

**WHOSE NEEDS?
DESIGNING ENGLISH FOR LEGAL
PURPOSES COURSES:
A NEGOTIATION PROCESS.**

This paper is a report on experiences gained and examples of good practice implemented by the author during her teaching practice with law students of a leading private business university in Poland.

Each student should graduate from our university with an international certificate in specialist English - the vision of the Rector of a leading Polish business university was the “order” for its Foreign Language Centre teachers and their supervisor. Therefore, two examination centres were set up. One for English for Business LCCI (London Chamber of Commerce and Industry) Exam which is recommended as the final exam for management, finance, European studies, psychology, administration and sociology students and the other for TOLES (Test of English Legal Skills) Exam which is sat by law students.

TOLES can be taken at three proficiency levels. The lowest TOLES Foundation assesses the knowledge of Legal English at CEFR A2/B1 levels by the means of a test composed of ten tasks which check the understanding of specialist vocabulary, reading comprehension and to limited extent – writing. Students who intend to sit this examination should be familiarized with the legal terminology of the following areas of law: contract law, employment law, business law, company law, banking and finance, tort law, intellectual property law, European Union law. TOLES Higher which stresses the knowledge of the language of contracts and legal correspondence is a natural choice for more advanced students whose Legal English can be assessed as CEFR B1/B2 levels. While the highest level of TOLES – the Advanced level is realistic only for a very limited number of candidates (usually about 10 students out of 200 candidates).

The perfect tool which allows to prepare students for TOLES Foundation and Higher examinations is “The Lawyer’s English Language Coursebook” published by Global Legal English in 2007. It is composed of nine chapters which deal with the most important areas of law required by the TOLES examination syllabus on Foundation level in version A of each chapter and on Higher level – in version B.

Polish students, especially those who study at private universities, have very high expectations of foreign language courses. PhD thesis research conducted by the author of this article has shown that on the one hand students are interested

in taking certificate examinations, as these will give them an advantage on the job market. On the other hand, they want to participate in attractive classes during which they will take a breather after specialist classes and lectures. According to the students English course at university should be a combination of General and Specific English with the special emphasis put on the development of the speaking skill.

The research subjects who completed a three-year English course at a private university in Poland, felt that there was not enough time devoted to developing the knowledge of grammar. This statement was in contradiction with the results of the needs analysis conducted among first year students who considered grammar as the least important aspect of the language.

However, the analysis of the comments provided by the leading international law firms from the so called “Magic Circle” stress that the weakest point of law graduates who begin to work for them is the inability to draft documents and legal advice in English. This point was emphasized many times by Catherine Mason of Global Legal English in her presentation: *The Problem Is: They Can't Draft* delivered at 3rd International Legal English Conference in Warsaw on 14 November 2009.

The dilemma which course designers and Legal English teachers face is the decision **WHOSE NEEDS** they should satisfy.

If they make an effort to satisfy the **Rector's expectations** and include the preparation for the TOLES Foundation examination in the syllabus, they will concentrate mostly on developing the reading skill and building legal vocabulary. Students preparing for TOLES Higher will also develop writing and listening skill, since this level of the examination consists not only of Reading and Writing but also of Listening component.

However, the preparation for the written part of the examination does not necessarily allow to develop the kind of writing which law firms recruiting law graduates expect. They expect the lawyers-to-be to be able to draft legal advice in English but dealing with the aspects of Polish or European Union law and not common law which is binding in the UK.

In order to satisfy the **present students' needs**, their **wishes** and to make up for their **lacks**, communicative activities should be included in the syllabus, since they will prepare students for the effective functioning on the everyday basis in the work environment and outside. Grammar cannot be ignored, even though students insist they dislike it. A lawyer representing an international or Polish law firm can under no circumstances produce texts with mistakes.

Legal English teachers face the task of combining the **needs, visions and wishes** of all the stakeholders of the Legal English course including the students, the Rector representing the university offering the course as well as the law firms which constitute **future employers** of the course participants. Moreover, the teachers must remember that the outcomes of the teaching process will be evaluated by the results of the international certificate examination. The easiest

solution would be to fulfil the Rector's dreams and prepare the students for TOLES exam with the help of the very good 'The Lawyer's English Language Coursebook'. Unfortunately, using only this coursebook may turn out to be monotonous and boring from the students' perspective.


A collection of techniques and tasks which can help make Legal English classes more attractive and develop all language skills, specialist vocabulary and functions that facilitate effective communication in the work place will be presented below. They will also introduce the element of intercultural knowledge of Anglophone countries.

At the introductory stage of Legal English course at university the teachers deal with inexperienced students who have got very limited knowledge of the subject matter. Therefore, it is important to relate the linguistic content of the course to the subject matter covered by the studies curriculum. One of the most important courses students participate in at the beginning of their studies is Constitutional Law. Therefore, it is worth beginning the Legal English course with the topic of American, British and Polish legal and government systems. At the presentation stage Legal English classes very often resemble lectures delivered by the teacher. However, with most advanced learners this task can be delegated to students. Such solution can also serve as the incentive to develop the students' presentation skills. Here is a sample of the presentation prepared by Damian Budzis the first year student¹ which served as the introduction to the class on Polish System of Government.

The presentation slide is titled "CONSTITUTION OF THE REPUBLIC OF POLAND" and features the Polish coat of arms in the top-left and bottom-right corners. It contains a table of contents and two content slides, each also featuring the Polish coat of arms in the top-left and bottom-right corners.



CONSTITUTION OF THE REPUBLIC OF POLAND	Outline
What is Constitution? <ul style="list-style-type: none">• It's fundamental document for all democratic countries• Set of rules for government and citizens• Often codified as a written document• It's defining the fundamental political principles• It's establishing the structure, procedures, powers and duties	<ul style="list-style-type: none">• What is Constitution?• History• How it came into life?• Goals & Problems• Contents• Summary
	History <ul style="list-style-type: none">• The Polish Constitution of May 3, 1791• Partition of Poland in 1795• Demise of the Polish Republic for next 123 years• II Polish Republic (1918-1939)• People's Republic of Poland• Beginning of the modern Republic of Poland

¹ It was very interesting to note that the student who prepared the presentation scored the [highest number](#) of [points in](#) the whole group at the vocabulary quiz on the Constitution. This supports the thesis that we learn most by doing things.




How came into life?

- The five years spent in dialogue about the new character of Poland
- Adopted by the National Assembly on April 2, 1997
- Approved by a national referendum on May 25, 1997
- Came into effect on October 17, 1997

Contents

- Chapter I- THE REPUBLIC
- Chapter II- THE FREEDOMS, RIGHTS AND OBLIGATIONS OF PERSONS AND CITIZENS
- Chapter III-SOURCES OF LAW
- Chapter IV-THE SEJIM AND THE SENATE
- Chapter V-THE PRESIDENT OF THE REPUBLIC OF POLAND
- Chapter VI- THE COUNCIL OF MINISTERS AND GOVERNMENT ADMINISTRATION
- Chapter VII- LOCAL GOVERNMENT



The aim of the classes on ‘Polish System of Government’ was to acquaint the students with the language and the provisions of the Polish Constitution. Below you can find a collection of activities prepared by the author of this article which were meant to give students more practice in developing vocabulary and order their knowledge. All the activities contain the element of fun, game, puzzle and were prepared with the help of the **Teacher’s Pet** software which is available for free on <http://www.teachers-pet.org>. The software can be used to create various lexical and grammatical exercises. The answers follow the activities.

The Polish System of Government

The text of today’s lesson is divided into eight parts, each including different kind of activity . I hope you will have fun doing them.

A The Polish Legal System

Read the text below and complete the gaps with words formed out of the jumbled letters

*The Republic of Poland is (1) **SBEAD** on the Montesquieu's (2) **STRNOAIEPA**of powers principle. The legislative power is (3) **TDSEVE**..... in the Parliament (4) **OOEMPCDS**..... of the lower house "Sejm" and the (5) **RPEUP**..... house "Senate". The executive power is vested in the President of Poland and the (6) **LOCUNIC**..... of Ministers and the (7) **AIUCJILD**..... power is vested in courts and tribunals.*

*Following the (8) **TAITRENVDAIISM**..... reform of 1998, the country is divided into 16 provinces. The provinces are (9) **DEIDVID**..... into secondary administrative units – ‘counties’ (currently 350), and then further to the basic administrative units – ‘districts’ (currently 2488). The Republic of Poland is a (10) **EREMMB**..... state of the European Union.*

B Sources of Polish Law

Read the text below and complete the gaps with phrases formed out of the jumbled elements

The sources of the Polish law are divided into two categories: (1) **AND LAW BINDING UNIVERSALLY LAW INTERNAL**.....

According to the latest Constitution of 2 April 1997, the sources of universally binding Polish law are: the Constitution as the (2) **LAND OF SUPREME THE LAW**.....the statutes, (3) **INTERNATIONAL RATIFIED AGREEMENTS**..... and regulations. In order to come into force, the statutes, **regulations** (rozporządzenie) and enactments of local law have to be published in (4) **REPUBLIC THE OF THE POLAND JOURNAL OF LAWS OF**..... (Dziennik Ustaw)

All other acts constitute a part of internal law. They **bind** (obowiązywać) only the organs of public administration and **self-government** (samorząd) which **are subordinated to** (są podporządkowane) the issuing organs and organizational units.

The examples of such acts are: **resolutions** (uchwała) adopted by the Sejm, Senate and the Council of Ministers, **orders** (zarządzenie) issued by the President of the Republic of Poland, the President of the Council of Ministers and ministers, the acts of local law that are not universally binding and non-ratified international agreements. These acts are published in (5) **REPUBLIC POLAND JOURNAL THE OF OFFICIAL OF**..... (Monitor Polski) and in the local official journals.

The latest Constitution is the above mentioned Constitution of 2 April 1997, upheld by the **National Assembly** (Zgromadzenie Narodowe) i.e. the Sejm and the Senate acting together.

A **statute** (ustawa) is a basic act of the universally binding law in Poland. The statutes are adopted by the Sejm. The right of **legislative initiative** (inicjatywa ustawodawcza) can be started by a group of at least 100,000 citizens, and also by at least 15 Members of the Senate, the President or the Council of Ministers.

Complete the crossword

8.

- 1. the head of state in Poland
- 2. any of 38,000,000 people living in Poland
- 3. written law passed by a legislature on the state or federal level
- 4. the Sejm and the Senate acting together

5. *the constitutionally defined power to propose law proposals (bills)*
6. *pact between two or more independent states*
7. *supreme law of the land*
8. *a state or country that is not led by a hereditary monarch, where the people of that state or country (or at least a part of that people) have impact on its government*

C Treaties

Fill in the gaps with the correct forms of the following words:

President / international / statute / agreement / legal / competence

*Ratified (1)..... agreements possess the **force** (moc) of the (2)..... Once an (3)..... is published, it becomes a part of the domestic (4)..... system and may be applied directly. Ratification is within the (5)..... of the (6)..... of the Republic of Poland.*

D Regulations

Fill in the gaps in the texts below with the correct forms of the verbs in brackets

Regulations (1)..... (issue) only by those organs that are expressly (2)..... (state) in the Constitution. Moreover, regulations have to be (3)..... (issue) on the basis of specific authorization (4)..... (contain) in the statute and in the purpose to implement the statute.

*The competent organs to (5)..... (issue) the regulations are the President of Republic of Poland, the Council of Ministers, **the National Broadcasting Council** (Krajowa Rada Radiofonii i TV), the Chairman of the Committee who is a member of the Council of Ministers, and the minister that (6)..... (manage) the relevant area of public administration.*

Local law

The acts of local law (7)..... (bind) within territory where the (8)..... (issue) organ (9)..... (exercise) its powers. These acts may only be (10)..... (issue) on the basis provided in the statute and within the limits prescribed in the statute.

E The Court system

Read the text and complete the structure below with the names of courts operating in Poland

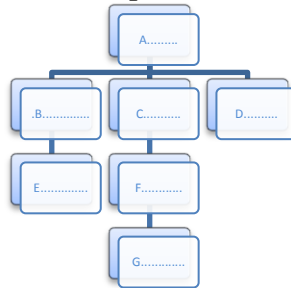
*The Polish legal system is based on the continental legal system (civil law tradition). The common courts in Poland are the courts of appeal, **provincial courts** (okręgowe) and **district courts** (rejonowe). They are competent to **hear criminal law cases**, civil law cases, family and **custody** (opieka nad dzieckiem) law cases, labour law cases and social insurance cases.*

The military courts are the military provincial courts and military unit courts. They have judiciary control within the Polish Army in criminal cases and other cases that were subscribed to them by relevant statutes.

The administrative judiciary belongs to the High Administrative Court. This court has judicial control of public administration and operates through 10 delegated centres of the same Court.

Supreme Court

The Supreme Court is the highest central judicial organ in the Republic of Poland and thus the highest court of appeal. The main tasks of the Supreme Court are to administer justice in Poland, together with the common, administrative and military courts, to consider cessation as a form of extraordinary appeal and to adopt law interpreting resolutions.



F Constitutional Tribunal

The Constitutional Tribunal is an organ of judiciary: **competent** to decide the **conformity** of the issued law with the Constitution, **disputes** concerning competence between the organs of central administration, the conformity of the political parties' tasks with the Constitution and to **hear** constitutional **complaints** filed by citizens.

Which bolded words in the text is similar in meaning to:

- (1) objection / grievance / pleading / accusation / indictment
- (2) capable / able / knowledgeable / experienced / skilled / proficient / fit / expert
- (3) sit in judgment / try / examine / consider
- (4) agreement / compliance / consistency / accord / obedience / submission
- (5) discussion / conflict / disagreement

G Parliament

Complete the text with the following numbers: 1989 100 460 two

Polish Parliament is composed of chambers: the Sejm and the Senate which **exercise** (sprawować) the legislative power in the Republic of Poland. The Parliament was **unicameral** (składający się z jednej izby) until when after a nationwide referendum, the law was changed and the upper chamber i.e., the Senate, was again re-established (the Parliament was also **bicameral** (dwu-izbowy) before the Second World War).

The Parliament exercises control over the activities of the Council of Ministers within the scope specified by the **provisions** (postanowienia) of the Constitution and statutes. There are Members of the Sejm.

The Senate shares its legislative function with the Sejm; simultaneously, it is part of the governmental system in Poland. There are Members of the Senate.

H President

Number the following lines in the correct order:

- () *the competencies with the Council of Ministers. The President of the Republic*
- () *The President of the Republic of Poland is*
- () *the supreme representative of the Poland (head of state) and is the part of the executive authority, sharing*
- () *by secret ballot.*
- () *is elected by the Nation, in universal, equal and direct elections, conducted*

I Government

Which word in the text is opposite in meaning to:

exclude same dismissed monarchy local

The Polish government is called the Council of Ministers and it is chaired by the President of the Council of Ministers. The Council of Ministers is appointed by the President of the Republic of Poland. It consists of ministers who govern given areas of central administration as well as other chairmen of various Committees that were included in the Council of Ministers.

Answers

A

- 1. based; 2; separation; 3. Vested; 4. Composed; 5. Upper; 6. Council; 7; judicial; 8. Administrative; 9. Divided; 10. Member

C

- 1. international; 2. statute; 3. agreement; 4. legal; 5. competence; 6. President

D

- 1. are issued; 2. stated; 3. issued; 4. contained; 5. issue; 6. manages; 7. are binding; 8. issuing; 9. exercises; 10. Issued

G

two; 1989; 460; 100

Crossword

- 1. President; 2. Citizen; 3. Statute; 4. National Assembly; 5. Legislative initiative; 6. International agreement; 7. Constitution; 8. republic

B

- 1. universally binding and internal law
- 2. supreme law of the land
- 3. ratified international agreement
- 4. the Journal of Laws of the Republic of Poland
- 5. the Official Journal of the Republic of Poland

E

- A. The Supreme Court in Warsaw B. The Chief Administrative Court C. the courts of appeal D. military courts E. administrative courts F. district courts G. provincial courts

F

- 1. Complaints; 2. Competent; 3. Hear; 4. Conformity; 5. Disputes

H

- 2; 3; 1; 5; 4

I

include, various, appointed, republic, central

The key element of Legal English course is constant revision of partnerships and the proper use of the prepositions, since they account for the correctness of the legal texts. Here are a few slides prepared by the author of this paper for her classes on the basis of the text of the Polish Constitution.

<p>Match the verbs with their definitions</p> <table border="0"> <tr> <td>1. to bind</td> <td>1. to make sth. law</td> </tr> <tr> <td>2. to issue</td> <td>2. to approve officially</td> </tr> <tr> <td>3. to exercise</td> <td>3. to put a legal obligation on sb.</td> </tr> <tr> <td>4. to ratify</td> <td>4. to put or apply, e.g. control, power</td> </tr> <tr> <td>5. to enforce</td> <td>5. to agree to sth.</td> </tr> <tr> <td>6. to adopt</td> <td>6. to make sure laws are obeyed</td> </tr> <tr> <td>7. to enact</td> <td>7. to put out sth. in an official form</td> </tr> <tr> <td>8. to constitute</td> <td>8. to put a decision into effect</td> </tr> <tr> <td>9. to implement</td> <td>9. to make or form</td> </tr> </table>	1. to bind	1. to make sth. law	2. to issue	2. to approve officially	3. to exercise	3. to put a legal obligation on sb.	4. to ratify	4. to put or apply, e.g. control, power	5. to enforce	5. to agree to sth.	6. to adopt	6. to make sure laws are obeyed	7. to enact	7. to put out sth. in an official form	8. to constitute	8. to put a decision into effect	9. to implement	9. to make or form	<p>Prepositions</p> <p>The statutes are enacted by the Sejm. In order to come into force they must be published in ? Legislative power is vested in the Parliament. Sources of universally binding law are ? The Sejm is composed of ? Deputies. Elections in the Parliament are conducted by secret ? All citizens are equal before the law. No one shall be discriminated against No one may be subjected to torture.</p>												
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During the first semester of their studies when the students learnt about the systems of governments, they also took part in two corresponding school outings. They visited the Supreme Court in Warsaw and met with the First Judge. During the visit the sworn translation into English was provided. During the second outing the students visited the buildings of the Polish Parliament. Before these events the students prepared presentations on these two institutions, so during the visits they had already been prepared linguistically and factually.

The internet allows the teachers to take their students on more remote trips, e.g. to the British Parliament or American Congress. What they need is the computer laboratory with computers and the internet access.

The UK Parliament website (<http://www.parliament.uk/visiting/onlinetours.cfm>) offers a wide range of materials that can be used for teaching purposes. One of the possibilities is taking the students on the virtual tour during which they can visit the House of Lords, The House of Commons, Westminster Hall, Clock Tower and Big Ben or the library. In order to make the visit more interesting and to introduce the element of competition students can be assigned a task to find several objects, e.g. Queen Victoria's monument, a rose, a thistle and a shamrock, Admiral Nelson's place of death, etc. Assigning a task may motivate the students to scroll the pages more carefully and to read the information attached.

On the website of the American Congress (<http://www.house.gov/>) there is a 'Kids in the House' tab where the students can read about the history of the Congress, its functioning, the role of women and Afro-Americans in its structures or the legislative procedure. The wide collection of topics can be used

for the preparation of mini presentations delivered by the students at the end of the class after they have studied the information available on the website.

When students work with the materials offered by the internet, they can have a website with a good online dictionary opened in a new tab where they can check the meaning of the new words.

Materials available on the internet can also be used in project work. An example of the topic which is important for law students is the legislative procedure. On the website of the Polish Parliament

(<http://edukacja.sejm.gov.pl/rozrywka/legislator/>) a game “Legislator” can be found. It leads the players through the complex procedures of how law are made in Poland and teaches them the stages of the whole process.

After the students familiarize themselves with Polish realities, they can search the internet in order to find similar websites explaining the legislative process in the UK and the USA. Several examples of American procedures can be found

on <http://www.emints.org/ethemes/resources/S00002158.shtml>,

<http://bensguide.gpo.gov/9-12/lawmaking/index.html> or

<http://www.familiesusa.org/resources/tools-for-advocates/tips/board-game.html>

which offers a board game illustrating how laws are made.

Games are also available on the UK Parliament , e.g. ‘Snakes and Maces’ and ‘Law Makers’ ([http://www.parliament.uk/education/online-](http://www.parliament.uk/education/online-resources/games.htm)

[resources/games.htm](http://www.parliament.uk/education/online-resources/games.htm)). A suggested activity which may follow the playing stage is the preparation of poster presentations illustrating the legislative processes in different legal systems to be displayed in the classroom.

The internet is also a very rich source of video and podcast materials² which can be used during classes. As an example the ceremony of The State Opening can be presented. A video showing Queen Elisabeth reading her speech (about 7 min.) and the audioscript can be found on Her Majesty’s Government’s website (<http://www.number10.gov.uk/Page21341>) and used as a listening comprehension activity in the classroom.

The text of the speech can be quickly gapped with the help of The Teacher’s Pet or Microsoft Word software. Then the students watch the video, fill in the gaps but also have a chance to see the interior of the House of Lords, peers wearing ceremonial gowns, the Queen on the throne, etc. The text can also be used for developing students’ summarizing and analytical skills by setting a task of selecting the most important points made by the Queen and reporting them to the group.

Using video materials in the classroom can also help develop the note-taking skill which along with summarizing skill constitute very important study skills. They may turn out to be very important for students planning to participate in the student exchange programmes.

² Podcast is a form of online sound or video material, usually in the form of file (e.g. mp3) which can be downloaded to the hard disc and played in the form of audio or video material.

A very important skill which students need to develop is speaking. In their professional lives Polish law students will most probably speak about aspects of Polish or EU law. Therefore, they should be given opportunity to role play/simulate situations in which they can hypothetically find themselves by assigning various roles, e.g. a client asking a lawyer for advice, law student on a student exchange asking a Polish friend for explanation, Polish student on an exchange seeking help, English teacher – a layman asking a law student for explanation of some law intricacies.

A very good idea to supplement the traditional way of teaching is to apply the e-learning component to the course. It can help the teacher stay in touch with the group, motivate the students to additional, individual work, offer extra language practice by selecting interactive exercises available online, visualize the end product of the cooperation by uploading students' presentations, in-house teaching materials, etc.

Another initiative which was implemented in order to create the place where the students can freely express their opinions on various topics related to law, politics and social matters is a blog which can be read on <http://englishforlaw.edublogs.org/>. The blog has existed for a few months so far and students contributing the posts have been awarded extra points for their work and they seemed to enjoy this opportunity of extra practice in English.

The activities described above were designed and put into practice in order to make Legal English classes more interesting and to debunk the belief that Legal English courses must be boring. However, the objective set by the university – TOLES examination – cannot be forgotten.

Therefore, from the very beginning of the course students write tests and quizzes which follow the format of TOLES examination. On TOLES Foundation level there are ten different types of tasks which are used, i.e. *odd one out, find mistakes, true/false, areas of law, gapped sentences, matching, missing words, questions and answers, jumbled conversation*.

Here are two examples from a progress test on systems of government.

Match the verbs to their definitions:

enact exercise ratify adopt enforce implement constitute

- 1. to approve officially, to make a treaty, an agreement valid by signing it*
- 2. to use or to apply, e.g. a right, power, control*
- 3. to make sure that laws are respected or obeyed*
- 4. to make sth. law, e.g. a bill*
- 5. to put a decision or an agreement into effect.....*
- 6. to agree to sth., to accept*
- 7. to make or to form.....*

Fill in the missing prepositions

Law consists rules regulating the behaviour people and business the society.
American Constitution was ratified 1781.
Polish Constitution was the second one the world.
Constitution takes precedence all other laws.
Common law system is based the doctrine stare decisis.
In the European Union all member states are subject..... EC law.
EC law has supremacy national law.

Six-year experience of the author of this paper in running Legal English courses shows that TOLES examination is an attainable goal for most students. It is much more challenging to prepare attractive classes and to convey difficult subject matter of law in such a way that students will enjoy it and develop all language skills and specially speaking and writing. Therefore, constant search for new solutions, finding inspiration to experiment with new solutions, tasks and methods, speaking and writing about law in a simple language is the ultimate goal and undeniable advantage.

Further Reading

Atkins, R., Mason, C. *The Lawyer's English Language Coursebook*. Global Legal English, 2007.

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