

# **Legal English Courses at Universities by Non-Lawyer Teachers: Towards the Model of Educating Legal English Teachers in Poland.**

LUCZAK, Aleksandra (PhD)

Foreign Languages Centre, Leon Koźmiński University, Warsaw, Poland

## **1. Introduction**

English for Legal Purposes (ELP) classes at universities are a relatively new branch of English for Specific Purposes (ESP) courses in Poland. Designing and conducting ELP courses have become everyday reality and a must for many Polish university English teachers during the last few years. Law studies have developed into one of the most popular, fashionable and prospective faculties which secondary school graduates choose with a hope for brisk, well paid and prestigious careers in the future.

Almost overnight the need for very specialist ELP courses arose. Teachers and course designers were confronted by the groups of young lawyers-to-be who wanted to attend language courses relevant to their needs, who, on the other hand, had very little knowledge of law and very often a vague idea of what they would like to do after they graduate from Law Faculty.

Employing lawyers was not a solution, as they lack the pedagogical background for teaching a second language course. Moreover, lawyers would probably be not interested in teaching due to financial reasons. As a result, teachers, course designers and university language centres' supervisors who, on the contrary, have never had a legal education, had to deal with highly professional material and train students for TOLES (Test of Legal English Skills - exam in Legal English, highly respected by international law firms and the Law Society of England and Wales) or ILEC (International Legal English Certificate - Cambridge University test of Legal English skills exams, solve their lexical dilemmas, prepare and run ELP courses (Deutch, 2003:141).

Most university teachers were not only laymen and had (and still have) no diplomas at law, but also they had no experience in designing ELP courses. Even if they had run ESP courses before, they did not necessarily know how to design an ESP course, because most often they followed the syllabus/content of a chosen course book and did not have to bother about the procedures of the course design process which include: needs analysis, target and present situation analysis, researching learning situation, writing syllabus and materials and finally teaching and evaluating the course.

The new tasks which opened for English language teachers included issues of how to:

1. design ELP courses;
2. select (or develop) teaching materials;
3. gain and develop the content knowledge;
4. reflect on and reconsider FLT (Foreign Language Teaching) knowledge.

Since law is a very specialist discipline, the knowledge of which can only be acquired by means of in-depth, lengthy studies, the most often asked questions

regard the issue whether the teachers should feel intimidated by the fact they are not specialists in the field they are required to work in. Is the assumption that university English teachers can train their students in any variety of English realistic? Is it reasonable that the teachers are thrown at the deep end and left alone? Should not they be supported if the university authorities care about the level of instruction provided?

### 1.1. Tertiary language instruction in Poland - a brief overview

Foreign languages instruction has always been criticised in Poland for its ineffectiveness. Polish National Chamber of Control in 2005 criticised Polish primary and secondary public schools in its report entitled: “Conditions of foreign languages teaching in Polish public schools” for:

- allowing for oversized language groups;
- using syllabuses which have not been authorised for school use;
- employing unqualified teachers (linguistically and pedagogically);
- using textbooks which have not been authorised for school use;
- offering fewer teaching hours than required;
- not guaranteeing lower and upper secondary schools students the possibility of continuing learning the foreign language they were taught in primary school.

In the academic year 2007/2008 the Council of Higher Education<sup>1</sup> in Poland introduced the standards of education which defined the profile of a **higher school graduate who should know a foreign language at Level B2 CEFR**<sup>2</sup> and be able to use the specialist language typical of the discipline of his/her studies.

However, new teaching standards are very often the only changes introduced at the tertiary level of foreign language education in Poland and tertiary educators must confront various constraints; the most serious ones lying very often on the part of their students.

According to Eurydice Report published in October 2008<sup>3</sup> Poland occupied the last position compared to other European Union member states in the number of clock hours of foreign languages instruction offered to pupils (456 hours).

In practice 86 per cent of secondary school graduates sit basic level of “matura”<sup>4</sup> examination which in reality can be passed by pupils who know English at Level A2 CEFR. Therefore, there are still students who enrol at universities and have not attained the required Level B1 CEFR in English and in some cases have even not exceeded the elementary or pre-intermediate level after 8 or sometimes 10 years of language instruction. These students begin learning a foreign language at

---

<sup>1</sup> The Council of Higher Education is a representative body of higher education in Poland which formulates Polish educational policy as regards higher education ([www.nauka.gov.pl/mn/index.jsp?place=Menu08&news\\_cat\\_id=1410&layout=2](http://www.nauka.gov.pl/mn/index.jsp?place=Menu08&news_cat_id=1410&layout=2))

<sup>2</sup> The Common European Framework of Reference for Languages Learning, Teaching, Assessment, abbreviated as CEFR, is a guideline used to describe achievements of learners of foreign languages across Europe.

<sup>3</sup> [http://eacea.ec.europa.eu/education/eurydice/documents/key\\_data\\_series/095EN.pdf](http://eacea.ec.europa.eu/education/eurydice/documents/key_data_series/095EN.pdf)

<sup>4</sup> “Matura” is a secondary school final examination which students who want to continue their education at tertiary level must take. Corresponds to British A Level examinations.

university from the elementary level once again and have no chance to acquire Level B2 CEFR at the end of language course offered by their university.

In Poland tertiary education is offered by 138 public (state) universities and 325 private ones. Poland has got one of the highest scholarisation rates in Europe - almost 50%, which has increased sharply by 40% during the last twenty years. However, the question about “quality and not quantity” arises, while there is a lot of controversy about the standards of education offered by private universities. This also applies to foreign language instruction.

## 2. Designing Legal English (LE) courses at universities

Ministry requirements and ambitions of university authorities to enhance their offer and attract more candidates have transformed English language courses at universities into ESP courses. Theoretically, they are meant to satisfy the students needs and fit into the university’s or faculty’s profile. Therefore, business schools will usually offer their students Business English courses, while law schools will offer English for Legal Purposes courses.

However, students who enrol at a university are too young and inexperienced to be aware of their occupational language needs. As Strong (2003:1) points out, *they come unprepared to the study of law, since it is qualitatively different from the study of other subjects*. Moreover, very often they do not have a clear vision of what they would like to do in their future job, where they see themselves in 5 or 10 years’ time. Therefore, inevitably, the heaviest burden of responsibility for structuring the language courses at universities is shifted onto the shoulders of the language educators.

An ideal ESP/ELP course should be designed pursuant to the results of the **needs analysis** which is the key element of the ESP/ELP course design process. Identifying actual language needs of the first year students which theoretically helps design more attractive syllabuses for tertiary language classroom, in practice rarely provides any meaningful information. Most of the students have never attended any ESP/ELP courses before. They may be aware of what they do not know and what their weaknesses are, what activities they like participating in or what they dislike learning. They may be conscious of some effective learning strategies which they adopt when learning the language, but most of them will not be able to formulate what their specific linguistic needs are.

Therefore, a needs analysis conducted at the beginning of a language course at university should concentrate on **the present and the learning needs** of the learners. It should be designed to help the course designers gather some information about the learners themselves: their likes and dislikes, learning strategies, general English lacks and wishes, learning motivators and demotivators. This kind of analysis will concentrate on identifying the factors which will affect the learning process and what learners will need in order to learn the language.

Another very important piece of information that should form the basis of the ESP course syllabus is **the overall studies curriculum** which the students participating in an English course will follow. A teacher or a group of teachers responsible for the course design are advised to consult the university authorities for the details of curricula of the study programmes which students in the language groups in question will pursue. Such information can be easily obtained from the dean’s

office or even more easily from the university website where studies curricula are uploaded.

Combining the content of the foreign language course with the content the students will study during classes and lectures in other subjects is vital. Students will be able to base on the knowledge they acquired earlier during the course of their studies and it will help avoid the situations when students hear about some business or legal concepts first time during their English classes. It will help teachers feel less intimidated, as they can rely on their students and their knowledge and treat them as experts who can explain the intricacies of some specialist terms. The teachers will fulfil the role of foreign language experts, while the students will use this language to deal with the doubts concerning the subject matter.

The above element of the course design process is especially important in the case of English for Legal Purposes (ELP) courses. Offering the students a strictly ELP course from the very beginning seems problematic. Secondary school graduates who start studying law usually have a very vague idea of legal concepts. It would be extremely difficult to talk with them in a foreign language about legal systems, the nature of law or the sources of law when they have not gone through these topics in their native language yet. The situation may change dramatically for the better after the first few months of their Roman Law course which will always be offered at the beginning of the law studies.

Therefore, it is advisable for the teachers to spend the first semester of ELP course at university discussing general business topics related to law, e.g. employment, types of business organisations, ethics or finance before burying themselves and the students in Legal English.

Another important aspect of the language which needs developing at an early stage of ELP course are communication skills, i.e. interpersonal skills, conversation, discussion, presentation, negotiation, persuasion or summarising which every student will need in their professional careers after graduation. Northcott (2008:28) advises that *the common core of any ESP course can always constitute elements of EAP (study skills), as they are used consistently across disciplines*. Later, along the course, the teachers should consult the studies curriculum as it will be much easier to cover the language of company law after the students earned the credits for this subject in their native language. Therefore, course designers must always keep in their minds that ESP/ELP courses at university cannot function in isolation from the curricula of other subjects the students learn.

The most appropriate type of needs analysis for classic ESP courses is a **target needs analysis** which concentrates on defining the skills that the learners should obtain by the end of the course. In order to identify these skills the future situation in which the foreign language will be used should be researched. However, in the case of ELP courses the situation may be much more difficult, as law firms and lawyers in general are not very keen on participating in any research. The lawyer's environment is very hermetic and very difficult to engage in any scientific projects.

Therefore, in such cases course designers can rely on ELP teachers' experience and knowledge. Experienced language teachers who have taught different groups of learners in different institutions will probably constitute the best source of knowledge on how to structure ESP courses. A few years of teaching ESP courses

can give English teachers confidence that what they teach is what their students need. Most ESP teachers in Poland are laymen, so the content they teach is also new for them at the beginning. They must study business or law textbooks gaining the knowledge of the subject matter which they teach, but which they have never been trained at before. A several years of experience in teaching ESP courses may guarantee that the teachers will become successful course designers who will understand the needs of the new generations of students better than they do themselves.

The biggest dilemma of ELP courses at universities is the content to teach, since most of the teachers are laymen who have not been trained at law and have got a limited knowledge of the subject matter. Course designers argue whether it is reasonable to aim at developing students' knowledge of law and lean towards extending their linguistic and communicative competence, language functions and then professional vocabulary. No lawyer will be able to function successfully in an international environment if his/her linguistic competence is below Level B2/C1 CEFR. On the other hand, any university graduate whose linguistic competence exceeds Level B2 CEFR will easily and quickly grasp legal English on the job. However, being thrown at the deep end is not what university graduates expect from ELP courses they attend during their studies. Therefore, course designers and teachers must identify the lawyers'-to-be language requirements. Moreover, the observation shows that students' motivation to learn rises sharply the moment they start learning aspects of Legal English. Therefore, as it has been postulated earlier, ELP courses at universities should be synchronised with curricula of other subjects and should evolve into Legal English course as soon as the students gain some knowledge of law at lectures and classes in their native language.

### **3. Selecting and structuring teaching materials**

At the time when Legal English tertiary courses started to be taught in Poland, there were no appropriate Legal English handbooks on Polish market. Some teachers had to begin specialising in Legal English, some teachers became the authors of Legal English course books.

Two English teachers from Leon Koźmiński University wrote a Legal English textbook "Key Legal Words" (2004) - one of the first LE textbooks on Polish market. Obviously, they could not avoid mistakes but they saved the lives of other teachers for a while. This book became "the Bible" for many teachers preparing LE classes.

Producing in-house materials is very time consuming. According to Pilbeam the proportion of writing time to teaching time fluctuates between 10:1 and 5:1. Moreover, there is no guarantee that a good language teacher will become a good author. Some teaching establishments decide to publish in-house materials and especially course books, as these will enhance the institution's prestige.

Since 2004 the situation on the Polish market has changed significantly for the better. Now, several course books are available which allows for running ELP classes at universities from as low as A2 level and preparing students to sit international certificate examinations testing Legal English skills.

However, as there is no ideal course book, there are still new challenges arising for Legal English teachers. The striking weakness of the available Legal English course

books is the lack of communicative tasks. Therefore, it is the teachers' job to produce their own communication tasks or modify those offered by the textbooks.

Some tasks offered by the course books will be too complicated for pre-experienced learners. They will need slowing down the pace of the task, breaking it into smaller and easier components, rehearsing, modelling and practising the delivery.

Therefore, a very important phase of communicative activities will be the pre-task phase when learners must be familiarised with the language forms and content. At this stage they will need feedback on comprehension and perhaps revision.

Learners will have to be taught lexicalisation strategies, i.e. how to put the meaning into words; however, in Legal English there is no much room for improvisation. Therefore, during ELP classes revision is crucial. Legal English learners memorise loads of new vocabulary, so they must recycle it regularly.

In ELP environment Legal English teachers, apart from providing input, interaction opportunities and feedback, must facilitate and catalyse the process of learning. They should take due care and facilitate the perception of communicative material through enhanced clarity of presentation. Teachers must aim at attracting students' attention through the guidance along the task, breaking the complex ones into subtasks, specific instructions, repetition of some tasks and unrestricted time on some tasks. Finally, they must aim at facilitating memory processes through regular revision and recycling of the lexis.

The new demands and a new teaching situation has coerced teachers into adopting numerous teacher roles which include:

- course planner and designer;
- teaching materials designer/author/adapter;
- task creator/editor (providing the task input, including lexis, grammar, culture information);
- task guide/instructor;
- participant (serving as a model for students);
- monitor/controller;
- linguistic feedback provider;
- motivator;
- skills/material consolidator (providing practice and revision opportunities);
- natural interaction facilitator;
- "law student" (as a layman must acquire the knowledge of law, e.g. from the students);

#### **4. Constant development**

As it has been stressed above most university LE teachers were laymen with no legal education. Even though they had the practical knowledge of course design procedures, the biggest problem was the content to teach. For most teachers Legal English was a great unknown. Suddenly experienced teachers found themselves in a situation in which they had to teach a variety of English they had never been trained at. They had to explain the intricacies of the Polish legal system based on Roman law tradition using common law terminology. The situation was psychologically difficult and some teachers decided they did not want to lose

their face, self-confidence and perhaps good reputation in front of their students. Some experienced teachers were not keen on the idea of retraining and teaching something absolutely new which required studying a new discipline. This seemed risky and threatening, so it was safer to stay fixed and unmoving.

Their worries were quite unjustified, because as a Polish applied linguist professor Maria Wysocka notices (2003:1) *the teacher's professional competence starts developing the moment the teacher makes the decision about embarking on a teaching career and finishes the moment the decision about abandoning the teaching career is taken*. Despite the fact that the situation was new and challenging, some teachers faced the new demands, even though sometimes they found themselves in the situations when they had to admit to their students that they did not know the answer to their question.

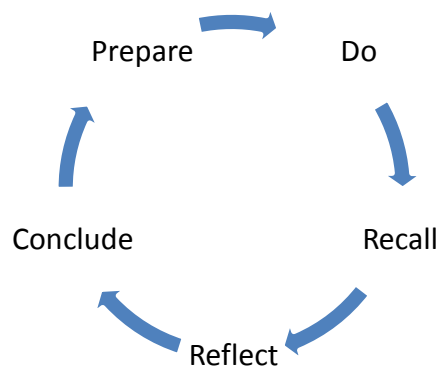
With the decision about launching Legal English teacher's career, even experienced teachers once again had to approach their work as "freshmen" and start working out their own "know-how" along with acquiring the content knowledge of law. It was a chance for them to specialise in a relatively niche variety of English. Such situation should be approached with an openness and readiness to change and to take risks. It is an occasion to stop and examine one's actions, intentions, moves and attitudes towards teaching.

#### **4.1. Learning about teaching**

Popularisation of tertiary Legal English courses created new opportunities for the professional development of English teachers. They found themselves in a situation in which they not only taught but also learnt (about teaching and law). It was not just a situation reminding the times when they were on initial trainings course while they were "green" college or university students. It was a situation which reminded the teachers, also the experienced ones, that they should develop throughout their teaching career and never let themselves "*set in the concrete*" (Scrivener, 2005:370).

This situation taught the teachers that one can never be too certain about his/her professional situation, and must remain open to the possibility of change or being wrong. Therefore, at any stage of professional development teachers must be open to new developments and knowledge, they should keep asking questions, exchanging ideas with other teachers, changing their opinions, collecting practical ideas and techniques. These activities can be very inspiring and can encourage a more exploratory way of working. As, the more you know, the more you want to discover.

Scrivener (2005:376) proposes a model for teaching and learning. Apart from the traditional stage of preparation and performance, the author recommends involving feedback from others and teachers themselves, recalling what happened during the class, reflecting on it, drawing conclusions and improving by trying new options next time. In this way teachers can gain new experience and develop throughout their teaching careers.



1. A model for teaching and learning (Scrivener, 2005:376)

In order to take responsibility for the professional development teachers can use three sources of information (Komorowska, 2005:254):

- a) their **knowledge and expertise** they have gained teaching other ESP courses, observing their colleagues, reading specialist state-of-the-art literature;
- b) **feedback** from the external sources of information:
  - i. **students**: which can be carried out in a form of short mini-questionnaires after classes during which new activities were practised; students mark “True/False” statements such as: *I like working in groups; I like role-plays/acting out scenes/simulations; learning grammar is easy; I have been active today, etc.*;
  - ii. **professionals** (e.g. colleagues, ELT consultants, supervisors whom we trust): which can be obtained from the class inspection the teacher asks for or gets on a regular basis as a school requirement;
- c) **auto observation**: teachers should learn to observe themselves and self-assess their classes after running them and discover their weak points; they can do it with the help of:
  - i. **a questionnaire** (with some questions like: *what you are proud of, what were the main challenges for the students, at what time you felt uncomfortable, etc.*);
  - ii. **self-assessment**, i.e. reflecting on the things which happened during the class (hot feedback - immediately after the class and cold feedback - some time later);
  - iii. **action research**, i.e. choosing a general area the teacher wants to work on, experiment or improve; doing background reading and research on the topic; putting into practice and finally analysing and reflecting on the outcomes.



## 4.2. Learning the content

It is obvious *that there is a clear need for Legal English teachers to have some subject specific knowledge* (Northcott, 2008:41). Unfortunately, Polish teachers rarely can count on the university authorities to offer them regular help at retraining or expanding their knowledge of law. The ideal situation might include:

- participation in trainings/seminars on various aspects of Legal English run by practising lawyers;
- enrolling at Law School, or at least attending lectures for law students;
- enrolling at or participating in some lectures at postgraduate programmes in law;
- attending PhD seminars for law students;
- having access to a well-equipped library;
- organising trainings on Legal English examinations procedures.

In reality teachers must search for such opportunities themselves and take advantage of them which sometimes cannot be possible due to time or financial constraints. As Northcott (2008:40) suggests, *how much the ELP teacher needs to engage directly with legal subject matter will be affected by the learners' level of legal knowledge and also by what other exposure learners have to legal output.*

However, there are many other possibilities for individual development which include:

- reading about law;
- writing about law;
- writing their own teaching materials;
- attending a conference or seminar;
- going to a conference or seminar and giving a talk;
- finding some in-service teacher trainings;
- applying for EU funding to cover the expenses of teacher training;
- applying for ERASMUS or COMENIUS grants;
- writing a PhD thesis;
- writing a course book;
- running in-company English courses with practitioners;
- talking to professionals: friends-lawyers, relatives-lawyers, lawyers working at your university;
- giving private classes; e.g. to a friend who is a lawyer;
- starting an educational blog or your website;
- creating teaching materials bank;
- talking with other teachers;
- observing your colleagues' classes;
- exchanging teaching materials with other teachers;
- running a seminar for your colleagues;
- starting teacher development group (you will discover that your colleagues have similar worries and questions);
- starting Special Interest Group for students or teachers;
- networking (e.g. IATEFL, EULETA).

## 5. Conclusions and recommendations

Each teaching situation in the case of ELP courses is different. What subject specific knowledge is needed depends on the specific context of the learners. Therefore, each time teachers must work out their own teaching method (know-how) taking into consideration various variables:

- learners' age and experience;
- mental stage of learners' cognitive equipment;
- learners' language proficiency;
- group size;
- learners' needs in terms of the content, future roles, etc.;
- skills to learn.

In ELP courses working out the teaching method corresponds to adjusting the learning process to the specific parameters and needs of language learners in the specific educational setting.

The teachers must be prepared to be open to change and new challenges. They can be trained in special/occupational purposes course design procedures and prepared how to approach changing conditions during their teaching career. It is vital that the teachers stay willing to confront the changing needs of the market and language learners. In the new situation the language teachers should be ready to gain new content knowledge, master new techniques and test new methods which will lead them towards working out their own teaching "know-how" and best practice. This can help the teachers enhance their position on the teaching market and help them stand out from the still growing group of ESP/ELP teachers.

Waiting for the help from the teaching institution will probably not be the best strategy and a vain hope. It is the teachers' job to show their initiative to develop and to gain new skills. Those teachers who are not afraid of challenges and changes will get a chance to specialise and to build their position on the market. It can be argued that the teaching establishments should support their teaching staff and invest in their training, as it will increase the competitiveness of the institutions. Unfortunately, there is also a very strong competition among the teachers. Therefore, the teachers should show their initiative and resourcefulness and look for the new opportunities of self-education in order to strengthen their skills and convince the teaching establishment's authorities to participate in the process.

## Bibliography

- Deutch, Y. (2003). Needs Analysis for Academic Legal English Courses in Israel: A Model of Setting Priorities. *English for Academic Purposes* 3. 123-146.
- *Key Data on Teaching Languages at School in Europe. Eurydice Report. 2008 edition.* Retrived August 7, 2009 from [http://eacea.ec.europa.eu/education/eurydice/documents/key\\_data\\_series/095EN.pdf](http://eacea.ec.europa.eu/education/eurydice/documents/key_data_series/095EN.pdf)
- Komorowska, H. (2005). *Metodyka nauczania języków obcych.* Warszawa: Fraszka Edukacyjna.
- Kossakowska-Pisarek, S. Niepytalska, B. (2004) *Key Legal Words.* Warszawa: Wydawnictwo Akademii Leona Koźmińskiego.
- Northcott, J. (2008). Language education for law professionals. In J. Gibbons & M.T. Turell (Ed.), *Dimensions of Forensic Linguistics* (pp. 27-45). Philadelphia: John Benjamins Publishing Company.
- Pilbeam, A. (1987). Can published materials be widely used for ESP courses. In L.E. Sheldon (Ed). *ELT Textbooks and Materials: Problems in evaluation and development.* ELT Document 126.
- Scrivener, J. (2005). *Learning Teaching. A guidebook for English language teachers.* Oxford: Macmillan Education.
- Strong, S.I. (2003). *How to Write Law Essays and Exams.* UK: LexisNexis.
- Supreme Chamber of Control Poland. (2005) *Information on the results of the audit of the conditions of foreign languages teaching in Polish public schools.* Warsaw: Najwyższa Izba Kontroli.
- Wysocka, M. (2003). *Profesjonalizm w nauczaniu języków obcych.* Katowice: Wydawnictwo Uniwersytetu Śląskiego.

Aleksandra Łuczak (PhD)  
Piłsudskiego 11/11  
05-120 Legionowo  
Poland  
luczak@luczak.edu.pl  
www.luczak.edu.pl  
www.aleksandrałuczak.edublogs.org  
tel: +48 600 330 139