they can harm the respect, confidence, and integrity rightfully attached to the system and the legal profession. Thus, we might say that ethical communication is a necessary and integral part of being a practicing lawyer [7, 8].

promulgated by various professional organizations further poses a challenge to the legal consultant. Lawyers have clients from other jurisdictions, and this creates a level of confusion regarding basic standards about, for example, communication with opposing counsel. It is not only that jurisdictions vary; there are still different areas in which there is a lack of consonance within the same given jurisdiction. Lawyers practice in federal court systems and in some states that are trial courts, but ultimately, top courts in the hierarchy have different rules regarding attorney conduct. It is all the more important for the legal consultant to understand what rules govern communication because the potential repercussions can be quite harsh. Violating applicable rules can sanction a lawyer. Examples of disciplinary actions include restitution to the party who is injured and an injunction against a lawyer's license [9, 10].

duty or prevent imminent harm. Subjective ethical considerations when using the facts of a specific independent company to negotiate a good deal for the client [13, 14]. Anytime difficulties such as the dilemmas we will present arise, they are inevitably accompanied by potential pressures to make choices that may not always be ethically sound. The choices made can lead to a significant change in the perception that the client being represented has of the profession, and thus, a corresponding change in the view of the legal community as a whole. Some brief case studies or hypotheticals have been suggested to help in highlighting the various dilemmas we will discuss [15, 16].

often vulnerable spaces. The readings emphasize effective communication, with trust being

paramount in all written work, especially in legal practice. Operating within ethical obligations means striving for more than just avoiding ethical pitfalls. Lawyers must excel in written communication, but effectiveness also relies on interpersonal skills and active listening. Trust is fostered when clients feel heard and understood, which can be achieved by reflecting on their statements for clarification, boosting their confidence from the initial consultation. Transparency is essential in communication, enabling clients to understand case statuses or legal concepts whenever they wish. Being over-prepared is preferable, as clients may not always have internet access. Communicating processes that serve clients' interests effectively is crucial. Alongside transparency, conciseness is necessary, especially when discussing complex issues with audiences unfamiliar with the subject. Clarity should be a fundamental practice area, as legal jargon can be confusing. While generalizations are acceptable, clients should be informed about the likelihood of possible outcomes. Specific details about court rules or statutes can influence behavior, and clients should not only hear what they want; directness is vital. The

need to enhance consumer access and adapt to changing communication times is significant. Staying updated on ethical guidelines is essential, as these can have domestic and international consequences. The Model Rules influence the duties of legal professionals and have global implications. Additional training is necessary to help professionals navigate the increasingly complex legal and ethical regulations related to communication. Trust is built through accurate and timely information exchange, but the handling and explanation of facts are equally important. The brand of a legal professional reflects the industry as a whole, making ethical implications far-reaching and varied. Communication training for legal professionals should enhance their participation in the legal process without disrupting its natural flow. It should also aid in evaluating, summarizing, and synthesizing complex information relevant to legal decisions. Ultimately, training and practice should promote ethical and considerate communication, embracing processes and values while improving public confidence in legal practice [17, 18].

CONCLUSION

Ethical communication is a cornerstone of the legal profession, underpinning the trust, integrity, and effectiveness of legal practice. Lawyers must navigate a complex interplay of legal, ethical, and cultural factors while communicating with clients, courts, and opposing parties. By adhering to professional standards, embracing transparency, and practicing clear and concise communication, legal professionals can enhance access to justice

and uphold the public's confidence in the legal system. Furthermore, ongoing training and awareness of ethical guidelines are essential to address emerging challenges, including technological advancements and cultural pluralism. As the legal landscape continues to evolve, the commitment to ethical communication will remain vital for fostering trust and ensuring justice in diverse and dynamic contexts.

REFERENCES

1. Wang C, Liu S, Yang H, Guo J, Wu Y, Liu J. Ethical considerations of using ChatGPT in health care. *Journal of Medical Internet Research*. 2023 Aug 11;25:e48009.
2. Zhou J, Müller H, Holzinger A, Chen F. Ethical ChatGPT: Concerns, challenges, and commandments. *Electronics*. 2024 Aug 28;13(17):3417.
3. Kaddoura S, Al Hussein F. The rising trend of Metaverse in education: Challenges, opportunities, and ethical considerations. *PeerJ Computer Science*. 2023 Feb 13;9:e1252.
4. Hakimi L, Eynon R, Murphy VA. The ethics of using digital trace data in education: A thematic review of the research landscape. *Review of educational research*. 2021 Oct;91(5):671-717. sagepub.com
5. Amato R, Velicogna M. Cross-Border Document Service Procedures in the EU from the Perspective of Italian Practitioners—The Lessons Learnt and the Process of Digitalisation of the Procedure through e-CODEX. *Laws*. 2022 Nov 10;11(6):81.
6. Jin Y. 'The best of both worlds': The Crisis Communication Think Tank (CCTT) approach to the quest for crisis management keystone. *Journal of Contingencies and Crisis Management*. 2023 Dec;31(4):968-72.
7. Pilecki B, Luoma JB, Bathje GJ, Rhea J, Narloch VF. Ethical and legal issues in psychedelic harm reduction and integration therapy. *Harm Reduction*

- Journal. 2021 Apr 7;18(1):40. springer.com
8. Díaz-Rodríguez N, Del Ser J, Coeckelbergh M, de Prado ML, Herrera-Viedma E, Herrera F. Connecting the dots in trustworthy Artificial Intelligence: From AI principles, ethics, and key requirements to responsible AI systems and regulation. *Information Fusion*. 2023 Nov 1;99:101896. sciencedirect.com
 9. Klymenko O, Kosenkov O, Meisenbacher S, Elahidoost P, Mendez D, Matthes F. Understanding the implementation of technical measures in the process of data privacy compliance: a qualitative study. In *Proceedings of the 16th ACM/IEEE International Symposium on Empirical Software Engineering and Measurement 2022* Sep 19 (pp. 261-271). [PDF]
 10. Lathan HS, Kwan A, Takats C, Tanner JP, Wormer R, Romero D, Jones HE. Ethical considerations and methodological uses of Facebook data in public health research: A systematic review. *Social Science & Medicine*. 2023 Apr 1;322:115807.
 11. Newman PA, Guta A, Black T. Ethical considerations for qualitative research methods during the COVID-19 pandemic and other emergency situations: Navigating the virtual field. *International Journal of Qualitative Methods*. 2021 Sep 18;20:16094069211047823. sagepub.com
 12. Perlman A. The implications of ChatGPT for legal services and society. *Mich. Tech. L. Rev.*. 2023;30:1.
 13. Raines JC, Cox T. The process of ethical decision making in school social work. *School social work: Practice, policy, and research*. 2021 Aug 18:81.
 14. Walker A, Butters RP, Nichols E. "I would report it even if they have not committed anything": Social service students' attitudes toward minor-attracted people. *Sexual Abuse*. 2022 Feb;34(1):52-77.
 15. Zaami S, Orrico A, Signore F, Cavaliere AF, Mazzi M, Marinelli E. Ethical, Legal and Social Issues (ELSI) Associated with Non-Invasive Prenatal Testing: Reflections on the Evolution of Prenatal Diagnosis and Procreative Choices. *Genes*. 2021 Jan 30;12(2):204. mdpi.com
 16. Ajiga D, Okeleke PA, Folorunsho SO, Ezeigweneme C. Navigating ethical considerations in software development and deployment in technological giants. *International Journal of Ethics and Research Utilization*. 2024;7(1).
 17. Weiste E, Käpykangas S, Uusitalo LL, Stevanovic M. Being heard, exerting influence, or knowing how to play the game? Expectations of client involvement among social and health care professionals and clients. *International Journal of Environmental Research and Public Health*. 2020 Aug;17(16):5653. mdpi.com
 18. Lansing AE, Romero NJ, Siantz E, Silva V, Center K, Casteel D, Gilmer T. Building trust: Leadership reflections on community empowerment and engagement in a large urban initiative. *BMC Public Health*. 2023 Jun 28;23(1):1252. springer.com

CITE AS: Akwagiobe Richard Akpanke and Aminu Bakori Mohammed (2025). The Ethics of Communication in Legal Practice. IDOSR JOURNAL OF ARTS AND MANAGEMENT 10(1):28-31. <https://doi.org/10.59298/IDOSRJAM/2025/101.283100>