

Challenges in teaching legal English and efficient methods of evaluating Romanian students at the Faculty of Law and Public Administration

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Abstract

The aim of this paper is to present the challenges in teaching legal English to non-native students from the Faculty of Law and Public Administration in a Romanian private university and to offer several suggestions for improving the methods of assessment. English for Specific Purposes has increasingly developed in the last decades and there is no argue that English has become lingua franca. Being the language of international legal practice, English is an important part of a legal training programme and, in order to face the challenges of the labour market in the future, students must be able to overcome the problems due to the differences between legal systems and languages. Teaching English for Specific Purposes is a never-ending process considering that, in order to achieve proficiency, constant training is needed.

Key-words: legal English, vocabulary acquisition, terminology, assessment, learners' needs

Introduction

Legal language is a technical language, different from other technical languages, like mathematics or physics, as it is tied to a national legal system, having its highly specialized terminology. In language for special purpose communication, the text is formulated in a special language or sub-language that is subject to special syntactic, semantic and pragmatic rules. Legal language is used in communicative situations, for pleading, claiming etc., by lawyers, judges, jury members, law professors, and also in communications between lawyers and the layperson or the general public.

According to White (1982, p. 423), one of the most problematic features of legal discourse is that it is 'invisible'. He claims that "the most serious obstacles to comprehensibility are not the vocabulary and sentence structure employed in law, but the unstated conventions by which language operates."

Teaching legal English in private universities and methods of evaluation

The legal English course I am teaching is an upper-intermediate course for learners who are students at the Faculty of Law and Public Administration and who need to be able to use English in their future legal profession. "Spiru Haret" University has introduced legal English at the Faculty of Law and Public Administration in order to cope with the great demand, thus determining non-native English speaking students to specialize in legal English. Our students study legal English for four semesters during the first two years at the Faculty of Law and Public Administration and since beginners cannot be accepted, they have to have at least an intermediate level in order to be able to deal with the requirements of studying English within a law degree programme.

Students should be able to use legal English in a professional manner, so, in the first year, their training focuses on:

Part I

- Unit 1. British Law vs. US Law
- Unit 2. Forms of Punishment
- Unit 3. The European Court of Justice – Composition and Structure
- Unit 4. Institutions of the Community
- Unit 5. Daily Telegraph I
- Unit 6. Daily Telegraph II
- Unit 7. Home Confinement

Part II

- Unit 1. Student First Amendment Case
- Unit 2. Contempt of Court or Violation of Freedom of the Press?
- Unit 3. The Role of Federal Courts in Balancing Liberties and Safety
- Unit 4. United States Constitution: Amendments
- Unit 5. Disclosure of Classified Information
- Unit 6. Health Care Fraud
- Unit 7. Identity Theft

and in the second year on:

- Unit 1. Law
- Unit 2. Civil Law
- Unit 3. Criminal Law
- Unit 4. Criminal Procedure
- Unit 5. Courts

Unit 6. The British Constitution and Government

Unit 7. The United States Constitution and Government

Unit 8. Legal Education

Legal English course is a course of language, not a course of legal concepts or information, so I must admit that, in order to gain sufficient knowledge on different legal issues, I asked for my colleagues' help. As they are specialists in different areas of law, they could provide useful information which is important for me in succeeding teaching legal English.

Instead of the present structure of the legal English course, starting next academic year I shall try to change the syllabus and follow the structure of ILEC (International Legal English Certificate) Preparation Course. I consider that ILEC syllabus is more appropriate for a legal English course because it familiarizes students with the kind of vocabulary and situations they will encounter later on in their professions, it improves their ability to write common legal text types in English, it improves their ability to read and understand legal texts, it improves their speaking skills, making them more confident to engage in speaking situations typical of legal practice.

The course succeeds in achieving its aims through certain aspects found in the syllabus: production of authentic legal texts, language functions specific to legal texts and learning new legal vocabulary (Krois-Lindner, 2006).

During all these years of teaching at the Faculty of Law and Public Administration, I have noticed that we, English teachers, face a difficult problem, the fact that students concentrate more on law subjects. For this reason and because of the fact that we have a limited number of hours for the legal English course, I would propose the following syllabus as being more suitable for what a student needs to know after graduating this course:

Unit 1. The practice of law

Unit 2. Company law: company formation and management

Unit 3. Company law: fundamental changes in a company

Unit 4. Contracts: contract formation

Unit 5. Contracts: assignment and third-party rights

Unit 6. Employment law

Unit 7. Intellectual property

Unit 8. Competition law

Unit 9. Transnational commercial law

When writing or structuring a legal English course, a teacher must be aware of the fact that students don't need to master US or UK legal concepts, but to provide information regarding their own legal system, in our case Romanian law. As Codruta mentions it in her paper (2012), "the teacher must be utterly aware of the problems that such approach might create. When students are required to discuss in English about their own legal systems, we unavoidably determine them to translate into a foreign language. Although they are fluent and accurate in English and can engage, develop and sustain a conversation on a wide array of topics, it is very difficult for them to think in English about their own legal system."

A great result of legal English teaching would be that students gain the ability to formulate speeches using specialized terminology and also to develop ideas in the field of law. That is why, I, as a teacher, encourage discussion activities and role-plays in order to improve students' performance on speaking. In order to function adequately in an international legal English context, students must be able to produce legal vocabulary through legal texts and to express themselves by providing, orally, legal information in English.

A great method for developing listening comprehension skills in the absence of native speakers involved in the educational process is through videos. I use this method with my class and it proves to be very efficient in achieving communicative objectives. I create all sorts of exercises for them (multiple choice, fill in the gaps, true/false exercises, short essays, etc) and use them while we are watching or post-watching the videos.

Another problem teachers are facing is the fact that, although students should have at least intermediate level of English, there are many situations when they have different language levels and achieving their common aim of learning legal terminology and of familiarizing in English with the kinds of situations typical of legal practice becomes a big challenge for teachers.

I consider that assessment is important for the improvement of the teaching-learning process. In the process of learning, of gathering information, it is very important to write a report or to give an oral presentation as forms of assessment because, as we all know, legal professions require a lot of legal writing and speech delivering.

I also consider very important the constructive criticism offered by the other students (the audience) after preparing and holding a presentation. In this way, as mentioned by Bradea, students will be better organized in their activity of selecting and organizing legal information, will do research in the library and on the Internet, will develop presentation abilities and authentic English discourse.

When writing a project it is essential to know what information to select and to adapt it to your own project. As mentioned earlier in the paper, legal English course is a course of language and not a course of legal concepts, so an oral presentation will better reveal students' English language abilities.

Unfortunately, the current method of assessment at our university for the legal English course is through 'multiple choice' exercises, which does not allow the teacher to correctly evaluate the students. As I mentioned earlier, the best method of assessment for both teacher and students is through PowerPoint presentations, projects, essays and also through written tests. As Dudley-Evans and St. John mentioned, evaluation should be a "dynamic and adaptable" process: "Evaluation is a very constructive and powerful activity and a very stimulating one" (Dudley-Evans & St. John, 2006, p. 129). In this way, all students will have equal chances of getting a good grade and the teacher will not give an advantage to a student who expresses himself better over another student who is, perhaps, shy or, maybe, who does not have such good qualities of an orator.

Conclusion

The method of teaching is conditioned by the students' needs and also by their level of English language. Teaching legal English represents a challenge for teachers for three reasons:

1. Students' increasing interest for law subjects and lack of interest in learning highly specialized terminology in English.
2. Students' different levels of English language.
3. The fact that the teacher has to play the role of the learner himself in order to be prepared all the time.

Besides the desire of succeeding in their teaching job and of making the students realize the importance of legal English in their future professions, the teacher also has the obligation of helping the students to be able to face the challenges of the labour market later on. One can do that, first of all, through the teaching methods he uses, and secondly, through the form of assessment which has to be the most suitable for achieving this aim.

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