

# The Evolution of Legal Communication in the Digital Age

Nyiramukama Diana Kashaka

Faculty of Education, Kampala International University, Uganda

## ABSTRACT

This study investigates the transformation of legal communication driven by advancements in digital technology. Historically rooted in print culture, the legal profession has experienced profound changes with the advent of the internet and related innovations. While digital tools have enhanced efficiency and accessibility, they have also introduced challenges such as cybersecurity risks, confidentiality concerns, and ethical dilemmas. This paper examines the historical context of legal communication, technological advancements, challenges, opportunities, and the ethical and regulatory considerations emerging in the digital age. It advocates for a balanced approach where technology complements traditional legal values without compromising professionalism or client trust.

**Keywords:** Legal communication, Digital technology, Ethical considerations, Attorney-client confidentiality.

## INTRODUCTION

Legal communication theory is generally concerned with describing ways in which humans exchange messages in legal settings. This necessitates the need for parties involved to engage in adherence to traditional methods, a feature that has been largely collapsed by digital technologies. The traditional means of communicating legal messages have been dominated by the print-based culture. This is a historical situation, and much of the transformation of law and its communication has been influenced by technology and the digital age [1, 2]. Even though how words are transmitted and received has been thoroughly transformed due to digital technologies, digital tools are used infrequently and inefficiently by most legal professionals. Legal documents of every kind are widely available, freely or for purchase as downloads. Email has become widespread; many lawyers communicate with their clients and, at times, one another via SMS. The fax machine has remained a staple of the office, and the mobile phone, as a text messaging tool, computer, and voice communication device, is commonly used. This makes one ask what may be the reasons for the failure of lawyers to capitalize on the opportunities presented by technology in what is essentially a communication environment. What are the reasons for the digital device revolution with implications for legal communication? What are its attendant impacts on the business of legal studies, processes, and professional services, especially in the fields of law libraries, teaching methods, and publications? [3, 4].

### Historical Context of Legal Communication

Legal communication has evolved significantly over time due to changes in society. The practice of creating and distributing legal documents has changed in response to these changing needs, and thus the current legal communication system has evolved from these foundational practices. Key technical and communicative milestones that have forced modern legal communication to adapt include the development of the printing press, written language on paper, and the rise of the internet. Legal systems and contexts are always reflective of their inhabited communication world, and this becomes evident when researching the historical evolution of legal communication [5, 6]. The technological milestones that these oppositional positions would highlight in the development of legal communication are the development of the printing press and the rise of the internet. These milestones each revolutionized widespread communication and laid the foundational practices for legal communication in their respective eras. Simultaneously, further delving beyond these milestones, one can consider which documents were

disseminated and through what means, and how legal practice engaged with contemporary communication systems. As for the intellectual context, it stresses the reciprocal relationship between technology and legal doctrine. This could be developed through a review of how the characteristics of the internet and the communication dynamics of the web have led regulators to create legal frameworks that counteract these developments in pursuing traditional communication values. Understanding the intrinsic feedback loop between communication technology and legal doctrine is crucial if the interdisciplinary study of law and technology is to go deeper than merely describing how law has responded to these technologies [7, 8].

### **Technological Advancements in Legal Communication**

In the digital age, powerful tools have proliferated, changing the way the law is communicated and practiced. The widespread use of email has made instantaneous communication the norm, cutting turnaround times and reducing delays in the legal process. At the same time, specialized legal research tools connect attorneys to a vast digital database of case law and statutes. Specialized document assembly software and case management software make systematizing routine document creation and keeping track of court and filing procedures easier. Social media, while not easily controllable, allows attorneys to connect digitally with potential clients. Now, tools exist for virtual in-person communication [9, 10]. The pace of technological change and innovation continues to quicken. Digital filings in almost all jurisdictions have reduced wasted time driving to and from the courthouse or the Secretary of State and even legalized the practice of law to be more accessible across the state. Most jurisdictions allow electronic filing. Internet access and tools are breaking down barriers of accessibility by providing virtual access to the courts, including real-time electronic transcriptions, electronic filing, and internet-based case searches. Information stored electronically is easier to access and harder to lose - it is more transparent. But transformative or not, the current benefits of digital technology are not without drawbacks. The greatest drawback of electronic messaging is the abundance of it. Furthermore, mobile technology discourages in-person communication and face-to-face meetings [11, 12].

### **Challenges and Opportunities in Digital Legal Communication**

Digital legal communication presents a conundrum, with both unique challenges and opportunities. Although it increases access to legal information, this also exposes attorney work products to legal tech companies for algorithmic abstraction. There are health confidentiality and cybersecurity risks associated with digital dissemination. Additionally, digital conversations between legal professionals or clients is not entirely private. Those risks aside, there may also flow from data-mining algorithms that sift through digital legal documents looking for clues that human beings may not notice. Inexpensive, rapid replication can result in a single legal advice model reaching lawyer users diverse in geography, law, and principle. And although the potential for miscommunication is physiological and should not be attributed solely to electronic communication, dependence on paperless means of communication for a living may lead to non-perfection of the attorney-client relationship, in digital or non-digital contexts. Perhaps, it can lead to unprofessional conduct in respect of confidentiality and competence [13, 14]. Nonetheless, digitally we communicate. As members of the legal profession, we should communicate our ideas with understanding and intent, not by default. As we address challenges of digital scholarly communication, understand that they need not be an on-off switch, a condition of existence. Neither do the risks of synonymy and ambiguity, e-discovery, confidentiality, efficiency, or professionalism give over to the prospects, or vice versa. For example, while confidential review is something you will not find on the online pages of a viewlet, that decrease in candor might emerge down the road in an off-the-record discussion at a closed workshop. The communication professional, or the legal scholar, hopes to balance confidentiality concerns with the desire to gain a readership. In short, there are increasing concerns about the professional and ethical responsibilities of lawyers who effectively blog. Just as the law reviews leaned full-text in the pre-blog period, these digital blog models are extending a broader readership, but a different game of risk [15, 16].

### **Ethical and Regulatory Considerations**

Special legal and regulatory frameworks govern lawyers' and judges' ability to communicate ideas and information. For lawyers, attorney-client confidentiality concerns the protected relationship between the lawyer and the individuals they represent. Professional responsibility further states that as professionals, lawyers hold a duty to maintain and protect the confidentiality of information shared during the attorney-client relationship. Judges are similarly governed by confidentiality laws, rules, and regulations both federally and locally. Federal judges face regulation regarding extrajudicial activities and compliance with codes of conduct. Additionally, state judicial commissions and committees often exercise discretion for disciplinary committees and courts regarding individual judicial issues [17, 18]. The use of online platforms and document writing programs can bring unintended consequences as well. The Standing

Committee on Ethics and Professional Responsibility has provided rules and opinions regarding ethics in the information age, as well as in communication with the public and media. There is a wariness of the vast popularity of social media and other online platforms and an emphasis that lawyers have both a professional duty and interest in protecting personal and client details from dissemination to the public or others. There are also laws on a variety of communication fronts, including clients, opposition, and the public and media. Oftentimes, articles do not comport with traditional attorney advertising regulations. New technology only further challenges these long-standing ethical obligations. It is urged that the balance of innovation and professional responsibility, particularly in legal professionals, is only worth exploring with vigilance. As technology continues to morph, so too must ethical regulations. More than ever before, it is essential to respect the bounds of technology and public sensibilities [19, 20].

### CONCLUSION

The evolution of legal communication in the digital age marks an important shift in how legal professionals interact, share information, and fulfill their roles. While technology offers unparalleled opportunities for enhancing efficiency, accessibility, and transparency, it also raises significant ethical and practical challenges. Ensuring the responsible use of digital tools is imperative to maintaining the integrity of the legal profession. By embracing innovation while adhering to fundamental principles of confidentiality, professionalism, and fairness, the legal field can successfully navigate the complexities of digital transformation and set a precedent for future advancements.

### REFERENCES

1. Venter E. Challenges for meaningful interpersonal communication in a digital era. *HTS: Theological Studies*. 2019 Jan 1;75(1):1-6.
2. Trenholm S. *Thinking through communication: An introduction to the study of human communication*. Routledge; 2020 Aug 23.
3. Schmitz AJ, Zeleznikow J. Intelligent legal tech to empower self-represented litigants. *Colum. Sci. & Tech. L. Rev.*. 2021;23:142.
4. Cajander Å, Larusdottir M, Geiser JL. UX professionals' learning and usage of UX methods in agile. *Information and Software Technology*. 2022 Nov 1;151:107005. [sciencedirect.com](https://www.sciencedirect.com)
5. Seijas Costa R, Barredo Ibáñez D, Cea Esteruelas N. Evolutionary regulatory dynamics in a pluralist and polarized journalism landscape: a case study of the normative framework in Spanish media. *Frontiers in Communication*. 2024 Jun 10;9:1424096. [frontiersin.org](https://www.frontiersin.org)
6. Clements ML, Foltz KA, Sawicki S. Ethics, technology, and standard practice in communication centers: Proposing a continuing education credit program based on lessons learned from law, business, and healthcare. *Communication Center Journal*. 2021 Dec 30;7(1):34-52. [uncg.edu](https://www.uncg.edu)
7. Enaifoghe A. Digitalisation of African Economies in the Fourth Industrial Revolution: Opportunities for Growth and Industrialisation. *African Journal of Development Studies*. 2021 Jun 1;11(2).
8. Fenwick M, McCahery JA, Vermeulen EP. Will the world ever be the same after COVID-19? Two lessons from the first global crisis of a digital age. *European Business Organization Law Review*. 2021 Mar;22:125-45. [springer.com](https://www.springer.com)
9. Marquis YA, Oladoyinbo TO, Olabanji SO, Olaniyi OO, Ajayi SA. Proliferation of AI tools: A multifaceted evaluation of user perceptions and emerging trend. *Asian Journal of Advanced Research and Reports*. 2024 Jan 9;18(1):30-5. [stmdigitallibrary.com](https://www.stmdigitallibrary.com)
10. Carrapico H, Farrand B. Discursive continuity and change in the time of Covid-19: the case of EU cybersecurity policy. *Journal of European Integration*. 2020 Nov 16;42(8):1111-26.
11. Sourdin T, Li B, McNamara DM. Court innovations and access to justice in times of crisis. *Health policy and technology*. 2020 Dec 1;9(4):447-53.
12. Wright SS, Kreisel KM, Hitt JC, Pagaoa MA, Weinstock HS, Thorpe PG. Impact of the COVID-19 pandemic on Centers for Disease Control and Prevention-funded sexually transmitted disease programs. *Sexually transmitted diseases*. 2022 Apr 1;49(4):e61-3. [nih.gov](https://www.nih.gov)
13. Bender M. Unmuted: Solutions to safeguard constitutional rights in virtual courtrooms and how technology can expand access to quality counsel and transparency in the criminal justice system. *Vill. L. Rev.*. 2021;66:1.
14. Dubois C. How do lawyers engineer and develop legaltech projects?: A story of opportunities, platforms, creative rationalities, and strategies. *Law, Technology and Humans*. 2021 Jan 1;3(1):68-81.
15. Lawson ND. "To Be a Good Lawyer, One Has to Be a Healthy Lawyer": Lawyer Well-Being, Discrimination, and Discretionary Systems of Discipline. *Geo. J. Legal Ethics*. 2021;34:65.

16. Crystal NM, Giesel GM. Professional Responsibility: Problems of Practice and the Profession [Connected EBook with Study Center]. Aspen Publishing; 2024 Feb 6.
17. De Visser M. Promoting Constitutional Literacy: What Role for Courts?. *German Law Journal*. 2022 Oct;23(8):1121-38.
18. Igbinenikaro E, Adewusi AO. Developing international policy guidelines for managing cross-border insolvencies in the digital economy. *International Journal of Management & Entrepreneurship Research*. 2024 Apr 7;6(4):1034-48. [fepbl.com](http://fepbl.com)
19. Stahl BC, Rodrigues R, Santiago N, Macnish K. A European Agency for Artificial Intelligence: Protecting fundamental rights and ethical values. *Computer Law & Security Review*. 2022 Jul 1;45:105661. [sciencedirect.com](http://sciencedirect.com)
20. 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](http://sciencedirect.com)

**CITE AS: Nyiramukama Diana Kashaka (2024). The Evolution of Legal Communication in the Digital Age. NEWPORT INTERNATIONAL JOURNAL OF CURRENT ISSUES IN ARTS AND MANAGEMENT, 5(3):22-25 <https://doi.org/10.59298/NIJCIAM/2024/5.3.22250>**