

KALBOTYRA/LINGUISTICS

Legal English — What is the Point?

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Abstract. English for specific purposes (ESP) still constitutes the minority of courses in the English language instruction at the Foreign Language Centre of Vytautas Magnus University. Among possible explanations are that it is costly, time consuming and an intellectually challenging specialisation process on the part of the teacher and a more complex and challenging subject for the student. Students generally lack the basic language skills necessary to benefit fully from such specific purpose classes.

This article focuses on the teaching of legal English to students of law and practicing lawyers in Lithuania. It touches upon the history of language for specific purposes, material used in the legal English classes, and the students themselves. It concludes with the case study investigating trends in Legal English classroom among students of legal English at Vytautas Magnus University. This article also deals with the levels of skill necessary for students attending legal English classes and the results such students achieve. It concludes that although the need for legal English in Lithuanian is not yet realised, it needs to be, if the country wants to cooperate successfully internationally and contribute to the international and local legal environment.

While teaching legal English it has been noted that it is best to seek out help from the teachers or teacher organisations from other countries who teach language for specific purposes more widely and actively. This is because the demand for English for specific purposes is bigger in Western Europe, and teachers there subsequently have more experience in delivering the subject. Associations of English for specific purposes share a lot of information and can direct interested parties in their search for rare information on specific purpose language teaching. Observations reveal that Lithuanian teachers and students are still new to ESP (English for Specific Purposes) and need some guidance while finding and adapting the specific purpose material. Although this fact shows legal English as being a novelty in this country, it did nevertheless appear on the Lithuanian university instruction scene around the same time as it did in the rest of Europe. The difference lies only in the fact that in European countries like, for instance, Sweden, Germany and the UK there are strong teacher associations and information bodies such as TransLegal, EULETA and IATEFL SIG, which are responsible for spreading and sharing news, views and clues on teaching English for specific purposes.

Key words: *Teaching English for specific purposes (ESP), teaching legal English, needs analysis, ILEC, EULETA, TransLegal.*

Introduction

The aim of this article is not only to share the experience of teaching legal English to non-native English language learners at Vytautas Magnus University but also to fill in the gap in the research concerning the teaching of legal English in Lithuania in general.

Why should a learner study English for specific purposes rather than general English? Mainly, there is general English at one end of the spectrum and English for specific purposes at the other end. The distinction between general English and English for specific purposes lies primarily in the way these two branches of English instruction handle the four basic linguistic skills. These are reading, writing, speaking and listening. According to the specialists of CLIL (Content and Language Integrated Learning), the four language skills are not the primary focus in a specific purpose language class. The author of the book *Assessing Languages for Specific Purposes* Dan Douglas puts it this way:

“The four skills will not be considered to be part of specific purpose language ability, but rather the means by which that ability is realized in the performance of tasks in actual language use situations, including LSP (Language for Specific Purposes) test” (Douglas, 2000).

The fact that it thereby frees the learner from the tension of making grammatical mistakes, has been noted by many scientists. As a result the learner gains more confidence, increases interest in the subject and achieves much better results in foreign language learning. As the American author Stan I.S. Law rightly notes, we live in an age when experts and specialists are admired above all others. The researchers in applied linguistics speak in favour of specialisation in language studies and emphasize that language performances vary with context. For instance, it has been found that computer engineers will perform better on the specialised tests about micro-chips than on square-rigged sailing ships because it is the field of their interest and has topics relevant to the field they are studying or working in (Douglas, 2000). Another reason speaking in

favour of specialisation is the precision of specific purpose language.

“Technical language <...> has specific characteristics that people who work in the field must control. A classic example of the need for precise, specific purpose language comes from the field of law. What we refer to as legalese and the use of Latin terminology has a specific communicative function in that field, namely precision” (Douglas, 2000).

Quite recently legal English became a global phenomenon. Earlier legal English has traditionally been the preserve of lawyers from English-speaking countries (especially the U.S., the UK, Canada, Australia, and New Zealand) which have shared common law traditions. Due to the spread of English as the dominant language of international business, as well as its role as a legal language within the European Union, legal English is now a global phenomenon. The expansion of English to many professional spheres¹ of life is due to the fact that English is becoming a career tongue, a language with prestige, “a key for more lucrative jobs” (Montaut, 2009), rather than a language that is primarily useful when travelling and socializing with foreigners.

History of Legal English

The area of English for specific purposes is a widely researched topic (e.g. Dudley-Evans & St. John, 1998; Widdowson, 1983; Lakoff, 2000; Shuy, 1998; Deller & Price, 2007; McNamara, 1990; Hutchinson, 1987; Okuné, 2009). The area of assessing languages for specific purposes (Douglas, 2000) and legal English (Bhatia, 1983; Engelhardt, 2008; Budikova & Steflava, 2001; Weber, 1999; Haigh, 2004) has been researched quite extensively too. There is little research, however, on how prepared Lithuanian students and professionals are to study specific purpose Legal English and how desirable the subject is among learners in Lithuania.

A short historical overview of English for specific purposes reveals that, although ESP has a short history, recording the roots of legal English teaching is surprisingly difficult. The date that marks the beginning of ESP is pinpointed by linguist Dan Douglas. He documents testing of language for specific purposes (LSP) in 1913 (Douglas, 2000) and it has later been established as a genre within English language training. The notion of genre as a framework for language instruction is relatively recent, emerging since early 1980s (Byram, 2002).

More recently, the appearance of professional language support organizations marks the growing strength and importance of legal English as a field of studies worldwide.

¹ According to Routledge Encyclopedia of Language Teaching and Learning, English for specific purposes (ESP) refers to the teaching and learning of English for an instrumental purpose — work or study related — and embraces a great diversity of language teaching and learning situations around the world (Byram, 2002, p.196). Various branches of ESP are identified, including EOP (English for Occupational Purposes), EAP (English for Academic Purposes) and EPP (English for Professional Purposes). English for specific purposes can range from broad specific courses in the specialist area of work or study like Business English, to very specific English courses like specific English for clean room technology, English for history students, English for the cement factory managers, or English for the master level economic students.

EULETA (European Legal English Teachers' Association), TransLegal and IATEFL (International Association of Teachers of English as a Foreign Language) SIG (Special Interest Group) are the most popular, authoritative, resourceful and active organisations providing professional/legal English teacher support and information. A short introduction of the activities of each of these associations reveals more about the wealth of information, and support it can offer to the learner and the teacher alike.

EULETA was founded in 2006 in Neu-Ulm, Germany. It was formed by teachers, writers, lawyers and academics to promote continuing professional development for teachers of legal English. EULETA organizes regular workshops lead by experts in the field of Legal English, and biennial conferences. The organization's website (www.euleta.de) is currently being developed and will include a regular newsletter, a lesson share page, conference/ workshop papers as well as details on vacant positions and continuing professional development courses.

TransLegal, Europe's leading firm of lawyer-linguists, was founded in Stockholm in 1989. It provides legal English testing, online legal English courses and resources, live seminars, training and translation of legal documents. TransLegal is the publisher of two of the bestselling legal English textbooks, namely, *International Legal English* (Krois-Lindner, TransLegal and Day, 2006) and *Introduction to International Legal English* (Krois-Lindner, Firth and TransLegal, 2008). What is more, TransLegal in a unique cooperation with Cambridge University ESOL (English for Speakers of Other Languages) created the International Legal English Certificate (ILEC) examination.

IATEFL, founded in 1967, stands for the International Association of Teachers of English as a Foreign Language and is based in Kent, UK. This networking association has 3 500 members in 100 countries throughout the world. In 2007 this long standing teachers association has established a Special Interest Group (SIG) devoted to English for specific purposes. The group's mission is to link, develop and support English Language Teaching professionals throughout the world in English for specific, academic and/ or occupational purposes (i.e. ESP, EAP & EOP (see footnotes on these abbreviations)). Their mission statement claims that

“We are a ‘must’ for any teacher who wishes to keep up to date with the latest developments and newest ideas in whatever specialist area of the profession they are interested in” (<http://www.iatefl.org/special-interest-groups/sigs>).

When legal English was first introduced in universities in Lithuania it was largely due to the initiatives on the part of individual teachers. This as a result meant it was taught rather sporadically. Such lack of purposeful planning is very unusual to Eastern Europe. During the soviet era the university authorities closely supervised and supported the appearance of subjects in the university's subject curricula. After gaining independence in 1990 the situation has dramatically changed. The subjects offered by an individual teacher without the support and direction from the authorities meant that the subject was weakly resourced, amateurish, and usually short lived. However, although

Lithuanian teachers cannot boast of having sufficient support and such strong and prolific professional organizations as Western European countries, the dates of appearance of legal English in Lithuanian universities almost coincides with the appearance of professional language associations in Europe in spite of the fact that the milieu was so unfavourable. The *Language Teachers Association of Lithuania* (LKPA) founded in 2006 in Vilnius is the only teacher association in Lithuania catering to the needs of all foreign language teachers. It is interesting to note that the Department of English for the Humanities at Vilnius University was divided into the Department of English for the Faculties of Economics and Law and the Department of English for the Humanities as early as in 1989 (Grigaliūnienė, 2008, p.103), thereby taking steps towards singling out the teaching of professional English at the university. According to the same author, English for lawyers was taught sporadically earlier at the University of Vilnius but it is difficult to document this with precision.

Mykolas Romeris University, established in 2004, with an emphasis on the studies of law has always offered their English language instruction tailored to fit the needs of future professionals. They have always taught professional English according to the majors of students, for example, lawyers have been offered legal English for Customs, legal English for Penal law and legal English for European law. Students of economy have been offered English for banking and finance.

In Foreign Language Centre of Vytautas Magnus University, legal English was first offered in 2005. The pioneer English teacher without any background in law previously taught general English for a number of years, and later offered the elective legal English course for the students of entire university, without distinguishing the faculty. Although her subject was short lived due to the lack of material and subject's popularity among students, in 2005 she published glossary of legal English entitled *Building Legal Vocabulary* (Liatukaitė, 2005).

Undergraduate or bachelor studies of law at Vytautas Magnus University started in 2009. Since that time, the importance of legal English has been growing. Renewed legal English course as one of the core required courses for students studying law was offered in the 2010 autumn semester. The need of legal English has become obvious. At least five out of eighteen subjects in the Master's programme and integrated Bachelor and Master study programme at Vytautas Magnus University faculty of Law are being delivered in English by visiting professors. The reason for the legal English course becoming a requirement is probably due to the fact that foreign professors do not reduce their normal lecture speed to accommodate Lithuanian students and hope that students are able to take notes and participate in classes dealing with different areas of law in English without much extra effort. Also with the opening of borders, the universities in Lithuania take greater care to deliver students not only local but more global education. Another reason for the need of specific English course is that the general English skills acquired in general English classes have so far been inadequate as a basis for studying law in English. Traditional English language training is

insufficient to meet lawyers' language requirements because such training ignores the particular demands of legal practice.

The Contents of Legal English

I now turn to a section where a closer look at the subject of legal English will reveal more about the subject's contents, versatility and why legal English is more challenging, innovative and different than general English. Thus, to analyse the subject deeper, Legal English is discussed here in terms of the **subject** and **material** used in legal English classes. What follows is a case study which reveals legal English **student's** needs and capacities while studying legal English.

Legal English as a Subject

The main difficulty of legal English as a subject lies in the specific language repertoire. Legal English is full of terminology, rich vocabulary and collocations. As Rupert Haigh (2004) claims, one of the reasons why legal language is sometimes difficult to penetrate is that it is often very different from ordinary English. First of all, the writing conventions are different: sentences are long and often have peculiar word order (e.g.

The stated capital of the Corporation shall be at least equal to the sum of the aggregate par value of all issued shares having par value, plus the aggregate amount of consideration received by the Corporation for the issuance of shares without par value, plus such amounts as, from time to time, by resolution of the Board of Directors may be transferred thereto.

The sentence could be simplified into

The stated capital of the corporation is the capital that, by law, must remain in the company. It's calculated by adding the value of all shares. For the shares with a par value, that's 5,000 times \$50, or \$250,000. For the shares without par value, it's simply the money which they were sold for. This is the minimum stated capital, but the Board of Directors can transfer more money if they make a formal resolution (International Legal English, Teacher's book, 2007, p.58).

Foreign phrases, notably Latin words, are sometimes used instead of English phrases (e.g., *pro rata* instead of *proportionally*, *sui juris* instead of *one's own right*, *videlicet* (*viz*) instead of *as follows*, *per stirpes* instead of *by stock* (*or branches*), *versus* instead of *against*, *ultra vires* instead of *beyond the legal powers of a person*). Legal English uses archaic phrases formed with the prefixes *there-* and *here-* (e.g. *hereafter* instead of *after now*, *thereby* instead of *by doing that*, *therefor* instead of *for that*), French Anglo-Norman origin endings of the words are frequently met (e.g. *lessee*, *promisee*, *trustee*) and unusual set phrases are quite common (e.g. *null and void*, *all and sundry*, *law and motion*, *accord and satisfaction*, *hearing de novo*, *trial de novo*, etc.), as well as and legal triplets (e.g. *remise*, *release and forever discharge*). Legal English also has legal terms of art, which are technical words and phrases which have precise and fixed meaning and which cannot be replaced by other words (e.g. *patent*, *share*, *royalty*, *bailment*, *abatement*). Legal jargon comprises words that are difficult for non-lawyers to understand and which are being actively replaced by plain language equivalents. There is even a very active plain language movement and

campaign (check at www.plainenglish.co.uk or Wydick, 2005) to fight impenetrable legal jargon and legalese. Colleges and universities in the USA have writing centres and writing development programs to help their students improve their writing skills and get rid of legalese. The lawyer and judge, A. J. Guilford, one of the proponents of plain English, claims, that archaic words and legalistic phrases should be avoided. Legal English difficulty also lies in the fact that legal English has words that have one meaning as a legal term of art and another meaning in ordinary English (e.g. *consideration* in general English means *careful thought before making a decision* but in legal English it means *payment*, or, another example, *tender* in general English means *gentle and kind* and in legal English means *an offer to supply goods or services*). There are also regional varieties of legal English language. Legal English terms vary from one English speaking country to another (e.g. *barristers and solicitors* in England and *lawyers and attorneys* in the USA, *company law* in British English and *corporate law* in American English, *competition law* (British) and *antitrust law* (American), *managing director* (British) and *CEO* (US). Different areas of law have terms used chiefly in particular area (e.g. *corporate veil* is used in company law, *privity of contract* is used in contract law, and *mens rea* (“guilty mind”) is mainly used in penal/tort law).

It is important to note that legal English terms cannot be translated with exact precision into another language as they can be, and usually are, very country specific. The overview of legal English difficulties and peculiarities shows that such big variety in the linguistic code makes legal language cryptic, mystic and historical, as well as specific and precise. When it comes to translations, because of historical and linguistic differences, more often than not, one has to describe the term using the language of approximation rather than translate it into the exact term. The exact term might simply not be available in specific language or in specific jurisdiction. The language of approximation (e.g. X is rather similar to Y, X is completely different from Y, X is rather like Y, X is slightly different from Y, X is somewhat similar to Y, and so on) is useful for describing the extent to which two entities are similar or different. When dealing with the language of approximation, in order to act efficiently, we have to know when we can assume that the regularity is complete and certain, and when we must assume that it is only approximate and probable (Sardiko, 2008). Since we cannot be certain/sure about the completeness and exactness of the term we usually have to resort to approximation and detailed, sometimes lengthy, description. Although it would be very convenient to have one matching term, it is not always possible. For example, most students in Lithuania would ask what the term “paralegal” means. The best way would be to explain that paralegal is a person who assists a lawyer with legal work, but who is not a lawyer, or that paralegal is rather similar to Lithuanian secretary. Another example comes from the sphere of organisation of courts. When explaining the country specific court system it is better to use the language of approximation as courts in different jurisdictions have different functions and names. For example, there is no magistrate’s court in Lithuania but

there is district court that deals with civil and criminal cases and cases of administrative offences rather like magistrates court in England and Wales (*European Judicial Network* http://ec.europa.eu/civiljustice/org_justice/org_justice_lit_en.htm#2.1). This proves that word-for-word translations into one’s own native language are often impossible to make and can be based on simplified understandings of a subject because perfect matches are seldom encountered. Ironically, a language of approximation should be used rather than word-by-word translation if people are striving to be more specific when dealing with legal terms.

Lithuanian learners might sometimes find legal English difficult due to the fact that unlike Lithuanian legal language, legal English, as examples above show, is a very historical, traditional and precise language counting hundreds of years of development. Lithuanian legalese does not have such long history of terminological development as the author of *Educational English-Lithuanian Law Terms Dictionary (1998)* (*Mokomasis Anglų-Lietuvių Kalbų Teisės Terminų Žodynas*) Vita Bitinaitė rightly notes. For fifty years prior to Lithuanian independence, a system of soviet/ socialist law with a specific vocabulary was used in Lithuania. After the restoration of independence in 1990, Lithuania took a different direction and started developing the legal system of its own creating terms resembling the western systems of law. This modernization and development process continues to this day.

Material Used in Legal English Classes

Material in a legal English class is one of the most important parts of the course because without good material the course would not be able to survive long and successfully. The material used in legal English class can be roughly divided into five types: material provided by organisations (EULETA, TransLegal, etc), media (newspapers, journals), textbooks, reference books, and other material (films, casebooks, conference material, websites).

First of all a great help comes from mailing lists of already mentioned linguist-lawyer organizations such as TransLegal or EULETA (*European legal English Teachers’ Association*), or IALEFL ESP SIG. Sometimes free online membership, for instance in the TransLegal site, offers a wealth of material to keep specialisation going, such as word of the week, quiz of the week and lesson of the week, and other resources to improve or maintain legal English knowledge. Premium and pro memberships in addition offer even more resources such as personal lawyer-linguist lessons or a legal English online dictionary to name but two.

Apart from material offered by EULETA and TransLegal, IATE (Interactive Terminology for Europe) and Access to European Union Law, Eur-lex, offer a variety of data in legal English. IATE hosts a database of terms that translates legal or business terms into 24 languages including Lithuanian. IATE is a perfect tool when carrying out translations. EUR-Lex provides free access to European Union law, public documents, a lot on European Union law for novices, as well as contextualized word search, legal journals and many other documents and resources.

Some of the other ways of improving one's knowledge of legal English include reading legal publications such as, for example, *ELSA (The European Law Students' Association www.elsa.org)*, online legal journals (*Baltic Journal of Law & Politics* accessed through <http://www.versita.com>). Paper newspapers are invaluable sources for a complete novice in the world of law too. Every serious newspaper has a section on economy and law. Most local newspapers also usually have business and economy sections which help to get to know and discern the legal aspects of commercial transactions that take place locally and globally. Even non-English newspapers can provide information relevant to the teaching of legal English and put in connection to what is practiced in the textbooks. In other words, newspapers deal with economy and legal matters in everyday language and help to grasp the complexity of things. Media is especially helpful when studying company law and penal law. Commercial matters of company law, for instance, in comparison with another major branch of commercial law, contract law, are discussed in newspapers on a daily basis.

The more formal and typical teacher's material is a textbook. The international popularity of such textbooks as "*International Legal English*" (2006, CUP) by Amy Krois-Lindner, TransLegal and Jeremy Day, and "*Introduction to International Legal English*" (2008, CUP) Amy Krois-Lindner, Firth and TransLegal is first of all due to the fact that they are so cosmopolitan, rich in material, authentic and inclusive of many jurisdictions. These textbooks represent a new generation of textbooks that answer the needs of legal English as a global phenomenon because they deal with many jurisdictions rather than with just the British or American ones.

The language proficiency level of textbooks in any professional sphere varies with the area. For example, Business English textbooks start at elementary level, while legal English textbooks start at intermediate level or B1 according to CEFR (Common European Framework of Reference). For instance, *Introduction to International Legal English* (Krois-Lindner, Firth and TransLegal, 2008) is a textbook for intermediate students. One of the most popular classroom textbooks currently around on legal English, *International Legal English* (Krois-Lindner, TransLegal and Day, 2006), refers to levels B2 to C1 following the Common European Framework of Reference (CEFR) for languages. Thus, all of the teaching material for studying Legal English is primarily intended for the learners who have reached intermediate to upper-intermediate and advanced level of English. The importance of levels will be relevant when we discuss how students self-evaluated their own level of English in a case study before coming to specific English classes.

Another type of legal English textbooks for lawyers apart from already mentioned classroom textbooks are books intended for legal and business professionals as reference resource materials to access the information in a specific area quickly. The reference resource material focuses on a particular area of target language proficiency as, for instance, taking specific professional tests (e.g. *Success with ILEC* by Brieger & Kosta, 2008), writing letters (e.g.

Oxford Handbook of Legal Correspondence by Haigh, Oxford University Press, 2006), perfecting writing and presentation skills (*Legal English* by Haigh, 2004) enriching vocabulary (e.g. *Check your English Vocabulary for Law* by Wyatt, 2006) to name a few.

Other, less formal but very effective ways of increasing legal English knowledge comes from a variety of sources, for instance, attending law conferences (*The Impact of Globalisation on Law: Changing Ethical Role of Lawyers*, September 30, 2011, Vytautas Magnus University). It is very useful to read government websites (www.lrv.lt (*Government of the Republic of Lithuania*) website), law firm websites (e.g. *Nordia Baublys & Partners*, LAWIN (*Internationally highest ranked business law firm in the Baltics*), *Raidla Lejins & Norcous, Hinshaw and Culbertson LLP*), analyse legal films (e.g. *Witness for the Prosecution*, *The Paper Chase*), read casebooks (e.g. *Tort law*, *Oil and Gas law*), international bank sites (e.g. <http://www2.goldmansachs.com>) and law firm brochures. While listening to radio programmes at, for example, out-law radio www.out-law.com through podcasts you can hear news on particular legal matters accompanied by transcripts that can be followed while listening. Helpful resources are dictionaries (e.g. *The Black's Law Dictionary*), past exam papers from English speaking country universities, self-help books (e.g. *Legal-Wise: Self-Help Legal Guide for Everyone* by Battle, et al., 1996, *Xenophobes guide to the English/ Italian/ Spanish*, Oval books, 2008 — social English guide which helps to understand different cultures), and a variety of other different resources for legal English improvement.

The Case Study on Students' Legal English Needs and Capacities

The aim of the case study

Before offering the course at Vytautas Magnus University, an exploratory empirical investigation, or needs analysis survey was conducted in 2009 in order to find out the specific purpose language needs of law students at Vytautas Magnus University from a quantitative point of view. Another group of students were observed in autumn semester of 2010 in order to measure their success while studying legal English. The objects of both studies were the groups of learners of legal English at Vytautas Magnus University.

Methodology of data collection for case study and observation

Methodologically, the study is a small scale quantitative analysis carried out with the use of a Likert-type questionnaire consisting of 38 statements delivered to 73 students of law. The students were asked to answer questions with respect to their experience in using general and professional English, self-evaluative questions about their level of general English skills, self-evaluative questions about their possible experience using legal English in a variety of professional settings, and finally questions about which legal English skills they would like to perfect while studying legal English.

Students' work was also analysed through direct observation of the results they achieved during classes. 63 undergraduate

university students that attended legal English classes and 7 non-formal education course participants were observed in 2010 autumn semester.

The Portrait of the Researched Student

A student is one of the most important, vital and vivid parts of legal English teaching. Students themselves can do a lot to improve the efficiency of legal English classes. They can test with a fresh eye, whether the material is doable, they can find out and research information, and they can share with other students and teachers their insights and knowledge. All in all, students are a key factor in legal English classes as well as in any education. As the father of modern medicine and author William Osler remarks, “The value of a really great student to the country is equal to half a dozen grain elevators or a new trans-continental railway” (Family Word Finder, 1977). The universal features of legal English students are such: they are demanding, bright, and competitive. They keep the teacher on his or her toes and can always fill the teacher in on what they know about the subject because they either study law or are practicing lawyers. They are good and willing readers of texts because they have to develop their reading skills as their profession demands them to cope with a lot of written information.

Legal English at Vytautas Magnus University has been studied by undergraduate (bachelor) university students and practicing lawyers enrolled in non-formal or non-credit bearing professional educational programs. Non-formal programs are endorsed and accredited by the Center of Continuing Education at Vytautas Magnus university and are aimed at increasing practicing lawyers’ professional skills, status and personal growth.

Analysis of the Questionnaire and Observation

On the basis of obtained results, it can be concluded that almost all students strive towards better understanding of legal English terminology and more fluent oral expression. The needs analysis revealed that in terms of linguistic skills, i.e. speaking, reading, listening, vocabulary, grammar and pronunciation, students mostly prefer to master and enrich their vocabulary. In fact, as many as 64 % of students claimed that they would like to have a more abundant vocabulary. The second most topical need among students was to speak more fluently, as a majority of 60 % of the respondents expressed a wish to have bigger word power or eloquence. Last but not the least on the list of students’ most urgent needs was the skill of reading. 43 %, almost half of all students wish to hone their skills in reading (see Figure 1).

The needs analysis also revealed a curious fact about students’ English proficiency levels. In the self-evaluative part most of the respondents indicated their level of proficiency as A1 to A2 according to the Common European Framework of reference. Levels A1/ A2 constitute a basic user. As we remember, the textbooks of professional legal English are written for students whose level should be from B2 to C1 (independent to proficient user). Here we can see potential problems with regards to mastering and assimilating the professional foreign language as well as to

the ability to gain from the course as much as possible if the proficiency level is really lower than B2.

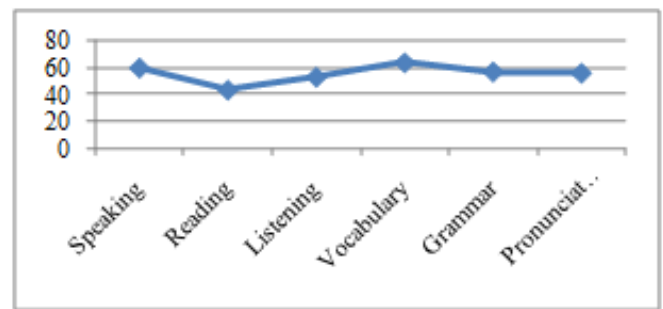


Figure 1. General English Language Skills Students Wish to Master While Studying Legal English.

The biggest part of the questionnaire, however, was concerned with the legal English skills that the respondents have possibly acquired somewhere else or possessed prior to studying legal English formally. A Likert-type of questionnaire of 16 statements was presented to measure the abilities of students to perform activities in a legal English context. The results revealed that the majority of students do not have sufficient professional legal English skills when it comes to hands on practice like (in descending order) participating in advocating (57 % of students never done it), chairing a lawyers meeting (54 % never done it), giving talks on legal matters (51 % never done it), writing scientific articles (45 % never done it), dealing with the clients (42 % never done it), and abilities to draft contract clauses (41 % never done it). This is not surprising as these activities pertain more to practicing lawyers than law students. In the second part of the questionnaire, the students were asked if they need those legal English professional skills. The respondents showed huge willingness to get, hone or achieve such skills. One should note that what students claim as their top need is more connected to their own studying process than to their future career needs, since those are yet to be defined.

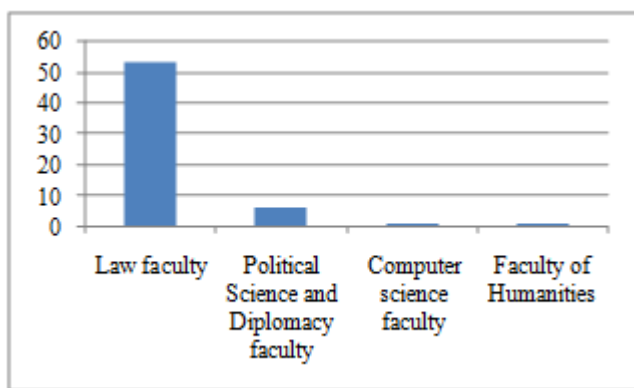
The table below reveals that most students want to be able to use legal English terms (76 %) and understand legal discussions and lectures on legal topics (72 %). Such a result is a good indicator that students struggle in understanding lectures delivered in English at university level (see Table 1). The results presented in the third column (I need a lot more) are put in the descending order to reflect the most topical students’ needs in the needs analysis questionnaire.

As it follows from Table 1 (see Appendix), students think most of the mentioned professional activities are of relevance to them while studying. A somewhat larger percentage (9.59 %) of students doubt whether they will need scientific legal English writing skills at all as that is the highest percentage in the “I do not need it” category.

Students’ work was also analysed through direct observation of the results they achieved during classes. 63 undergraduate university students that attended legal English classes and 7 non-formal education course participants were observed in autumn semester of 2010.

Interestingly, when the course was offered as an elective subject, the diversity among students' fields of studies was wider. Out of 15 students seven were law faculty students and eight were from other faculties. The second most active faculty when it came to choosing legal English course was the faculty of Political Science and Diplomacy (4 students). The rest formed a potpourri of students from such faculties as Humanities, Computer Science and the faculty of Business and Administration. In the course of legal English as a mandatory study subject, the picture was a bit different. Only three students came from the faculty of Political Science and Diplomacy, the remaining 46 students were from the faculty of Law. The conclusion can be drawn that legal English as the study subject mostly appeals to students whose major is Law or Political Science and Diplomacy (see Figure 2).

Figure 2. Distribution of Faculties Among Students Attending Legal English Classes.



Judging about the course from the evaluations the students received, it is also interesting to note that two top marks (out of four top marks in total) each semester were received by students from the faculty of Political Science and Diplomacy. A conclusion can be drawn that to achieve the best result in legal English the student does not have to be majoring in law.

Legal English was also offered through the non-formal education² platform. Seven non-university students enrolled into a non-formal legal English course which was offered at the Centre of Foreign languages and prepared with the help of the Centre of Continuing studies who also accredited the prepared course. The course has been advertised through the Foreign language Centre website targeting inquisitive professionals, and through the AIKOS³ website targeting unemployed people. Despite this, mostly personal contacts helped to collect people interested in attending the course. The Foreign Language Centre announcement was sent to lawyers personal email accounts where they could follow the links and register for the course.

² Non-formal education, also called community education, community learning, informal education and social pedagogy is any organized educational activity outside the established formal, rigidly structured, standardized and hierarchical university system (infed.org).

³ AIKOS is an open vocational information, counseling and guidance system which provides users with information on the possibilities of training and building a professional career and enhancing the qualification.

The non-formal education legal English course (80 academic hours, including classroom work and distance study) attracted 7 people working in courts mostly as judges or judge assistants out of about 70 law professionals working in Kaunas. The specificity of non-formal education scheme is that they are non-credential, democratic and self-governing. This is the reason why it is not so easy to draw grade point averages of non-formal non-university students' performance and to measure their success. The democratic mode of non-formal education ensures that non-formal students are not evaluated. The students were free to choose if they wanted to prepare homework tasks or take exams at the end of the course.

The proficiency of students of non-formal education programs could only be measured by who was prepared for the class, who demonstrated interest, spoke up, asked questions, responded to others' comments and who were willing to take the test at the end of the course. Thus, according to active participation criteria, four out of seven participants were performing better than the others during the course i.e. they always came prepared and participated actively in the classes. At the end of the semester only two students took the final test which was a part of the program but not a requirement.

Results and Discussion

The data of the case study and observation have shown that there is a considerable need for legal English skills among Lithuanian professionals, and that these needs are far from being met. This need is however not yet commonly recognised by the majority of Lithuanian lawyers, who still to a large extent seem to view legal English terminology as rather irrelevant to everyday practice. If this situation were to change, it is likely that it would lead to more positive global influence in the Lithuanian legal system and in the country in general. Among other things, such changes could bring about greater capital investments and generate more international trade. In addition, the Lithuanian legal system would be more accessible for foreigners, which in turn might result in a greater respect and understanding of Lithuanian laws abroad.

The lacking popularity of legal English courses among practicing lawyers shows that the application and necessity of professional legal English language skills is yet rather limited in Lithuanian courts. The sphere of the private sector was originally not targeted and lawyers practicing there did not participate in the non-formal legal English teaching scheme. As for the public sector courts, application of legal English mostly depends on the personal willingness to participate in professional projects, expert missions in connection with the EU enlargement, various conferences and seminars abroad. Participation in international projects increases participants' wishes to seek better language proficiency and the improvement of professional and linguistic skills.

It is assumed that the demand for proficiency in English among Lithuanian professionals will continue to increase in the future, and that lawyers are not likely to be an exemption from this. The development of language for specific purposes proficiency in students is highly linked to

motivation provided either by the university's requirements or by the individual's willingness to deepen his or her knowledge in this particular specific linguistic area. The latter especially applies to the adult students participating in non-formal education schemes such as practicing lawyers or others who are primarily seeking to increase their levels of competence.

As a recent EU-member with increased connections to Western-Europe it is increasingly important for Lithuanian society to prepare for international cooperation. Knowledge of relevant foreign languages in the population is an important prerequisite for such cooperation to be successful, and it is particularly important in certain professional spheres such as law and economics. Lithuanian society is however rather divided when it comes to such language skills. With regards to English, there are for instance rather few proficient speakers among people over 40 years of age, while younger people tend to have a much better grasp of the language. Since careers are built in time we can assume that junior professionals tend to master general English to a larger extent than their senior counterparts. And since general English is the basis of both proficiency in and motivation for learning legal English it is likely that younger people will be easier to recruit to such language courses.

In that respect, we should in the years to come be able to see an increasing demand among both students and young lawyers for courses in legal English. This increase is in fact already noticeable, although demand is not yet massive. This might be an indication that a growing number of language learners are getting more cognitively mature and are seeing language skills as increasingly important in their professional life. In future studies it would be interesting to look at whether present students have more opportunities of using legal English in professional settings, or if they rather consider it to be just another university subject to increase erudition. It might also be of relevance to study whether more working professionals will take steps to improve their English language proficiency or not.

Conclusions

The necessity of legal English is as big as the immediate demand to use it in real life. The actual usage of legal English is rather minimal in the professional level in Lithuania, especially among practicing lawyers in public sector. The possibility to use legal English largely depends on individual capacity, needs and initiative. Among students it depends on study requirements since visiting professors teach in English, consequently legal English is necessary to perform and understand the lectures better. University students actually acknowledged the usefulness of legal English classes claiming that it helped them to understand legal subject courses taught by visiting professors much better. As well as active professionals attending foreign venues have a positive outlook and claim that legal English classes helped them during their stay in the foreign environment.

The results of the case study aimed at seeing how undergraduate students use and need legal English in their studies and work, demonstrate high expectations as to professional performance but rather poor linguistic

preparation. These conclusions can be made on the basis of students' answers to the self-evaluative questions about their general English skills and professional skills prior to attending the legal English course. The observation showed that legal English is of interest to students from a variety of faculties, not just law, and that good results can be successfully achieved irrespective of the major.

The demand for teaching English for specific purposes (ESP) is growing faster than the students' preparation and willingness to participate in such courses. Lawyers, however, should not be reluctant to specialise in legal English language as it is a rewarding and worthwhile experience, even though it is difficult and requires a lot of work and dedication on the part of the learner. The rewards of such specialization are multiple. It first of all expands the horizons and vocabulary, does not allow one to stick to the same content material, it opens the door to the international arena, attracts positive foreign influence and it is broader because it is interdisciplinary and the material is ample when it is generously shared among learners by joining associations, and participating in professional events locally and abroad. In general, ESP courses can show to yield a high degree of satisfaction and a long term benefit.

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Aušra Labokaitė, David Sætre Ludvigsen

Anglų teisės kalba – kokia prasmė jos mokyti ir mokytis?

Santrauka

Šiame straipsnyje nagrinėjama specialiosios užsienio kalbos – anglų teisės kalbos dėstymo problemos ir iššūkiai.

Nors anglų teisės kalbos paklausa po truputį didėja, šiuo metu tai nėra populiariausia disciplina iš Vytauto Didžiojo universiteto Užsienio kalbų centro studentams siūlomų dalykų. Gausesnės studentų ir ne studentų gretos kasmet pageidauja mokytis įvairių sudėtingumo lygių bendrosios anglų kalbos. Specialioji užsienio kalba palyginti su bendrine anglų kalba ir iš besimokančiojo, ir iš dėstytojo reikalauja daugiau laiko, jėgų ir pasiruošimo, tačiau, kita vertus, ją mokantis ir mokant nebereikia apsiriboti įprastomis gramatikos taisyklėmis ar bendro pobūdžio temais analizuojančiais tektais. Straipsnyje nagrinėjama specialiosios anglų kalbos dėstymo istorija, aptariama medžiaga, kuri naudojama per anglų teisės kalbos užsiėmimus, apibūdinami juos lankantys studentai.

Asmeninė autorės patirtis rodo, kad ruošiantis dėstyti specialiąją, šiuo atveju, anglų teisės kalbą, geriausia konsultuotis su šį dalyką dėstančiais, kartais net įgijusiais teisinį išsilavinimą, užsienio specialistais, anglakalbiais, susibūrusiais į tokias tikslines profesinės kalbos dėstymo organizacijas, kaip „TransLegal“, EULETA, IATEFL SIG (specialių poreikių grupės), kurios yra sukaupusios nepalyginamai daugiau informacijos apie dalyką, šaltinius ir metodus.

Straipsnyje aptariama dabartinė teisės kalbos mokymosi situacija Lietuvos aukštosiose mokyklose bei analizuojami besimokančiųjų poreikiai, gebėjimai ir studijų rezultatai. Džiugu, kad Lietuvoje atsiranda studijuojančiųjų, kuriems geri užsienio kalbos įgūdžiai reikalingi ne dėl turistinių paskatų, bet dėl atsiveriančių profesinio tobulėjimo ar karjeros galimybių. Lietuvai tapus visateise Europos Sąjungos nare, jos teisinė sistema turi būti plačiai prieinama, suprantama ir gerbiama ne tik namuose, bet ir užsienyje.

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APPENDIX

Table 1. *Comparison of Students Needs in Legal English Language Areas.*

Legal English language area	Never done it , %	I do not need it, %	I need a lot more, %
1. Use legal terms	26,03	1,37	76,71
2. Understand legal discussions, lectures on legal topics	19,18	1,37	72,60
3. Argue in legal discussion	24,66	1,37	71,23
4. Use appropriate register (formal/ informal)	26,03	2,74	71,23
5. Participate in advocating	57,53	5,48	68,49
6. Draft legal opinions	41,10	2,74	68,49
7. Read legal journals/ specialised literature	17,81	2,74	67,12
Draft legal documents (contract clauses, reports)	41,10	2,74	65,75
8. Deal/ negotiate with clients	42,47	1,37	64,38
9. Communicate with laypersons about law	41,10	2,74	61,64
10. Write scientific articles in legal English	45,21	9,59	60,27
11. Read scientific legal journals/ specialised literature	17,81	2,74	58,90
12. Chair lawyers meetings	54,79	8,22	56,16
13. Write legal correspondence (faxes, memos)	31,51	1,37	56,16
14. Give talks on legal matters	50,68	5,48	53,42
15. Read correspondence and information related to your law firm. company	39,73	2,74	53,42