

BBA LLB Sem 1

Business Communication

Module 1

Introduction to Business Communication

Sub Topic- Importance of Communication Skills

The Importance of Communication in Law.

Communication is an essential component in any relationship, and this holds true for the relationship between a lawyer and their clients. The effectiveness of communication between a client and their lawyer can significantly impact the outcome of a legal case. Therefore, it is crucial that lawyers and clients establish clear lines of communication from the outset.

In the legal profession, communication is key. Lawyers must communicate effectively with their clients to gain a comprehensive understanding of their legal matter. This includes understanding the details of the case, the client's objectives, and any important deadlines or limitations. A lawyer who listens to their client's needs and concerns can provide better legal representation and guidance.

The Importance of Communication in Law.

- On the other hand, clients must also communicate effectively with their lawyer. It is essential that they provide their lawyer with all the necessary information regarding the legal matter at hand. Clients must also be forthcoming about any relevant information, even if it may be damaging to their case. This information allows the lawyer to provide the best possible legal representation.
- Effective communication also involves keeping clients informed about the progress of their case. Clients want to know what is happening with their case and how it is progressing. A lawyer who keeps their client informed can build trust and confidence with their client. This communication can also help manage expectations and prepare clients for any potential outcomes.

The Importance of Communication in Law.

- In addition to verbal communication, written communication is also important in legal matters. Lawyers must draft legal documents, such as contracts, pleadings, and motions. These documents must be clear and concise to avoid any misunderstandings. Clients must also provide their lawyer with accurate and truthful written statements to support their case.
- To sum up, communication is a critical component in the relationship between a lawyer and their client. Effective communication can improve the quality of legal representation, build trust and confidence, and manage expectations. It is essential that lawyers and clients establish clear lines of communication and maintain open and honest dialogue throughout the legal process.

Use of Technology in Legal Profession

Enhanced efficiency and time-saving capabilities:

- Technology automates various tasks, such as searching for legal materials and organizing information, reducing the time and effort required for research.
- Online platforms and databases offer quick and convenient access to a vast array of legal resources, eliminating the need to physically locate and retrieve materials from traditional libraries.
- Advanced search functionalities and filtering options enable legal professionals to find relevant information more efficiently.

Use of Technology in Legal Profession

- **Access to extensive and diverse legal information sources:**
- Technology provides access to a wide range of legal information sources, including court decisions, statutes, regulations, legal journals, and scholarly articles.
- Online databases aggregate legal materials from multiple jurisdictions, offering comprehensive coverage and facilitating comparative legal research.
- Remote access to legal information eliminates geographical constraints and allows researchers to access materials from anywhere at any time.

Use of Technology in Legal Profession

- **Improved search capabilities and data analysis:**
- Digital platforms employ sophisticated search algorithms and indexing systems, enabling precise and targeted searches based on keywords, phrases, or specific legal concepts.
- Advanced data analysis tools, such as natural language processing and machine learning, assist in identifying patterns, trends, and relationships within legal data.
- These technologies help researchers extract valuable insights, identify persuasive precedents, and make informed legal arguments.

Use of Technology in Legal Profession

- **Facilitated collaboration and knowledge sharing among legal professionals:**
- Online platforms and collaborative tools provide opportunities for legal professionals to connect, share knowledge, and collaborate on research projects.
- Discussion forums, virtual conferences, and social networks enable legal scholars and practitioners to engage in scholarly debates, exchange ideas, and contribute to the collective legal knowledge.
- Collaboration among legal professionals fosters innovation, facilitates peer review, and promotes the dissemination of new legal research findings.

TOOLS AND TECHNOLOGIES FOR LEGAL RESEARCH:

- Online legal databases and platforms play a vital role in modern legal research, providing a wealth of legal information and resources.
- These platforms offer extensive collections of case law, statutes, regulations, legal opinions, and secondary sources, making it easier for researchers to access a wide range of legal materials from a single online location.
- Online legal databases provide advanced search functionalities, allowing researchers to conduct keyword-based searches, filter results based on specific criteria, and narrow down their research focus.
- These databases often include tools for cross-referencing, citation tracking, and document management, aiding researchers in efficiently organizing and citing legal sources.

TOOLS AND TECHNOLOGIES FOR LEGAL RESEARCH:

- Legal professionals can access online legal databases and platforms from anywhere with an internet connection, eliminating the need for physical visits to libraries or courthouses.
- Some online platforms also offer collaborative features, enabling researchers to share insights, annotations, and research findings with colleagues and collaborators.
- These platforms often provide regular updates and notifications regarding new cases, legislative changes, and legal developments, keeping researchers abreast of the latest information in their respective fields.
- Additionally, online legal databases and platforms may incorporate artificial intelligence (AI) technologies, such as natural language processing (NLP) and machine learning algorithms, to enhance search capabilities, analyse legal texts, and provide predictive analytics.

Module 3

Soft Skills

Negotiating Skills

Introduction

- Negotiation has been defined as any form of direct or indirect communication whereby opposing interests discuss the form of any joint action which they might take to manage or resolve the dispute between them.
- Negotiating and negotiations are a constant feature of everyday life.
- We do it all the time with family, friends and a range of people and organisations

Formal Bargaining

- Collective bargaining is a formal and highly developed form of negotiating.
- It is very similar to diplomacy.
- Doing it successfully requires analytical skills, forethought, preparation, presentational skills, etc.
- The purpose of negotiations is to secure an outcome as close as possible to your objectives.
- The aim of the people you are negotiating with is to secure an outcome as close as possible to their objectives.

- **Forethought** means determining and evaluating the objectives carefully and objectively.
- **Key tests** include the credibility of the objectives and the strength of the supporting evidence.
- **Preparation** means being well briefed and knowledgeable about what you are seeking to achieve and how that can be justified.
- **Presentation** is about how you can present your case in an accessible and persuasive way to the employer or government.
- Try to show how your objectives will benefit employer/government as well as your own members.

- Present your claims in a pleasant, logical, friendly and firm way.
- **Realism** means being aware from the start that it is very unusual to achieve 100 per cent of your objectives.
- A **Negotiated Agreement** is normally a compromise between opposing objectives which both sides must accept.
- **Detachment** means not believing all your own propaganda.

Skills and Techniques

- Try to imagine yourself as the other side to the negotiations and consider how they might view or react to your proposals and arguments.
- There is no one perfect style of negotiating.
- Different people do it equally successfully in different styles and manners .
- To be successful your individual style has to be the one you are most comfortable with and which matches your individual personality
- Successful negotiators range from colourful charismatic performers to quiet, calm and methodical people.

The Collective Bargaining Process

- Collective bargaining negotiations are a ritual process, a stately minuet, a symphony or a novel.
- There are different stages the sequence of which is essential to the whole process.
- The opening presentation of the claim should set the scene and seek to define the parameters for the subsequent stages of the negotiations.
- It is a strategic exercise setting out the case and the supporting evidence.
- It should not be too long or too detailed as that can obscure and weaken the case.
- Dealing with detail comes later.

Initial Response

- The next stage is the employer/government response – again it should be strategic and address the union's arguments.
- It may make counter proposals, make an offer for an agreement, and/or give a broad indication of what they might offer.
- You need to listen carefully and closely to that response.
- Take a written note of the key parts of the response.
- Evaluate and analyse the language, the precise words used and their body language
- Assess the extent to which any of their counter arguments do or do not weaken your case.

Countering to Response

- Do not feel obliged to respond immediately other than in a preliminary way ,or to seek clarification too much at that stage.
- Have a break/adjournment of the plenary joint negotiations to consider their response in more detail with colleagues.
- The employer/government first response is unlikely to be their final response.
- Usually they will be prepared to offer more particularly if they believe an agreement between the

- Consider how you can respond and show how your arguments and supporting evidence have not been properly addressed or, hopefully, seriously weakened.
- Look for weaknesses and inconsistencies in their response which you can objectively demonstrate and exploit.
- Look for any clues or indications of how or where they might move closer to your objectives.
- On return to plenary negotiating meeting answer their response – normally in a logical, firm and not insulting way.
- Try to show a willingness to consider more favourably an improved offer – if possible with some indications of what might be acceptable in general terms.

- Do not make explicit threats unless you are confident they can be delivered and that they would be taken seriously.
- Consider using more general expressions of potential adverse consequences of the initial offer.
- Present the response in the resumed plenary in a calculated and persuasive way emphasising your case.
- Try to avoid immediate subsequent exchanges becoming too confrontational. Encourage them to consider your response carefully and in depth.
- At such an adjournment review your position, identify possible employers responses and how you can respond. Avoid getting into an interminable hypothetical maze of speculation.

Final Stages

- Third plenary session likely to be key session.
- Final or near final response from employer/government very likely if negotiating seriously and constructively.
- Do not summarily reject it unless it really is a deliberately poor and provocative offer.
- Withdraw to consider it with your side. If it is a deliberately poor and provocative offer respond quickly by asking them to go away and reconsider their position and come back to a future meeting with an improved offer.
- If it is a sensible offer consider what modest further improvements might be possible and decide which are the priority issues.

- Consider without prejudice/informal/behind the chair meetings between a small number of key representatives from both sides - generally the smaller the better but start with a minimum of two
- Consider possible improvements through staging a settlement- some now- more later - end loading a pay award – continued negotiations on unresolved issues while reaching agreement on those that can be agreed by both sides.
- Employer/government may be prepared informally to improve the offer through a without prejudice offer if your side can confirm that they would accept such an offer if made formally. These offers are in effect confidential -they have not been made unless they are accepted. Respect that negotiating protocol or forget about that facility for future negotiations.

Sealing The Deal

- If there is an agreement acceptable to both sides go through it in detail jointly before resuming plenary session in order to be sure that both sides have the same understanding
- Resume in plenary. If an informal agreement has been reached the employer/government representatives make the offer formally and the trade union side accept it
- Try to have a written agreement at this stage to prevent future arguments about what has been agreed
- Conclude on good terms. Remember collective bargaining and employer/employee negotiations are a long term business – circumstances will vary and at different times in the future will favour one side or the other