



FUSION OF PSYCHOLOGICAL AND PRACTICAL LEGAL SKILLS FOR SUCCESSFUL LAWYERING: A STUDY OF THE PERCEPTION OF LAW SCHOOLS TEACHERS IN HIMACHAL PRADESH

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Abstract: The aim of this study was to discuss the need of inclusion of psychological skills in legal curriculum of law schools so as to enable law students to become more successful lawyer. The study mainly discussed how learning of some aspects of psychology by law students during their university/college studies can be useful for them to succeed as counsel. Perception of law teachers serving in various law schools in Himachal Pradesh was obtained to know the relevance of uniting psychological and practical legal skills for successful lawyering. Online survey based on convenience sampling method was conducted in the State. Total 54 respondents' teachers participated in the survey. Self-designed questionnaire was used to know the perception of law teachers. Frequency and percentage analysis was used to examine the relevance of studying aspects of psychology along with legal practical skills. Knowledge of some psychological aspects is essential for law students to become effective lawyer and contribute towards establishing healthy legal system.

Key Words: - Fusion, psychology, law, skills, lawyer, teachers.

I. Introduction

Successful and effective lawyering depends on number of skills which are required to be learnt by lawyers during their studies in law schools. Good knowledge of various legal skills is essential to learn for lawyers. However, due to increasing role of psychology in legal field, the knowledge of psychological skills has also become requisite for successful lawyering. Psychology can teach a range of fundamental competencies related to legal occupation where lawyers have to work with people of different background and temperament. Psychological skills cannot be learnt with experience as advocates in courts but need to be studied and learnt by lawyers during their university and college studies. Hence, students during their university and college studies need to gain knowledge of some

aspects of psychology relevant from lawyering point of view. Psychological aspects like memory, attention, perception, behaviour, creativity, motivation, intelligence, logic and reasoning, conflict, goal setting and planning, communication and interviewing skills, are essential to study and learn by law students for more successful legal profession of lawyering. Individual studies have been indicative of the fact that new lawyers need to be skilled in dealing with people in addition to being skilled legal analysts.

Legal institutions are the best platforms where law students can get exposure in psychological aspects along with practical legal skills to become more effective lawyer. Law and psychology teachers and psychology counsellors shall have to take responsibilities to impart knowledge of psychology to law students. But legal curriculum taught in law schools, colleges and universities in Himachal Pradesh do not particularly recognise the significant contributions that knowledge of psychology can make to the practice of law. Teachings of psychological skills to law students have been ignored despite of the fact that the role of psychology has increased to great extent in legal field. Therefore, the present study has been undertaken to fill this gap and aimed to examine how fusion of psychology and law is significant for effective lawyering. In the present study the perception of law teachers serving in State of H.P has been taken about what they feel and perceive with respect to imparting knowledge of some aspects of psychology to students along with practical legal skills. As per official information approximately 200 (two hundred) teachers are serving in various law schools as law teachers in the State of Himachal Pradesh.

II. **Statement of the Research Problem**

Although law and psychology are two separate fields, they are pooled by their interest in human behaviour. Psychology explains and deals with human behaviour while law regulates human behaviour. So, the knowledge of some aspects of psychology for lawyers in their legal profession has become inevitable. Law students who want to become attorneys must be able to understand some aspects of psychology during their university studies to become more successful in their legal profession. It is only after gaining knowledge of psychological aspects that a student can understand how clients, witnesses, suspects, judges, investigating agency like police and prosecutors may think, feel, behave and react. Either the cases are criminal or civil in nature, under all circumstances; the significance of the knowledge of psychology can not be ignored. All law schools, hence, need to include in their legal curriculum some aspects of psychology. Surprisingly, the law

syllabus taught to students in various law schools does not focus on teaching psychological aspects to law students. The present study therefore addresses the research question “Whether fusion of psychological and practical legal skills are essential to law students for effective lawyering. Keeping in view of the above cited question, the present study was worded as under:

“FUSION OF PSYCHOLOGICAL AND PRACTICAL LEGAL SKILLS FOR SUCCESSFUL LAWYERING: A STUDY OF THE PERCEPTION OF LAW SCHOOLS TEACHERS IN HIMACHAL PRADESH”

III. Objectives of the Study

The following objectives were formulated for the present study:

- To know and examine the perception of law teachers with respect to the need of learning some aspects of psychology by law students for effective lawyering.
- To recommend changes in existing legal curriculum to emphasis on importance of some aspects of psychology which are required to be taught to law students during their university/college studies to prepare them more efficient lawyers.

IV. Hypotheses of the study

The following hypotheses were formulated in the present study:

- Teaching aspects of psychology to law students along with practical legal skills in law schools of H.P is essential for effective lawyering.
- Legal curriculum need to be amended to include psychological aspects in practical legal training in law schools.

V. Method and Procedure

Present study is empirical in nature. Law teachers serving in law schools in Himachal Pradesh (in short H.P) were selected as Universe for the present study. As per official information approximately 200 teachers are serving in various law institutions in H.P. Out of 200 teachers, 54 teachers participated in google survey. Teachers were selected for the present study because of the reason of their responsibility to train students in different skills during their university studies. Online survey based on convenience sampling method was conducted in the State to record responses of the serving law teachers. Survey was conducted from August 14 to August 18, 2020.

The tool used was a closed form of questionnaire comprising of 16 items (questions) based upon the objective which was constructed by the researcher on a two-point scale (Yes/No) for the law teachers. To ensure the reliability and accuracy of the tool, pre testing of the questionnaire was done on 10 serving teachers. The questionnaire was modified in light of the changes suggested during pilot study and then final version was uploaded on google website to record responses of law teachers in H.P. Teachers who participated in pilot study were excluded from the final survey. Thus, for the present study, the data was collected through online survey based on convenience sampling method of research. Scoring from questions 1 to 16 was done through frequency and percentage analysis. Inferential statistics was used to draw inferences from the data collected. The tables and pie charts showing the results of the items were also given at appropriate places in the research paper.

To elicit the actual responses, it was also mentioned/announced that responses will be kept confidential and used only for research purpose.

VI. Analysis and Interpretation of the Data

The data collected relating perception of teachers has been divided into the following three parts for the purpose of analyses.

(a) Perception relating Psychological Skills

Under this head of the questionnaire, the respondents were inquired about their perception with respect to psychological aspects which law students need to learn during their university/college studies to become successful lawyer. **Table-1** revealed the responses and percentage of questions asked from the respondents.

Table-1

Responses relating need to learn Psychological Aspects by Law students for successful lawyering

Sr. No	Questions Asked	Responses and Percentage	
		Yes	No
1.	Is there a need to enhance good logical thinking and reasoning abilities for successful lawyering	Yes (67.6%)	No (32.4%)
2.	Is there a need to enhance creativity and working memory for successful lawyering	Yes (98.1. %)	No (1.9%)
3.	Is there a need to develop & improve ethical	Yes	No

	behaviour for successful lawyering	(96.3%)	(3.7%)
4.	Is there a need to develop & learn good analytical and communication skills for successful lawyering	Yes (97.1%)	No (2.9%)
5.	Is there a need to enhance persuasion skills for successful lawyering	Yes (94.1 %)	No (5.9%)
6.	Is there a need to develop & learn interviewing skills for successful lawyering	Yes (89.2%)	No (11.8%)

Source: Information collected through self-designed questionnaire

Table-1 revealed that out of 54 respondents, 67.6% of the respondents perceive that law students need to enhance logical and reasoning abilities to become more successful lawyer in legal occupation while out of 54 respondents, 32.4 % of the respondents did not perceive so. Further, out of 54 respondents, 98.1% of the respondents feel that students need to develop creativity and enhance good working memory for effective lawyering while very negligible number of respondents did not feel so. Study also reported that out of 54 respondents, majority 96.3% of the respondents feel that ethical behaviour should be taught to law students during their university studies for effective lawyering while remaining 3.7% of the respondents did not think so.

It can be inferred from the data that improved behaviour of law students would help to protect them against ethical lapses which advocates may make during their practice as lawyers. Any behavioural problems among new lawyers may adversely affect their legal career and legal procedure in courts. So students during their law studies must work on their behaviour problems so that they may become more successful in their legal career as lawyers.

Out of 54 respondents, majority 97.1% of the respondents believe that law students need to develop and learn good communication skills for effective lawyering whereas only 2.9% of the respondents did not consider this aspect of psychology essential for effective lawyering. It is inferred from the data that good abilities to speak, learn and talk if would be developed among law students, those would be valuable to argue effectively in courts and convince clients and witnesses.

Similarly, out of 54 respondents 94.1% of the respondents think that persuasion skills are required to be developed among law students during their University/college studies while 5.9% of the respondents think opposite to it. From the data, it can be inferred that it

is only with the help of good persuasion skills that parties in conflicts can be convinced. Similarly, the judges and magistrate can be convinced and persuaded to resolve legal disputes in swifter manner. In negotiation, mediation and conciliation skills of persuasion play a significant role to dispose of the litigations swiftly.

Table further indicated that out of 54 respondents, majority 89.2% of the respondents perceive that learning interviewing skills is significant for law students while remaining 11.8% of the respondents reported that learning interviewing skills are not required to be taught to law students. It can be inferred from the data that majority respondents had the opinion that students who would be knowledgeable about cognitive and social psychology can be more effective in conducting interview of clients and witnesses, counselling clients and negotiating and mediating in legal disputes. So, law students must learn and develop and enhance an art of conducting interview which they can learn by studying some aspects of psychology during studies.

(B) Perception relating Practical Trainings/Legal curriculum

Under this part of the questionnaire, perception of law teachers was attained with respect to sufficiency of practical legal trainings which is imparted to law students during their university and college studies. Legal curriculum and practical training imparted in law schools include mootings, organisation of legal aid camps, mock exercises to learn an art of mediation and arbitration and internships under various law firms off the campus.

Study reported that out of 54 respondents, majority 59.3% of the respondents perceive that clinical legal education, mootings exercises and practical trainings taught in law universities and colleges do not focus on the importance of the knowledge of psychological skills to practice of law whereas 40.7% of the respondents replied opposite to it. It can be inferred from the data that existing practical legal courses in legal curriculum are ill designed and need to be amended. Law courses focuses on practical legal trainings without giving emphasis on need of learning psychological skills.

Study further exposed that out of 54 respondents, majority 63% of the respondents feel that clinical legal education, mootings and internships are not sufficient to develop practical legal skills among all students and 37% think opposite to it.

Respondents were further asked whether practical legal skills and psychological skills should be taught together to law students during their studies to make them more effective lawyer. **Fig-1** revealed percentage of responses in this regard.

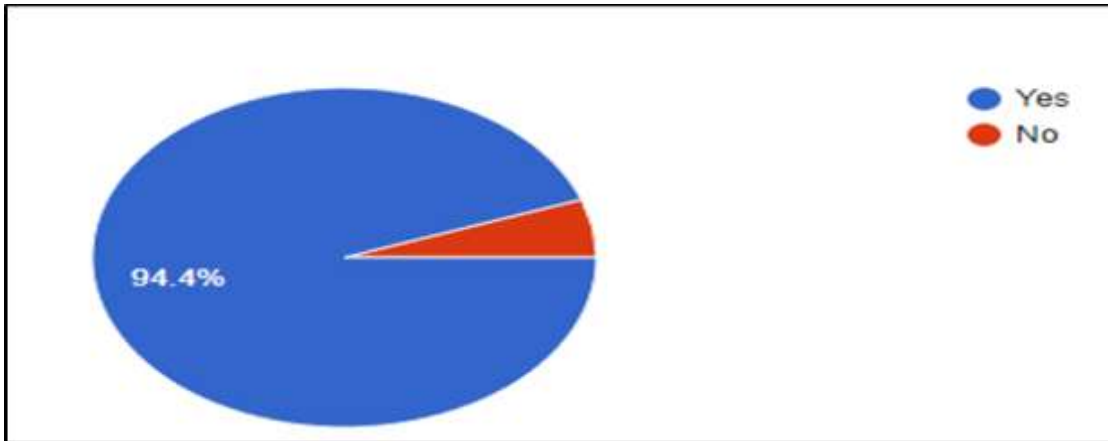
Fig-1**Practical Legal and Psychology skills should be taught together in Law Schools**

Fig-1 showed that out of 54 respondents, majority 94.4% of the respondents answered that practical legal and psychological skills should be amalgamated and taught in legal curriculum while 5.6% did not perceive so. It can be inferred from the data that majority respondents favoured blending of psychological and practical legal skills to prepare students better advocates.

Subject of psychology is taught in BA/LL.B program but in other law programs psychology is not studied. Respondents were further asked whether some aspects of psychology need to be included in law programs like BBA/LL.B, B.Sc/ LL.B and LL.B 3 years' degree program. **Fig.-2** revealed the responses in percentage.

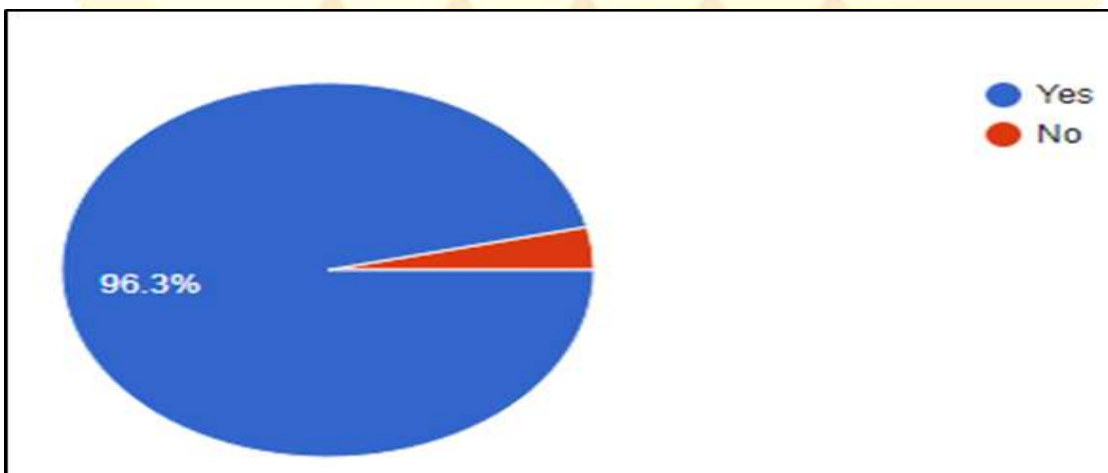
Fig.-2**Aspects of Psychology are required to be included in all Law degree programs**

Fig-2 revealed that out of 54 respondents, majority 96.3% of the respondents perceived that unlike BA/LL.B, some aspects of psychology should be included in other law programs like BBA/LL.B, LL.B and B.Sc/LL.B etc. Only 3.7% of the respondents reported

that there is no need to introduce and study subject of psychology in BBA/LL.B, B.Sc/LL.B and LL.B 3 year's law programs. It can be inferred from the data that majority law professors favoured that unlike BA/LL.B at least the subject of psychology should be studied in other law programs so that students who have taken admission in other law programs can take bare minimum idea about psychology.

Respondents were further asked whether existing legal curriculum require amendment to support more practical legal and psychological skills among law students for effective lawyering.

Fig-3

Legal curriculum needs amendments to integrate aspects of Psychology

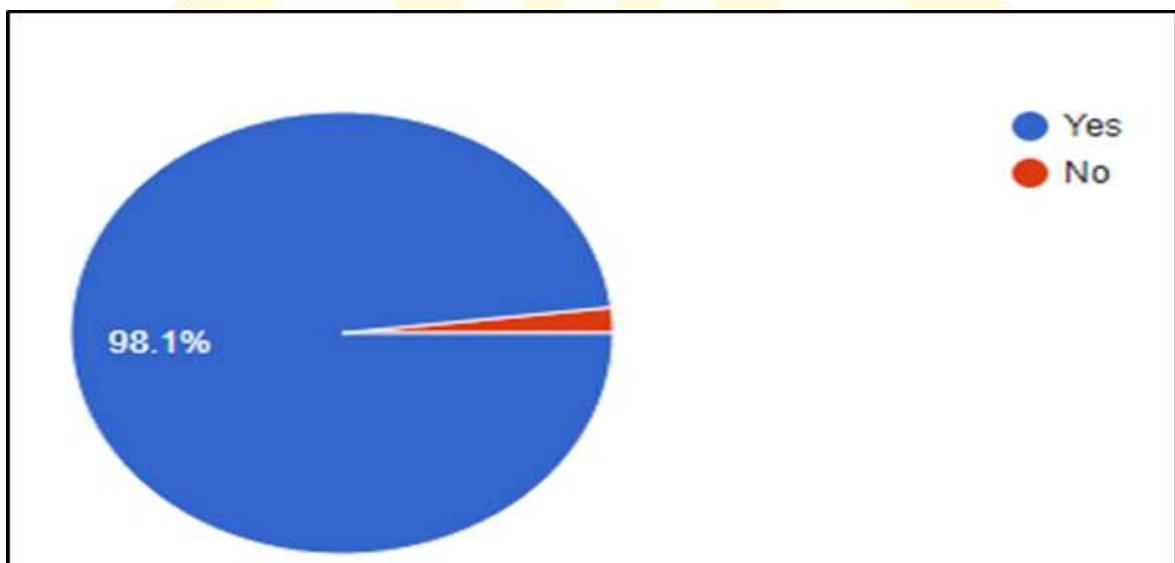


Fig-3 depicted that out of 54 respondents, 98.1% of the respondents perceive that law curriculum should be amended to include some aspects of psychology like interviewing and persuasion, decision making skills and logical and reasoning abilities while out of 54 respondents, only 1.9% of the respondents did not favour any amendment in legal curriculum to include psychology aspects within it.

VII. Discussion

The study clearly indicated that majority respondents feel that law students during their University/College studies need to enhance, their logical thinking and reasoning abilities for effective lawyering. Logical thinking and reasoning abilities are useful to argue cases, legal facts and issues in courts. So, logical thinking and reasoning being concepts of psychology need to be introduced in existing legal curriculum of law schools.

Study further reported that law students also need to develop and learn creativity and enhance good working memory. Creativity is useful to draft and present cases, petitions and applications in more effective way before judges. Similarly, good memory and brain skills help lawyers to remember facts, legal points and issues which further help to do effective arguments in courts.

Study further revealed that persuasion and communication skills are important to learn for advocates. In legal field, mediation, negotiation and conciliation are often used to resolve legal disputes amicably out of courts. In order to resolve disputes out of courts, good persuasion and communication skills are needed on part of lawyers. Also, good communication is also required to argue cases in courts in more effective way. So, law students should develop and learn good persuasion, decision making and communication skills for successful lawyering.

Study also revealed that good ethical behaviour is required in legal occupation. So, law students should work on to develop and improve their behaviour during their university/college studies. Study made it clear that good ethical behaviour needed to deal with clients, witnesses, police and judges. Study has made it clear that students need to learn good ethical behaviour to enable them to become more effective and successful lawyer. Learning of writing and drafting skills are also equally needed to be learnt by law students during their studies in law schools.

Study reported that legal practical trainings, mootings and internships in law schools are not sufficient to develop psychological skills like attitude, manner, behaviour, persuasion and decision making skills among law students. Therefore, majority respondents perceived that practical and psychological skills should be taught together to law students so as to prepare them for effective practice of law in courts.

Data collected from the respondents also reported that legal curriculum which has been introduced in law schools in H.P need to be amended to include psychology in it. In all law programs like BBA/LL.B, B.Com/LL.B, B.Sc /LL.B and 3 year's LL.B programs, theoretical concepts of psychology need to be included so that students can study and learn psychological aspects during their university/college studies.

Empirical survey further made it clear that practical legal trainings, clinical legal education, mootings and internships in law schools are not sufficient to develop among law students' necessary psychological skills. Study reported that legal curriculum and practical trainings requires amendment to support inclusion of the aspects of psychology with in it.

Majority of the respondents favoured amendments in existing legal curriculum to accommodate some significant aspects of psychology.

VIII. Conclusions and Recommendations

The study made it clear that knowledge of some aspects of psychology is essential for law students to prepare themselves for effective lawyering. If student would have an idea and knowledge about application of aspects of psychology like communication, persuasion and interviewing skills, he/she can become more successful as lawyers. Similarly, logical thinking and abilities are significant for legal occupation. Students having good memory, good attention, behaviour, intelligence and presence of mind shall have better chances to become more successful in their legal profession. The better an advocate is able to understand and effectively deal with people, the more successful he/she will be in legal profession. Clinical legal education and practical trainings, mootings and internships are not sufficient to develop the communication, persuasion, decision making, logical and interviewing skills among law students hence special emphasis is needed to be given on teaching psychological skills to law students during university and college studies. Following suggestions are offered relating need of fusion of psychological aspects in legal curriculum of law schools.

- Concepts of psychology like memory, intelligence, belief, perception, mannerism attention, ethical behaviour and interviewing skills should be taught to law students during their university/college studies. Application of some aspects of psychology should be taught to law students. It is advisable that these aspects should be taught by trained law and psychology teachers during practical legal skills to law students for effective lawyering.
- Legal curriculum of law schools in H.P should be amended to include psychology as compulsory subject in all law programs. If inclusion of psychology as full fledged subject is not possible, at least, those aspects of psychology which are relevant from lawyering point of view should be included in legal curriculum.
- In legal aid clinics a person trained in psychology and legal psychology should be made member so that students can get benefits of his expertise and learn application of psychological principles from him.
- Moot courts and internship programmes teach students the argumentative skills, but do not teach students aspects of psychology useful from lawyering point of view. It is

advisable to associate one or two trained psychology experts with law schools who can guide law students with respect to application of psychological skills during mootings.

- In order to teach skills of psychology to law students throughout their course's duration, a separate centre of psychology having trained psychologists need to be created in law schools.

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