

**The methods of establishment of a contact of the defender
to a client and other participants of the process**

Abstract: Psychological contact presents such state of contacts when the both sides are ready to exchange and perceive information coming from each other.

Great importance for establishment of contacts by the counsel has learning of the personality of a client and other participants of the process and determination of their attitude to a specific procedural action.

It is given recommendations on establishment of psychological contact of a counsel with the participants of process.

Keywords: psychological contact; defender; criminal process; person; conflict; factors.

The problem of establishment of contact of a defender with other participants of a process and, first of all, with a client, substantially come down to liking of a recipient to communicate. The methods of overcoming of a conflict have more deep character, affecting on the interests of interrogated person, changing his motivation core. There are quite deep scientific studies in the sphere of diagnostics of latent conflict during interrogation in the criminalistical works (5, p. 12). This circumstance once more confirms necessity not to identify a process of establishing of psychological contact and overcoming a conflict. Such differentiated approach is justified not only from position of practical reasonability but and from the point of view of the requirements for more complete and objective scientific research of these issues.

It appears that a psychological contact is presented itself such state of

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communication under which a communicator and recipient show a readiness to an exchange and perception of information that is outgoing from each other.

The state of a psychological contact is not static, and opposite, it is subjected to constant change. Therefore, its reaching is a prolog to supporting and consolidation of the contact. V.G. Lukashevich determines the process of establishing of a psychological contact as follows: “Establishment of a psychological contact is a purposive, planning activity of an investigator on organization and management by the movement of information in a process of investigation directed on the creation of conditions, which are provided a development of communication with the participants of procedural actions to reach a goal, which is carried out permanently during the investigation” (3, p. 36).

Thus, applicably to the defense a process of establishment of a psychological contact is an independent stage of the professional intercourse of a defender. In this regard, it is a reasonable to identify a psychological contact to the process of its reaching.

Subdivisions of the methods of establishing a psychological contact and the methods of overcoming of conflicts are very tentatively. In situation of non-strict competition it is enough to establish a psychological contact, and a conflict is eliminated.

M.I. Yenikevich distinguishes also a communicative contact under which is understood “interaction in order to exchange information”, and the psychological contact is considered by him as a certain emotional mood on the base of the unity of aims and interests (2, p. 460). Such understanding of the psychological contact is not also correlated with conception of a hidden conflict. Definition of a communicative contact is more corresponded to a conception the psychological one.

Thus, under the psychological contact should be understood such situation of an investigative action during of which a communicator and recipient are ready to intercourse. The psychological contact does not exclude a conflict of interests of the communicating parties. In this case we meet to the latent conflict. In research works is met a classification of the psychological contact that determines its two variety:

original and frame-up ones (4, p. 12). It is obviously, that a term “framed-up psychological contact” more corresponds to the condition of a hidden conflict.

Success of achievement of the psychological contact depends in much on knowledge of a defender of the materials of a case, and especially, a personality of the client. It is important to keep in mind that a client takes a position of absolutely individual and specific person in socio-demographical and psychological palette. Personal approach to each client is the axiom of methodology of the professional communication for a lawyer.

In purpose of establishing of the psychological contact, a special significance for a lawyer has a studying of personality of all participants of investigative actions in the process and determination their attitude to a specific procedural action. According to the results of such studying is compiled the intended results of possible behaviour of each separate individual in a process of production of prepared investigative action. In a process of the studying of the materials of criminal case, application of a method of generalization of independent characteristics, i.e. research of a person according to results of data received with number independent from each other sources, can be made suppositional conclusion about the level of conflict and level of contact of studying personality of the future participant of an investigative action.

During preparation to a participation in procedural action, a defender should compile suppositional idea not only on possible conflict and level of contact of a participant of investigative action, but and on possibility his activity, hobby, predilection, the main features of character. All this information enables to help as for establishing the psychological contact so and for a reaching of the complete mutual understanding.

Under preparation to a participation in interrogation of the individuals possessing with special knowledge, a lawyer should be familiarized with appropriate scientific works. Otherwise, an absence of understanding to a lawyer of the testimonies of interrogated person relating to special knowledge of the last, jeopardizes the establishing and supporting of the psychological contact and can lead to the serious distortion of the truth on a case.

In psychological literature is met the recommendations on communication with using of slang as the base of mutual understanding in some sphere, but under this slang is understood “a combination of specialized lexicon and idioms used by people of a one profession, one of kind of business etc.” (6, p. 96). In practice of a defense application of a lawyer criminal slang cannot admit reasonable and ethical. Criminal slang is a product of the culture of criminal world and relishing of the words of this lexicon can be understood as ingratiating, weakness of a lawyer; it enable to discredit of a his.

One of the important factors determining a character of initial stage of communication is appearance of a communicator and recipient. A.A. Bodalev wrote: “First impression is a complicated psychological phenomenon including sensitive, logical and emotional components. It is included itself this or other features of appearance and behaviour of a man who is subjected to studying” (1, p. 187). Largely, the first impression about the man is formed on the base of his appearance.

Appearance, clothes of a lawyer, atmosphere in his office is presented itself the means of non-verbal communication, reflecting an attitude of a person to the action of dealings, to his interlocutor. In addition, appearance and clothes of a client enable to play a diagnostic function since they are allowed in certain extent assessing an attitude of a man to the process of communication with a lawyer. As rule, people are expected from a lawyer such appearance and manners of behaviour which correspond to their imagination that formed on the base of life experience. The neat and strict clothing of a lawyer, confident and businesslike appearance are assisted more efficient and purposeful exchange of information. This emphasizes a serious attitude of a lawyer to his business, to an interlocutor and to information that the last can inform. On the contrary, the disorder in an office, untidy appearance and familiar, ingratiating behaviour of a lawyer is reflected his negligent attitude to communication or self-doubt.

It is not a secret that the most of legal consultations offices in Azerbaijan does not provide the situation for formation of the psychological contact of a lawyer to his client. Sometimes, it is impossible to talk and to find out the essence of an appeal.

The decision of this situation the most part of the lawyers are seen in set up the private offices what are met a resistance of the heads of the bureaus of juridical consultation. It seems that this issue is required more detailed normative and organizational resolution.

The lawyer should feel disposed to an interlocutor, speaking to him on common language and showing empathy. Nevertheless, emotional and rational sides in a converse are so mutual connected that it should not search the success only in emotional mood. Psychological contact is presented itself a readiness to communication which can include as emotional mood so and rational intention.

Speech of a lawyer, its verbal and non-verbal components should be well-wishing. Cold formal tone in perception of a client can be looked as manifestation of aggression or absence of an interest to his case. The stage of formation of the conscious intention to exchange of available information depends on the contents of the first questions.

The more general “points of the contacts” in psychological and social pictures of the personalities of interlocutors is the easier to find them a common language. Hobbies, phenomenon of social and public life, global problems, a family are far not full list of the theme for conversation, which are unlikely left indifferent of any man.

In spite of variety of views, cultural level, and education a lawyer should determine the best features of a client and to treat him preconceive. Addressing to the best qualities of a personality of a client is one of the main tactical methods on establishing psychological contact while dispraise and rebukes do not contribute to a rapprochement as they reflect a mismatch of the valuable positions.

Sincere interest to the personality of a client plays a contact and diagnostic functions. Information about the personality of a client in the personal data of a protocol does not give the full socio-psychological portrait of an interlocutor. A story about himself of a client gives a lawyer not only information for building of interrelation to a client, but it is also required to the interests of establishing and supporting of the psychological contact. A story about himself and his close relatives

for suspected (accused), as rule, is a theme that interested him, and also it reflects of necessity of a man in awareness of his significance.

Therefore, in process of receiving of a personal data, a conversation on interesting for client's themes has an impact in the several directions. The first, it is touched here necessity in self-esteem, is emphasized a significance of the interlocutor. The second, this direction excites an interest in supporting of the psychological contact. The third, a lawyer finds out much more on the psychological features of character and temperament of a client, his habits and inclinations than it can be obtained from a personal data.

A lawyer can find out the nature of the hobbies of a client through determination of a scope of the circle of contacts since, as rule, the attachments do not always have only individual nature, and opposite, they are a reflection of the interests of referent group. The hobbies of a client can be a factor to become closer if the lawyer can find common views and definitions as to these predilections. But it should be done sincere and very tactfully otherwise a client can feel "a false" and as result the loss of confidence.

Conversation on the themes which are interested in the interrogated person should not be as a blind consent of the defender with all that will say his interlocutor, since in this situation it is important of an element of the educative impact.

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