

# LEGAL MINDS THINK ALIKE: LEGAL ENGLISH SYLLABUS DESIGN AND THE PERCEIVED LANGUAGE NEEDS OF PRESENT AND FORMER STUDENTS OF LAW

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## **Abstract**

The article discusses the results of and the rationale behind a needs analysis survey carried out among students and recent graduates with the aim of modifying and innovating an existing course syllabus. It documents the preparation of the changes in the Legal English syllabus at the Faculty of Law as part of Impact project implemented at the MU Language Centre. The findings from the questionnaire surveys are contrasted with the language requirements that major law firms place on their recruits. The paper proposes some ways of including changes in the new syllabus of legal English for undergraduates. The preparation of the new syllabus aims to make the course as relevant as possible to the CEFRL and the future language needs of law students.

## **Introduction**

The aim of this paper is to discuss the innovation of instruction that is currently under way in the Language Centre at the Faculty of Law, Masaryk University, as a part of a university-wide project (the “IMPACT Project”). The project is meant to address two main areas: (1) to improve language testing and to ensure its uniformity across all the faculties, and (2) to implement the innovation of a number of language courses in the area of LSP (Language for Specific Purposes). After describing the results of a needs analysis survey carried out among current students and former graduates, the present paper suggests some of the ways in which the syllabus of the existing course will be modified and redesigned on the basis of the survey.

### **1 Current state of affairs**

All law students are currently required to take a four-term course in a foreign language for legal purposes. Students can choose from LSP courses in English, German, French or, most recently, Spanish. The courses terminate with an exam. As regards the “English for Law” course, it is based on various materials from diverse sources, such as the legal English textbooks by Marta Chromá (cf., e.g. [3]), which are aimed specifically at Czech students, and the coursebooks in international legal English by Amy Krois-Lindner and Matt Firth (cf. [7], [8]). In addition, teachers have been using a large number of their own materials designed to cater to the specific needs of their students, as well as, for instance, various video-based activities on diverse legal topics.

The current project has given the language teachers involved the opportunity to reflect on their present syllabi and reconsider its composition in terms of the language skills practised, the professional topics covered, the authentic materials used, etc. Teachers have been invited to make changes in order to improve the existing LSP syllabi and keep them up-to-date with the latest developments in the methodology of English for Specific Purposes (ESP). In order to ensure that the modified syllabus is maximally relevant to the real needs of the law

students, it was decided to base some of the changes on the analysis of the learning needs of the students.

## 2 Needs Analysis

Needs analysis, as a diagnostic tool that has been a quintessential part of ESP for decades, was systematically developed by Hutchinson and Waters, the “godfathers” of the field, in the 1980s (Hutchinson and Waters 1987 [6]). As opposed to general English courses that are universal in their orientation because they cater to people who want to use English for very diverse non-specific purposes, ESP classes are aimed at quite specific, usually very homogenous audiences. Needs analysis serves as a tool that helps to pitch the course content so that it covers the most relevant topics, language skills, vocabulary and other language-related matters that learners may be required to use in the workplace. When carrying out a needs analysis survey, the respondents and the methods need to be carefully decided upon so that the results can be actually used effectively in course design. Thus, for instance, a recent study in the language needs of nurses in Thailand has documented how the preparation of a medical English course reflected the needs of multiple stakeholders: the nurses themselves, the patients and the hospital director, who were all interviewed about their expectations (Gass 2012: 14-18 [5]).

When describing effective ways of carrying out needs analysis, Basturkmen (2013) [1] specifies the following components: target situation present situation, learner factor and teaching content analysis. While target situation refers to the future communicative situations for which the students are preparing, present situation captures the students’ current and immediate needs. Learner factor involves the motivation of the students, their different learning styles and the reasons why they study the foreign language. Finally, teaching content analysis relates to the content that can be realistically included in the course.

In our teaching situation, the students are law students in their first and second years of law studies in a five-year master’s program. When establishing the students’ needs, we have to consider not only their present position, but also at the employment prospects they face after graduation, even though for most students the target situation is four to five years away in a relatively distant future. Thus, target situation analysis involves data about the needs of our graduates’ in their future jobs, present situation analysis considers what the students need professional English for in the course of their studies, learner factor analysis takes into consideration their motivation (which affects, among other, the teachers’ efforts to make the lessons enjoyable and student-friendly). Finally, teaching content analysis includes a realistic estimate of the contents of a university ESP course, given the constraints of time.

As far as the target situation is concerned, it may be difficult to establish what kinds of jobs the future graduates from the Faculty of Law may perform because the range of possible future careers is quite broad. Thus, teachers of ESP may not be the best judges of what students’ future needs are, partly because they do not have direct experience of the target situation (cf. Eslami 2010 [4]). For that reason, it was decided to approach recent graduates and ask them to share information about the classes they had recently attended. The idea was that this approach could help in refining the new syllabus so that it might prepare students well for their future professional needs, as far as their English language skills are concerned.

As opposed to their limited ability to consider the target situations, teachers are much better equipped to assess the present needs of their charges. This may be done directly during their lessons, e.g. by monitoring the students’ performance in class, as well as outside of the classroom by finding out from students and law teachers about what English language skills students may need in the course of their studies. Learner factor is also something that can be

studied directly in class – a teacher will typically find it quite easy to observe what students are motivated by and what tasks and activities work well.

Teaching content is closely connected with the stakeholders involved in ESP classes, in particular the Faculty of Law that commissions the courses for their students. It is a given factor that the course takes place in the first and second years and each of the four terms lasts 12 weeks. After attending the course, the students should attain language proficiency on the B2 level.

### **3 Respondents**

Two separate surveys were carried out in order to assess the target situation on the one hand and the present needs of our students on the other. In the former survey, data were collected from recent graduates via e-mails. The latter was performed on groups of students in their first and third semesters of study by means of a questionnaire distributed in the first class of each respective term.

#### **3.1 Graduates' Perspective**

In spring 2012, recent graduates (up to 5 years after graduation) were sent an e-mail questionnaire, consisting of 6 questions asking them to assess the legal English classes they attended during their studies both from the student and present perspective. They were also asked what job they were currently in, whether they needed to demonstrate their language skills when applying for the job (during a job interview), whether they needed legal English in their current job, and, finally, what English language training they thought future lawyers need in order to be ready for their jobs.

As regards the findings obtained from the questionnaire, the most important one was most probably that up to three quarters of all the graduates surveyed said that they did not use English in their jobs. That percentage turned out to be much higher than expected. Some of the recommendations about what should be included in legal English lessons in order to make them relevant for the future needs of law faculty graduates included the following replies: *working with authentic materials; drafting contracts; judgements; powers of attorneys; formal correspondence; reading of literature in English; working with legal sources in English; case studies; Plain English; negotiation in English; oral presentations; and language for meetings* (for more details, see Chovancová 2013 [2]).

#### **3.2 Law firm Perspective**

The findings from the graduate survey were compared with oral interviews conducted with law firm representatives from several law firms, including Squire Sanders, Allan and Overy, Rentsch Legal, Ekologický právní servis, Holásek and partners. The interviews confirmed the information obtained from law graduates. The requirements, as far as English language skills are concerned, placed on successful job applicants included: *being good at legal writing, especially drafting contracts in English; being able to work with legal documents in English; having good speaking skills (being able to understand when Skyping); and mastering business correspondence.*

#### **3.3 Present Students' Perspective**

The paper questionnaire that was given to first- and third-term students consisted of three and two questions respectively. The questions were ‘*What do you expect to do in your legal English classes?*’ (first term students only); ‘*What do you expect to use English in your*

*studies and in your professional career for*’; and ‘*What do you actually want to learn and feel you need to learn?*’

### 3.4 Responses – First-term Students

In response to the first question, most students answered that they expected to learn a lot of “*important words and phrases*”. Other replies included “*something about law systems in English speaking countries*”. Some students also mentioned group work. When predicting their language needs in the course of their studies and after graduation, a surprisingly high number of students stated explicitly that they wanted to work and live abroad. Many others expressed an interest in working in international firms, expecting to use English there in order to communicate with their colleagues and clients. As far as studies were concerned, the majority of the students hoped to go on Erasmus study stays to other EU countries. Even the students who said that they did not expect to use English in their future jobs claimed that they were still highly motivated to learn English. The lists of self-perceived language needs and wants most frequently included speaking skills (or, as one student put it, “*skills in non-casual communication*”). Students appear to have strong feelings about grammar (some feel they need it, some would like to avoid it completely). Vocabulary was mentioned often – many students seem to perceive it as the main content of the course. They also said they wanted to have fun, play language games and watch legal movies in class. The overall finding was that the students are highly motivated to improve their English.

### 3.5 Responses – Third-term students

The questionnaires were also given to students in their third term of study. The aim of asking this particular group of respondents was to see how the level of sophistication and insight into what can be realistically expected in one’s professional career compare to the opinions of newly admitted students. This comparative perspective did reveal that the self-perceived needs and wants of students actually change during their studies, most likely as a result of a more realistic encounter with the world of law.

While students showed more familiarity with options available to them during their studies (*Erasmus; SVOČ; summer school abroad; diploma work; work with sources; with a foreign teacher; to understand speakers at conferences*), their understanding of the legal profession is still somewhat vague. They expect to work with *documents in English/from EU; rulings of foreign courts*, etc. Just as their younger colleagues, some also consider working abroad, even though the number of students who explicitly say so is considerably lower. The following student commented on the need to use English as a means of accessing relevant information and being up-to-date with the latest developments, cf. *I expect to use Legal English in my studies in foreign country (Erasmus) and in my professional career to study new information from books, magazines...in English.*

Among third-term students, motivation remains high. There does not appear to be a significant difference between students in their first and third terms of study. The two terms of English they go through at the Faculty of Law do not seem to increase (or decrease, for that matter), their interest in the language. There are some negative responses, although such overly negative one as the following are exceptional: *I hope that in my future English will be used very little. My English is horrible and I hope that this is my last year with it.*

Most students see mastering English as an opportunity to get better job. Some are very precise and ambitious: *To understand legal English that means I would like to fully understand technical legal, highly complicated judgements, articles where legal English is used and are extremely hard to understand by non-educated people.* It may be surprising that students in

their third term of study still predominantly believe that learning foreign language in an LSP class equates the acquisition of new vocabulary, since many replied that they believe they should learn many new terms. Some students appear to have a more accurate grasp of what may be needed in the future. Cf. the following replies:

- *read law texts would be great, i.e. international contracts, judgements of the European court.*
- *I want to learn about anglo-american legal systems in much greater detail with vocabulary to support it.*
- *I think I could need some more practical knowledge, e.g. more of “legalese“ to better understand legal documents.*

Some students have also expressed thoughts concerning the English language course that they are (or have been) attending. Although there were no questions in the questionnaire asking explicitly about their experience with the course and the syllabus, several students did include positive remarks on their overall satisfaction with the course, cf. *I think that what we learn now is what I need.*

## **Conclusion**

The questionnaire survey has revealed a number of interesting points about the contexts in which students expect to be using English after graduation. It is evident that their expectations do not quite match the actual English-language tasks that recent graduates report that they have to be able to perform in their jobs. It thus appears that needs analysis aimed at discovering the needs, wants and lacks of students that should be addressed in an ESP class can greatly benefit if data are obtained from multiple stakeholders – e.g. current students as well as recent graduates who are able to contrast their English language experience with the demands of the real world. This approach certainly confirms Tardy’s (2013) [9] observation that “the needs of students within the target context, using the target language, are a starting point for course design”. After all, the graduates have the most accurate grasp of what the needs of the students are.

In general, the needs analysis survey has found that legal English is an extremely important skill for law practitioners, despite the fact that law has traditionally been seen as local matter. In response to the findings from the survey, the new syllabus will include a number of changes and modifications in order to reflect the real needs of the professionals in the target situation. It is imperative that certain skills that have so far been overlooked need to be practised much more and need to be assigned a much more central role in the syllabus. This concerns, among other, writing in general and drafting legal documents in particular, working with authentic materials, and practising more advanced speaking skills, such as negotiations or lawyer-client interviews. Less emphasis should be placed on common law and more focus should be placed on Czech law and European legal issues. The new syllabus should try to establish a balance between content and skills – the main emphasis should be on the processing of information. However, the findings concerning the present students’ needs and wants also indicate that a successful course must be designed in such a way that it contains a lot of speaking practice as well as offers a potential for enjoyment (by including some fun elements), which are all very important for keeping the students extrinsically motivated.

Last but not least, the newly designed syllabus will also reflect the external requirements of the Common European Framework of Reference for Languages (CEFR) and establish a better connection between course and exam. In this way, it will ensure interconnectedness with the best international practices in the field.

## Literature

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LEGAL MINDS THINK ALIKE: SUBJEKTIVNĚ POCIŤOVANÉ JAZYKOVÉ POTŘEBY  
ABSOLVENTŮ A JEJICH VLIV NA INOVACE SYLABU PŘEDMĚTU PRÁVNICKÁ  
ANGLIČTINA NA PRÁVNICKÉ FAKULTĚ MASARYKOVY UNIVERZITY

Jedním z cílů projektu IMPACT, realizovaného na Centru jazykového vzdělávání Masarykovy univerzity (CJV MU), je v oblasti inovace příprava a implementace změn v sylabu předmětu Právnická angličtina. Tato prezentace dokumentuje přípravu změn, založenou na analýze potřeb, která byla provedena na vzorku absolventů PrF MU, a na následném srovnání výsledků s jazykovými požadavky pro žadatele o práci ve významných právních kancelářích. Na základě zjištění jsou navrhovány způsoby, jakými by změny měly být implementovány do nového sylabu předmětu Angličtina pro právníky vyučovaného na MU. Důležitým kritériem při přípravě nového sylabu je snaha připravit kurz tak, aby co nejlépe odpovídal nejen SERR, ale i budoucím jazykovým potřebám studentů práva.

LEGAL MINDS THINK ALIKE: SUBJEKTIV GEFÜHLTE SPRACHLICHE BEDÜRFNISSE  
DER ABSOLVENTEN UND DEREN EINFLUSS AUF DIE INNOVATION DER LEHRPLÄNE  
DES FACHS JURISTISCHES ENGLISCH AN DER JURISTEN FAKULTÄT DER MASARYK-  
UNIVERSITÄT BRÜNN

Eines der Ziele des Projekts IMPACT, das vom Fremdsprachenzentrum der Masaryk-Universität Brunn (MU) durchgeführt wird, hat Innovation, Vorbereitung und Implementierung von Änderungen im Lehrplan für juristisches Englisch zum Inhalt. Diese Präsentation dokumentiert die Vorbereitung der Änderungen, die am Muster der Absolventen der juristischen Fakultät der MU durchgeführt wurde. Diese Vorbereitung basiert auf einer Bedarfsanalyse und auf einem Vergleich der Ergebnisse mit den sprachlichen Anforderungen für diejenigen Absolventen, die sich in bedeutenden Anwaltsbüros bewerben. Auf Grundlage dieser Feststellung werden Arten und Weisen vorgeschlagen, wie die Änderungen in den neuen Lehrplan des Lehrfaches juristisches Englisch implementiert werden können. Ein wichtiges Kriterium bei der Vorbereitung des Lehrplans besteht in der Bemühung, den Kurs dergestalt zu planen, dass er möglichst nicht nur dem europäischen Referenzrahmen für Sprachen entspricht, sondern auch den künftigen sprachlichen Bedürfnissen der Jurastudenten gerecht wird.

LEGAL MINDS THINK ALIKE: SUBIEKTYWNIIE ODCZUWANE POTRZEBY JEZYKOWE  
ABSOLWENTÓW I ICH WPLYW NA UDOSKONALENIE SYLABUSA PRZEDMIOTU  
PRAWNICZY JEZYK ANGIELSKI NA WYDZIALE PRAWA UNIWERSYTETU MASARYKA  
W BRNIE

Jednym z celów projektu IMPACT, realizowanego w Centrum Kształcenia Językowego Uniwersytetu Masaryka, jest w zakresie innowacji przygotowanie i wdrożenie zmian w sylabusie przedmiotu Prawniczy język angielski. W niniejszym opracowaniu przedstawiono sposób przygotowania zmian opartego na analizie potrzeb, przeprowadzonej na próbie absolwentów Wydziału Prawa Uniwersytetu Masaryka oraz późniejsze porównanie wyników z wymaganiami językowymi stawianymi osobom ubiegającym się o pracę w ważnych kancelariach prawniczych. Na podstawie wyciągniętych wniosków opracowano sposoby wdrożenia zmian w nowym sylabusie przedmiotu Prawniczy język angielski wykładanego na Uniwersytecie Masaryka.