

SOFT SKILLS IN COURTROOM: ADVOCATE MAHESH TIWARI CASE

7

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Abstract

Soft skills are the invisible backbone of the legal profession, shaping how advocates present themselves and interact within the courtroom. One might argue that lawyers plan everything according to their case and the particular law that is involved with that case which is a very fair point. However, how the lawyer presents himself in court is equally important. This is where soft skills come in. While technical expertise and mastery of statutes are indispensable, the ability to communicate with clarity, composure, and respect for judicial authority often facilitates in increasing the credibility of a lawyer. The incident involving advocate Mahesh Tiwari before the Jharkhand High Court is a notable instance that exemplifies the significance of soft skills in courtroom. Mr Mahesh Tiwari, aged 68 years with nearly 40 years of experience in the legal field had to face consequences for not abiding by the norms of basic soft skills. His behaviour during an ongoing trial included repeated interruptions, use of inappropriate language, and disregard for the dignity of the bench, ultimately resulted in contempt proceedings. This chapter highlights that courtroom advocacy is not merely about arguing points of law, rather it is about embodying respect, patience, and emotional

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Publisher: Anu Books, DOI: <https://doi.org/10.31995/book.ab365.j326.ch.7>

Book: The Human Dimension of Success: Skills and Employability

intelligence under pressure. In high pressure environments like courtrooms, where every word and gesture carries weight, soft skills safeguard the dignity of the judiciary and uphold the very principles of justice.

Keywords:

Soft Skills, Courtroom Etiquette, Professional Conduct, Conflict Management, Negotiation

Introduction

According to an article titled, ‘Why Soft Skills are as Essential as Legal Expertise in Today’s Legal Landscape’ by Urban Legal Recruitment¹, soft skills cannot be overlooked in the collaborative world of law. The legal profession is built not only on a foundation of academic excellence and technical expertise but also on the ability to interact with others in a respectful and effective manner. Courtrooms are formal spaces where tension often runs high, and in such environments, soft skills become utterly significant. Communication, patience, respect, and emotional intelligence are not just desirable traits rather they are essential tools that ensure proceedings remain orderly and dignified. Advocacy² is one of the very crucial aspects of legal practice, and quite uniquely central to the world of courtroom litigation. Whether it is in front of a trial court or advocating a position in front of an appellate court, a lawyer’s skill at persuading a courtroom full of people, competent analysis by breaking down complicated legal issues, and expressing their positions clearly and effectively is what ultimately determines their success in these high-pressure settings. Along with respectful communication, an advocate must know how to argue his case well and remain calm under courtroom pressure. Courtrooms often have a dynamic environment which are definitely not prone to predictability. There is always an uncertainty regarding the situation. For example: the Principal Judge can set a date and still not hear the case because of something else coming up, or the judge simply is unable to understand the case from the advocate’s perspective, which can lead to heated arguments, resulting in conflict and so on. In situations like these, it becomes very important to control anger and still have the patience to fight without resorting to verbal violence. A case of misconduct in court vividly illustrates the dangers

of neglecting these skills, showing how even experienced advocates can face serious consequences when interpersonal competence is lacking. Many a times, the opposing counsel will try to behave in an overly confident or arrogant manner. In simpler words, they might try to get on the nerves of the opponent counsel, but it is important for the counsel not to lose cool because it is their reputation that is at stake, not the other person's.

Advocates are not merely representatives for their clients but they are also the officers of the court. Section 13 of the Family Courts Act, 1984³ grants the right to legal representation to a grieving party before the court where it states that the party may seek the assistance of a legal expert as *amicus curiae* ('*Amicus Curiae*'⁴ is translated from Latin and it literally means "friend of the court". Generally, it is referencing a person or group who is not a party to an action, but has a strong interest in the matter). Therefore, lawyers not only act as officers of the court but they are also friends of the court who help in bringing justice to the party who was aggrieved. Hence, a good lawyer needs to have soft skills like compassion, persuasion, emotional intelligence, communication skills, and other life skills, to establish justice. Moreover, when these skills are absent, proceedings can be disrupted, credibility can be damaged, and the very image of the profession can be tarnished. Technical knowledge may win arguments, but it is soft skills that win trust, respect, and authority. Ultimately, the lesson is clear: without soft skills, even the most knowledgeable lawyer risks undermining both their own standing and the integrity of the judicial process.

Case Study

a. Introduction to the Case

The case is titled as 'Court on its own motion v. Mahesh Tiwari' and following are the facts⁵ of this case: On 16.10.2025, in Court Room No. 24, presided over by Hon'ble Mr. Justice Rajesh Kumar, the contemnor (Mahesh Tiwari) made some statements like, "the country is burning with the judiciary", "I would argue in my own way." He also told the judge to "not cross his limits" which is quite insulting for the judge. The exchange escalated, and Tiwari also made

controversial statements about the judiciary, after which he walked out of court. A video clip that captured this interaction between the contemnor and the Presiding Judge went viral on the Internet and other social media platforms. The then Hon'ble Chief Justice, Mr. Tarlok Singh Chauhan, and four other Hon'ble Judges of this Court took cognisance of the incident as captured in the video clip and ordered the registration of this Contempt Case (Criminal) No. 3 of 2025, titled "The Court on its own Motion Vs. Mahesh Tewari". The Jharkhand High Court invoked its powers under Article 215 of our Constitution and the Contempt of Courts Act, 1971 to register a *Suo motu* criminal contempt case against advocate Mahesh Tiwari.

The contemnor had challenged the High Court's order by approaching the Hon'ble Supreme Court in Criminal Appeal No. 430 of 2026. By order dated 23 January 2026, the Supreme Court disposed of the appeal, granting liberty to the contemnor to file an affidavit of unconditional apology before the Jharkhand High Court and also asked the High Court to consider the matter sympathetically as it is of sensitive nature.

Subsequently, the contemnor filed an apology affidavit. Here is an extract⁶ from his apology:

"I would like to clarify that the statement made by me was in the heat of the moment, under emotional distress and was unintentional and not a considered view. I regret using this expression, retract it fully and unconditionally and state that it does not reflect my belief and views regarding the institution of the judiciary. I wish to reiterate I should have chosen my words more carefully and there was no ill intention to either scandalize the court or undermine the majesty and authority of the law."

b. Analysis by Supreme Court

The Court⁷, upon due consideration of the pleas, transcript, the video clip and the law on the subject, accepted the contemnor's unconditional apology. The Court highlighted that an advocate with over 40 years of legal practice is expected to show greater restraint, if not circumspection, as he is as much an officer of the Court as the Judge presiding over it. Therefore, his utterances and conduct in the

Court are not directed only to the Presiding Officer but to the institution itself. The Court noted that he cannot afford to exhibit disrespect or speak words or otherwise conduct himself to scandalise or tend to lower the authority of any court. While the Court did not condone or overlook the contemnor's conduct and utterances, it observed that the institution's shoulders are broad enough not to be unduly affected by them. Therefore, the Court was satisfied that this was a matter in which, while it did not approve of the contemnor's utterances and conduct in the Court, it must take a sympathetic and lenient view of the matter.

c. Decision

On 16.02.2026, the Hon'ble Supreme Court finally disposed of the Suo motu contempt petition. The court emphasised that it expected better restraint from the advocate in the future considering his legal experience of over nearly four decades. The Court had a sympathetic approach towards this matter and ensured that justice was fairly established as opportunities were given to the contemnor to present his case. This case also upheld one of the principles of natural justice, 'Audi Alteram Partem' which means "hear the other side" and "no person should be condemned unheard."

Flow Chart for Better Understanding



Analysis of Soft Skills Reflected in the Case

The flowchart highlights seven key soft skills that played a significant role in shaping the outcome of the Mahesh Tiwari case. These skills demonstrate how personal conduct and professional behaviour can influence judicial perceptions and ultimately affect the administration of justice.

a. Self-Awareness and Accountability

Self-awareness refers to the ability to recognize one's actions, emotions, and their consequences. Accountability involves accepting responsibility for those actions rather than shifting blame to external circumstances. In the present case, the contemnor acknowledged that his conduct in the courtroom was inappropriate and submitted an affidavit expressing regret. This willingness to reflect upon his behaviour and accept responsibility played a crucial role in persuading the Court to consider his apology sympathetically. Self-awareness is particularly important in the legal profession because advocates are expected to maintain high standards of conduct even in challenging circumstances.

b. Humility

Humility is the ability to acknowledge mistakes and remain open to correction regardless of one's experience or status. Advocate Mahesh Tiwari had more than four decades of experience in the legal profession. Despite his seniority, he chose to tender an unconditional apology before the Court. His conduct demonstrated that professional stature does not place an individual above accountability. Humility strengthens professional relationships and promotes respect within the legal system because it reflects a willingness to learn and improve.

c. Emotional Intelligence

Emotional intelligence is the capacity to understand, manage, and regulate emotions effectively. Courtrooms are often emotionally charged environments where advocates may encounter adverse observations, procedural delays, or disagreement from the Bench. An emotionally intelligent lawyer remains composed and responds rationally rather than impulsively. The case illustrates how an

emotional reaction can escalate a situation, while later recognition of that reaction and efforts to correct it can contribute to restoring trust and credibility.

d. Respect for Institutions

Respect for institutions is a fundamental professional value that requires advocates to uphold the dignity of courts and the rule of law. While lawyers are entitled to disagree with judicial decisions, such disagreement must be expressed through lawful and respectful means. In this case, the contemnor ultimately reaffirmed his respect for the judiciary and acknowledged the authority of the Court. This demonstrated an understanding that criticism should never undermine the dignity of legal institutions upon which public confidence depends.

e. Integrity

Integrity refers to honesty, ethical conduct, and consistency between words and actions. A person acting with integrity accepts mistakes truthfully rather than attempting to justify or conceal them. The contemnor's decision to acknowledge his misconduct and submit a sincere apology reflected an effort to act honestly and responsibly. Integrity is particularly valuable in the legal profession because advocates are entrusted with responsibilities that directly affect the rights and interests of others.

f. Professionalism

Professionalism encompasses ethical behaviour, respect for courtroom decorum, and adherence to the standards expected of officers of the court. It requires advocates to balance zealous representation of clients with respect for judicial processes. The observations made by the Court emphasized that lawyers must maintain restraint and conduct themselves in a manner consistent with the dignity of the profession. Professionalism ensures that legal proceedings remain orderly, respectful, and focused on achieving justice.

g. Growth Mindset

A growth mindset is the willingness to learn from mistakes and view challenges as opportunities for personal and professional development. Rather than allowing an error in judgment to define his

career, the contemnor expressed remorse and indicated a commitment to better conduct in the future. This reflects an understanding that professional growth often arises from self-reflection and corrective action. In the legal profession, a growth mindset encourages continuous improvement and helps advocates adapt to evolving ethical and professional expectations.

Collectively, these soft skills demonstrate that courtroom success is not determined solely by legal knowledge or advocacy skills. Equally important are the personal qualities that enable lawyers to communicate effectively, manage emotions, respect institutions, and maintain professional integrity. The Mahesh Tiwari case serves as a valuable example of how these skills can influence judicial outcomes and preserve the dignity of the legal profession.

Some other cases:

Here are two more cases⁸ which highlight the essence of soft skills in legal field:

O.J. Simpson Trial (1995)

O.J. Simpson's defence team excelled in communication, presenting a compelling narrative and supporting it with precise facts. The lawyers used critical thinking to analyse evidence and highlight errors and inconsistencies in police methods. Creativity and flexibility were essential to overcome legal challenges, and both empathy and media pressure played significant roles.

Charlie Hebdo Attacks Trial (2020)

Lawyers managed intense emotion and high tensions during the trial of the alleged accomplices of the terrorists responsible for the Charlie Hebdo attacks. Flexibility and adaptability were required due to COVID-19-related interruptions, necessitating constant adjustments in judicial procedures.

Implications

The Mahesh Tiwari case highlights an urgent need for the legal profession to go beyond technical training and actively cultivate soft skills. While lawyers are expected to master statutes and precedents, their effectiveness in the courtroom often depends on how

they communicate, manage emotions, and uphold decorum under pressure. Training in soft skills can help legal professionals develop patience, empathy, and respect. These are qualities that prevent conflicts from escalating and ensure proceedings remain dignified. Emotional intelligence, in particular, deserves emphasis in legal education, as it equips advocates to handle tense situations with composure and to engage constructively with judges, opposing counsel, and clients. Institutional efforts are equally important. Courts and bar associations must promote discipline and etiquette as integral parts of professional conduct. Organizations like the American Bar Association (ABA) have already recognized this need, offering courses designed to strengthen lawyers' interpersonal abilities and emotional awareness. ABA⁹ offers courses like, "Beyond the Books: Refining Personal and Soft Skills for Legal Success". Such initiatives demonstrate that the profession is evolving to meet modern challenges, acknowledging that technical brilliance alone is insufficient without the human skills that sustain trust and credibility. Ultimately, this case serves as a reminder that the dignity of the judiciary and the smooth administration of justice depend not only on legal knowledge but also on the ability of advocates to embody restraint, respect, and professionalism in every interaction.

Conclusion

"It takes years to build your reputation; seconds to lose it."

The case of Mahesh Tiwari serves as a powerful reminder that soft skills are indispensable in the legal profession. Courtroom etiquette, professional conduct, and conflict management are not just formalities but essential elements for maintaining the dignity of judicial proceedings. The incident reinforces the principle that lawyers, as officers and friends of the court, carry a dual responsibility: to represent their clients with competence and to uphold the integrity of the judiciary through disciplined behaviour. Without emotional intelligence and restraint, even experienced advocates risk damaging their credibility and disrupting the very system they serve. As Justice Warren Burger once observed, "Lawyers who know how to think but have not learned how to behave are a menace and a liability."

Beyond the facts of the case, this incident highlights a larger reality about the modern legal profession. The effectiveness of an advocate cannot be measured solely by legal knowledge, research skills, or years of practice. Success in advocacy also depends upon the ability to communicate respectfully, manage disagreements constructively, and maintain composure in situations of stress and uncertainty. These qualities help foster trust between advocates, judges, clients, and society at large.

The case further demonstrates that professional reputation is built not only through legal victories but also through consistent adherence to ethical and respectful conduct. An advocate who loses control of emotions in the courtroom risks undermining both personal credibility and public confidence in the administration of justice. At the same time, the Court's decision to accept an unconditional apology reflects the judiciary's commitment to fairness, reform, and the principles of natural justice. Rather than focusing solely on punishment, the Court recognized the importance of allowing an opportunity for reflection and correction.

Ultimately, the lessons emerging from this case extend beyond a single advocate or a single courtroom. They underline the need for legal education, bar associations, and professional institutions to place greater emphasis on developing interpersonal and emotional competencies alongside technical expertise. As the legal profession continues to evolve, soft skills will remain essential in ensuring that justice is not only delivered according to law but also administered with dignity, respect, and professionalism.

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