

**LEGAL ENGLISH.
A SURVEY OF CURRENT APPROACHES**

Valentina ROBU¹

Abstract

This paper explores several textbooks on Legal English that address a number of language and communication needs of students and employees in the legal field with the aim of finding similarities and differences in their teaching and learning approaches. The emphasis lies on revealing aspects relevant to any ESP educational approach such as: the global design, the amount of specific professional content requested, communication-driven syllabi and skills, self-study. Overall, the research perspective adopted is based on comparing underpinning principles of introducing and presenting the most useful and relevant aspects of the teaching/learning process. The article is also meant to provide significant teacher support in choosing a relevant textbook in the legal English environment that would engage the learners' interest.

Keywords: Legal English, key fields, legal correspondence, legal professionals, learning objectives, self-study

1. Introduction

ESP teaching is sensitive to any content area which is integrated in the academic syllabus and willing to try out the latest contributions to a specific professional environment. There are courses devoted entirely to Legal English as there is a need for a wide range of text types in legal contexts; at the same time this ESP field has attracted the interest of Business English teachers and trainers since it covers several niche areas that are consistently used in relation to more general topics such as *types of business organizations, company law, company liability, employment contracts, insolvency, professional writing*, etc. Hence, an increasing interest in these areas is emerging from the group of Business English professionals, which originates in the students' needs and expectations.

As to the general aim and structure, in this article I have adopted a graded perspective, from the least to the most complex textbook, from a short induction course with fewer objectives to the

¹ Valentina Robu, Bucharest University of Economic Studies, Romania

complexity of an exam preparation book in complex legal areas and contexts. Each book is analysed on the basis of a list of differentiating criteria.

For the purpose of my analysis I have chosen three textbooks which have been on the market for a few years and are available with a considerable degree of updated texts and approaches. The choice of books is also motivated by their attractive content design and the variety of legal topics covered. For any teacher, choosing relevant resources is “critical to the effective management of the classroom” (Nunan & Lamb, 2000: 201).

The three textbooks under focus are: *English for Legal Professionals* by Andrew Frost (henceforth referred to as T1), *Oxford Handbook of Legal Correspondence* by Rupert Haigh (referred to below as T2) and *International Legal English* by Amy Krois-Lindner and TransLegal (henceforth mentioned as T3). The next section briefly introduces the books in an attempt to reveal their main focus in terms of trainees’ needs and general expectations.

2. General presentation of the books

T1 was originally published in 2009 by OUP and is part of the Express Series, a textbook therefore meant to ensure quick progress as an intensive specialist course for various types of legal professionals. It covers key fields of commercial law and is accompanied by a MultiROM. The general language level the book intends to consolidate is B2, but realistic dialogues and corporate contexts often encourage a C1 level. The teaching/learning pattern includes Starter activities and Output activities meant to increase professional communication. It can be used both as a class coursebook and for self-study.

T2 is also published by OUP in 2006 (with subsequent updates up to 2019), and as the title states clearly it is recommended for writing legal correspondence. An intermediate to advanced level is targeted. The thirteen sections cover writing skills in different areas of legal practice and examples of written documents are discussed in detail. Clear strengths include “the explicit layout of the book” (Liebenberg, 2006: 110-111) and a glossary of relevant vocabulary. Learners can use it in class or when studying at home. Listening is not an option as the book is devoted entirely to writing activities and tasks.

T3 is a Cambridge book with a very clear focus: preparation for the International Legal English Certificate (ILEC), published as a second, updated edition in 2011. A book useful both as a course for classroom and self-study, it addresses professionals who work in a commercial law environment and prepares them for the whole range of exam practice tasks. The coursebook contains 16 units and a full sample test, therefore it is accompanied by CDs. One of the most important features is the glossary. Exam preparation suggests that the language level should be advanced and a previous legal knowledge is necessary.

The following section displays a cluster of relevant characteristics of the three books in an attempt to show how differences and similarities help profile the learners’ needs more accurately.

3. Features of the books

The features that have been chosen to describe the books’ profiles are: *objectives* related to study levels, *vocabulary/glossaries*, *skills* and *availability for self-study*.

3.1 Objectives

T1 states that “it has been designed to provide anyone who needs to speak about the law in a business environment with the language they need to be able to operate with confidence” (Frost, 2009: 4). In order to achieve this an explanation is provided on the structure of each of the six units. There is a *Starter*, followed by occupational vocabulary, there are *Vocabulary Assistants*, a *Did you know* box integrating professional and linguistic information and *Partner files* for realistic role-plays. It is a quick course for professionals in the field who “need to communicate accurately in English with clients, business partners, and colleagues”. Therefore, the audience is clearly stated, as well as other beneficiaries.

T2, the writing course, has a more comprehensive list of objectives. It focuses on effective legal writing, on a strong sense of purpose which accompanies learning, and on the language used to achieve study objectives. The introduction is explicit in that the book addresses *non-native* professionals and legal students, as well as *English language teachers*. The ability to write effectively is highlighted, since it is regarded as a fundamental skill in a lawyer’s performance portfolio. Communication through writing, therefore, is revealed and taught by a wide range of documents; general letters and emails pave the way to highly specialized writing and communication in various areas of legal practice. The fact that language teachers, who may not be familiar with legal practice, are included in the audience adds value to the objectives of the book.

Compared to T1 it is definitely not a quick course and the units provide detailed material and take a lengthy view on important legal aspects. Content delivery is therefore one of the book’s objectives.

Among the aims of T3, the exam preparation textbook, the ability to write common legal texts and to read and understand legal specific texts stand out clearly. Spoken English is also an objective, especially in professional contexts such as presentations, meetings, discussions and interviews. Course practice also provides opportunities for interaction in *typical* situations, where good performance is required in client interviews and contract negotiations, for instance. Being an exam preparation textbook, it also focuses on various tasks, and familiarisation with exam tasks is an obvious objective. Aims are definitely related to methods, therefore the three main strategies used to achieve the above-mentioned aims are the analysis and production of authentic *legal texts*, *language functions* common in this area and *vocabulary practice* meant to go beyond mere terminology acquisition (Krois-Lindner, 2011: iii).

Going back to aims, texts are broken down into component parts and studied accordingly. It has to be said here that the approach incorporates both the UK and the US practice. Next, language functions reinforce the specific meaning in a text, the result being a kind of template that in the authors’ opinion, facilitates the production of both written texts and oral discourse. For instance, Unit 5, on contracts, introduces phrases serving to express suggestions, proposals, responses in a face-to-face negotiating session. These are then integrated into role-plays. Finally, legal terminology is presented in every unit, but most exercises also include non-specialised legal terms that encourage communication.

As it can be seen, T3 displays the most elaborated array of objectives and this is explained by its complexity as an exam book, with aims going beyond the mere familiarisation with current legal topics or contexts.

3.2 Vocabulary

This section is devoted to a discussion of the vocabulary presentation in each of the three textbooks. Although a skill in itself, I have chosen to analyse the introduction and reinforcement of vocabulary separately, as the books cover highly specialised content and learners are expected to deal with specific concepts and practices even at a lower language level.

T1's basic vocabulary feature is the *vocabulary assistant*, a short list of specialized items followed by an explanatory section devoted to several fundamental concepts. The authors are careful to display important differences between items used in British and the US practice. The CD also includes vocabulary structured as Useful Phrases and Vocabulary, a quick recap of both basic vocabulary and functional language (e.g. giving reasons and explanations, emphasizing a point, the basic language of negotiations). However, the whole approach is small-scale and adapted to the quick pace the book intends to suggest to students in this profession.

In T2, the writing course, vocabulary is presented in a style suitable to self-study practice. The focus, therefore, is on explanatory sections about legal practice or fundamental concepts. For example, in Unit 6, Intellectual Property: Internet domain names, definitions and examples refer to Patents, Trademarks, Registered designs, Unregistered designs, Confidential information and Copyright (Haigh, 2006: 86-87). Copyright is explained as "the exclusive right to reproduce artistic, dramatic, literary, or musical works, which comes into existence at the time the work is produced" (p. 87). The explanation unfolds the entire practice and the contexts the word/concept is used in. Subsequent correspondence then relates to these concepts and teaches students to use them in a professional context. This way of introducing concepts rather individual words is specific to a book which encourages self-study. Most letters or documents in the book have short vocabulary exercises based on finding synonyms, providing equivalents or eliciting vocabulary items specific to a certain legal environment.

As can be expected from a book adopting this approach, there is a glossary reviewing the basic vocabulary in each unit (but not necessarily the vocabulary items explained in the first part of each unit). Although just a few pages long, it is a valuable feature meant to reinforce fundamental concepts and recreate a context for the professional legal practice.

As far as T3, the exam book, is concerned, there is a Language focus section in each unit structured in the form of various types of exercises. Distinguishing meaning, word formation, verb forms, synonyms/antonyms, prepositions are just a few examples. Apart from these, the conceptual framework of the book includes key terms in the form of matching exercises; for example, in Unit 6 on contracts, the key words relate to types of damages: expectation damages, general damages, liquidated damages, reliance damages, restitution damages, punitive damages, etc. As a follow-up, the reading section incorporates some of the concepts studied, in this case the text being on liquidated damages. Following the exam template, the reading tasks are designed to reinforce and recap on the main vocabulary core.

The second edition includes a glossary which is highly specialized and is directed mainly to the understanding of commercial law rather than general concepts. Many items in the glossary are given in their Latin version, followed by their equivalent in English and the explanation (e.g. *lex causae*, *lex mercatoria*, *lex loci delicti*, *lex patriae*, *forum non conveniens*, *exempli gratia*, *ad hoc*, *ultra vires*).

In conclusion, the way vocabulary is presented for learning and teaching is reflected in the original aims of each coursebook and is closely related to the main distinguishing criterion which has emerged from this analysis, namely using the book in class as a regular coursebook or for self-study.

3.3 Skills

As I have already mentioned, the general approach is different with each book. While two of them take a more comprehensive view of skills presentation, T2 is designed exclusively as a writing coursebook.

T1 aims to brief legal students fully in communication in the field and is true to its intended purpose. The six chapters match the topic areas with a full range of skills. The book offers a good balance of skills since it encourages the learners to make progress fast on a limited number of general topics. Language items are usually introduced in specialised texts and come in the form of phrasal verbs, pairs of verbs and nouns, word building, negative prefixes, etc. Reading comprehension is present in all units and very well integrated in the topic under study. Listening is very often focused on meetings and discussions and role-plays are relevant and varied with full instructions and a lot of support. Generally, role-play interactions are in the B2-C1 range, they build on previous language and are more complex than other tasks in each unit.

In T2 writing is the key skill displayed, with an impressive number of letters, documents, reports, on each of the key areas included in the book. However, in view of the fact that the book is intended mainly for self-study, there is extensive reading to be done on various topics. As I have already said, explanations of the main concepts and legal practice provide content support necessary in understanding the legal documents. Moreover, reading comprehension is encouraged through the use of questions targeting the content in each document. A useful recap on *the main points to remember* is provided at the end of each unit.

T3, the exam preparation course, is definitely the most complex in the range of skills offered. Skills are balanced and presented in a clear succession so that candidates should get familiar with the exam template. Exam practice tasks and exam tips are provided throughout the coursebook. Being intended for an international professional examination, T3 is an upper-intermediate to advanced level course.

I would like to refer briefly to aspects which are not present in the other two books. When it comes to speaking, paraphrasing is very often used as it is a much-needed sub-skill. Reading texts are complex and highly specialized followed by varied tasks. There is a section on text analysis which guides the learners to understand various text purposes and devices, such as cohesive devices, preparing a case brief, persuasive writing and speaking. Even more significantly, there are complex case studies which include the full range of skills presented during the course: role-plays, writing, reading of texts. The *Exam focus* section stands out as a collection of tasks

including all relevant skills and the instructions to the tasks very often emphasize the fact that what is tested is not the learners' legal knowledge, but their ability to use relevant language on law-related topics. For instance, in one of the speaking components learners are informed that examiners will look at their ability to engage in a discussion, to take turns and to collaborate with their partners. Exchanging information, expressing and justifying opinions, suggesting, speculating or decision-making are also under focus.

3.4 Availability for self-study

Next, I would like to review briefly the intentions of the authors concerning the textbooks' relevance for self-study.

What is interesting is that all three books are recommended for both uses: as regular coursebooks to be used in class and for self-study. However, T1 and T3 incorporate in their general design role-plays and partner files that would require face-to-face interaction and the setup seems to encourage classroom activities in pairs or in groups. Both books are meant to equip learners with a full range of skills and oral communication is the focus of many activities. Moreover, instructions like *work with a partner* address tasks such as practicing phrasal verbs, discussing questions, completing texts using certain words, checking answers, sharing views with the class (T1), while T3 exhibits role-plays as part of the exam requirements. Inside the units of T3 instructions like *work in pairs* or *make an oral presentation* are used very often. However, at a closer look, it seems that the global design in T1 suggests a stronger approach to oral communication. T3, apart from exam requirements, is more focused on written practice but not necessarily written communication.

T2, the correspondence book, with its extensive guidelines for writing documents, seems more appropriate to self-study, but the author suggests it can be used in class as well. In fact, if we look at the way tasks are conceived, many letters or documents are designed with a first/original letter and a reply letter, which qualifies the book for interaction in writing. Students are therefore advised to use the book according to their own rhythm and purpose.

4. Conclusions

In this article I have directed my analysis to the objectives and setup of three textbooks on legal practice available on the Romanian market and widely used as standard materials.

One basic reason for my interest in the subject is that all three books have been designed to provide English language teachers, who may not be familiar with the content area, a thorough grounding in the field of legal practice. The continuous development in a teacher's professional life is not only a reason for research but a self-assessment tool as well (Bowen & Marks, 2003: 39). Professionals in the ESP teaching field know how important it is to adapt quickly to content and methodology strategies in order to respond to particular categories of learner needs.

A first conclusion that emerges from the analysis is that all books are reliable and built on solid learning principles. They all encourage teaching and learning of basic concepts in the legal field while emphasizing what all good textbooks should emphasize: knowledge and practice of the

English language in a professional context. All books present, even if not explicitly, a view of learning which is complex, graded and adapted to learners' needs.

Having said that, it is up to the teacher and the students in their particular situations to choose a book which responds best to their immediate or long-term needs. One of the problems that remains unsolved however, is that all textbooks are designed along the conceptual legal framework operating in Britain and the US. All of them mention this either in the introductory remarks or in the body of certain units which are more heavily influenced by this aspect. To make the situation even more complex, there are differences between the U.K. and the U.S. systems. These are signalled by all books both when it comes to variations in company structure in the two countries and when differences arise between Britain and the U.S. and other European countries, for instance. The situation remains without an immediate answer, however.

Irrespective of the differences in the language level proposed, all three textbooks are designed both for self-study and as regular coursebooks for classroom use. While focusing on legal English, they contain strategies that prepare the students for adopting an individual learning style. In this respect, all books are valuable tools for developing both professional and academic skills.

References and bibliography

Bowen, T., Marks, J. 2003. *Inside Teaching*. Macmillan, Heinemann

Frost, A. 2009. *English for Legal Professionals*. Oxford University Press (Oxford Business English Series): Oxford, New York

Haigh, R. 2006. *Oxford Handbook of Legal Correspondence*. Oxford University Press: Oxford, New York

Krois-Lindner, A. (and TransLegal) 2006. *International Legal English*. Cambridge University Press: UK, USA, Australia

Liebenberg, E. « Rupert Haigh, Oxford Handbook of Legal Correspondence », *Cahiers de l'APLIUT* [En ligne], Vol. XXV N° 3 | 2006, mis en ligne le 28 décembre 2014, consulté le 21 octobre 2019. URL: <http://journals.openedition.org/apliut/2420>

Nunan, D., Lamb, C. 1996. *The Self-Directed Teacher-Managing the learning process*. Cambridge University Press: UK, USA, Australia

Willis, J., Willis, D. (Eds.) 1996. *Challenge and Change in Language Teaching*. Macmillan, Heinemann: Hong Kong

The Author

Valentina Robu is Lecturer with the Department of Modern Languages and Business Communication at The Bucharest University of Economic Studies. She has extensive experience in teaching Business English with a focus on communication skills in a professional environment. She is a qualified teacher trainer and took part in many projects initiated by The British Council Romania in the fields of teaching and educational management. She holds a Master of Education from the University of Manchester, UK, and received her PhD from the National Institute of Economic Research within the Romanian Academy. Her professional and research interests include cultural studies, ESP teaching methodology, educational management, materials and textbook writing.