

COMMUNICATION SKILLS IN LEGAL ENGLISH

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***Abstract:** One part of the COMPACT Project of Masaryk University Language Centre focuses on creating several soft-skills courses in foreign languages, which reflects the current trend to include soft-skills training in the language preparation. The course of Communication Skills in Legal English has been developed within the above mentioned project; however, it is not a typical example of such a course, communication skills practice is interconnected not only with the language training as such, but with a very specific field of legal English. In the paper we describe the structure and the content of this course and share our experience from its creating as well as from teaching. At the end we summarize the main points of the course participants' feedback and outline the possibility of integrating communication skills into the undergraduate courses of legal English at Masaryk University.*

Key words: soft skills, legal English, communication skills, client interview, legal correspondence, negotiation

INTRODUCTION

The course of Communication Skills in Legal English was developed as one of the several soft-skills courses in foreign languages within the COMPACT project (Competences in Language Learning) of Masaryk University Language Centre. The implementation of soft-skills practice into the courses offered by the Language Centre reflects the calls for practical preparation of students: „The issue of soft skills has been recently transferred from the sphere of management into the field of language training“ (HANZLÍKOVÁ 2011, p. 67).

Soft-skills are usually represented in the university language courses by presentation skills, preparing for a job interview, or writing a letter of application with a CV. The Compact project offers 26 soft-skills courses in four languages (English, German, French, and Spanish), e.g. Time and Stress Management, Intercultural Communication, Creativity, Critical Thinking and Self-reflexion.¹ The course of Communication Skills in Legal English is not a typical example as it does not combine only soft skills and ESL, but it is narrowed on a very specific area, i.e. legal English.

1. THE COURSE DESCRIPTION

As the title suggests, the course focuses on developing communication skills in the legal context. It interconnects several aspects: oral and written communication, theory and practice, lawyer – client communication, lawyer – lawyer communication, analyzing part of a legal case or the whole case study. The skills are practised on examples from civil, employment and contract law.

¹ you can find more information on the COMPACT project at <http://lingua.muni.cz/cs/projekt-compact/>

The course has been piloted twice so far and it is going to be offered once in an academic year from 2011/2012. Since the first teaching the content of the course has developed to the shape described in this paper, however, we expect further modifications and improvements.

1.1 The Course Objectives

The main aim of the course is to improve the participants' communication skills in several professional situations. At first the students are provided with the guidance in the language preparation and theoretical background, and then they can practise their communication skills in a number of practical tasks from the legal environment. The participants are engaged in many interactive activities which are designed to develop their awareness of appropriate and effective communication skills.

1.2 Participants

The course is offered to the students (both undergraduate and postgraduate) as well as to the academic staff of any faculty of Masaryk University. Even though it is intended mainly to those of Faculty of Law, participants from other faculties can also attend the course. The knowledge of legal English is described as useful for the effective work in the course; however, it is not compulsory. We must admit that although there have appeared several people from other faculties at an early enrolment list, the final composition of participants has included only persons from the Faculty of Law so far.

The level of English required is at least B2 of the CEFR. Most of the participants are fluent, with a high level of legal English; however, some of the students may be slow at expressing themselves or not very confident at the correct use of legal terminology.

1.3 The Course Structure

The course consists of three parts: Online Part I, Workshop, Online Part II. Online Part I is an introductory part which is to ensure the necessary level of knowledge for active participation in the workshop which follows. The workshop is the main part and it is aimed at providing the space for controlled and free practice of oral and written communication skills in the legal environment. The workshop lasts approximately 10 lessons; originally it was a one-day intensive session, however, after the first piloting it was changed to a two-day workshop (6 lessons + 4 lessons). Online Part II is a short follow-up in which the participants finish the last step of a complex task from the workshop.

2. THE CONTENT OF THE COURSE

2.1 Online Part I

Online Part I consists of e-learning tasks which prepare the participants for the activities in the workshop. There are five sets of interactive exercises, one tests the students' knowledge and four of them (covering useful phrases, language functions and legal English) are recommended to those whose knowledge is not sufficient.²

² The structure and the content of e-learning activities are dealt with in the paper „E-learning jako přípravná část kurzu Komunikačních dovedností v oblasti právnické angličtiny“ presented at the conference Informační a komunikační technologie ve výuce cizích jazyků in Poděbrady, 21st – 22nd June 2011.

2.2 Workshop

The workshop is divided into four sections according to the topic which is practised. The first part deals with client – lawyer interviews, the second section is focused on legal correspondence, the third one is devoted to negotiation skills and the last part includes a case study.

2.2.1 Section 1 - interviews

The first section starts with discussions on legal communication in general: e.g. its importance and tips for a successful communication, and then continues to analyze the issues concerning a client – lawyer interview. The theoretical preparation involves mainly identifying the interview stages and building up useful phrases. The largest part of the section is devoted to practice. The participants swap the roles of lawyers and clients and they perform interviews according to the given instructions (who they are, what the problem is, how to solve it). Each interview presents a different case.

The interviews are performed gradually, at first divided into parts – so that the students can concentrate on various aspects of successful interviewing: active listening, the correct use of suitable phrases, conveying information, body language, etc. The last interviews are played as a whole and the „lawyers“ are asked to write down details of the case during the interview.

Each interview is followed by a self-reflexion from the „lawyer’s“ part. The participants are given handouts in which they evaluate the strengths and weaknesses of their performance and set one point they want to improve in during their next role-play.

2.2.2 Section 2 - correspondence

In this section the students consider various factors affecting the form of letters and emails, namely the purpose, reader, content, style and tone. A special attention is paid to the features of formal letters and to the phrases used in legal correspondence.

The participants focus on writing a letter of demand. First, they brainstorm the content and the structure of such a letter, then they work on a sample letter, and finally they write a demand letter based on their notes from the interview they played in Section 1.

2.2.3 Section 3 - negotiation

The third section concentrates on negotiating contractual terms. At first the participants discuss negotiation strategies and they develop useful language. They focus on formal and polite phrases used for disagreeing, rejecting and making counter-offers or concessions. In the second part the students play the roles of lawyers negotiating contractual terms on behalf of their clients.

The role-plays start with a controlled practice in which each „lawyer“ is given instructions describing the steps of the negotiation and chooses only a suitable language. This activity is followed by a free practice when the participants get a set of instructions and they have to choose both the strategy and language themselves. It is interesting to compare the negotiated terms of various pairs.

2.2.4 Section 4

The last section is devoted to an employment law case. The participants read the facts of the case and identify the legal issues. They prepare arguments for one of the parties and then negotiate with the representative of the other party to reach an out-of-court settlement.

The participants should employ the strategies and language discussed in Section 3 – e.g. prepare the strengths and weaknesses, be sure about the goals, decide which concessions they are willing to make. At the end the pairs report the result of their negotiation to the class so that they can compare possible outcomes.

The negotiating activity of the last section leads to homework for Online Part II. The students are asked to write a letter of advice to their client; they are to summarize the main facts of their negotiation and to provide the client with advice concerning further actions.

2.3 Online Part II

At present the last part of the course includes the home task from Section 4: writing a letter of advice. Each student prepares the letter individually and submits it for comments to the teacher.

After having collected enough material from the written work of the course participants, we plan to enlarge this part with interactive tasks for practising the areas that often cause problems.

3. PREPARING AND TEACHING

The course reflects some specific features resulting from its content, duration and the structure of participants. Some features had been expected when preparing the course, others appeared during the piloting.

3.1 The course preparation

When preparing the course, we were fully aware of the main limitation: 8 hours of classroom teaching cannot cover all situations and aspects of legal communication. Moreover, since it is a language course, the content cannot go into details when legal questions are concerned. Once the areas of practice were determined (lawyer-client interviews, negotiations, and legal correspondence), we searched for existing materials.

The specific combination of communication skills and legal English is included in the textbooks only partly; we used mainly FIRTH (2008), HAIGH (2009), KROIS – LINDNER (2006), and SWEENEY (2003). Nevertheless, the majority of source material had to be adapted for the needs of the course to a great extent.

When developing teaching materials, the natural question of setting the necessary initial knowledge arose – both of legal English and general English useful for communication (e. g. phrases for discussion, making proposals, or polite rejections). On the one hand, legal English knowledge is not compulsory for attending the course; on the other hand, the majority of participants are expected to be law students. Thus, we decided to employ e-learning as a

preparatory part assuring a certain level of knowledge, of both legal and general English. As mentioned above, the required level of English was set up to B2 of the CEFR.

3.2 Changes during the piloting

The first teaching in the course showed in particular that we had underestimated the time necessary for actual practising the skills. That is why we decided to shorten the theoretical parts in order to obtain sufficient time for the practical training. Nevertheless, we could not remove the theory as such; therefore we moved certain tasks into the e-learning of Online Part I.

After the first piloting we also decided to implement the Power Point Slides into some parts of the workshop, especially for stressing important information or instructions and for checking the correct answers in some tasks. This enabled us to fasten certain activities, and thus to create even more space for the free practice.

3.3 Experience from Teaching

Since the course participants are interested in developing the communication skills themselves, the teaching have been enjoyable. In spite of this, there appeared several challenges concerning mainly monitoring the whole class when performing role-plays in pairs. Some students expect more detailed feedback from the teacher; some are not able to provide efficient self-reflexion, however, it is not possible for the teacher to notice and comment on the whole performance of each pair.

Another usual problem connected with the pair work arises when there is not an even number of students. Since many activities in the workshop are based on pair work, the teacher has to think about the way of dealing with an odd number of students in advance. As the pairs modify throughout the course, the instructor should also notice the style of work of the students, so that they can be later paired up into the couples that work efficiently together.

3.4 Feedback

Generally, we have received positive feedback from the course participants. All of them appreciated a systematic training of communication skills, which they had not experienced before. The intensiveness of practice resulted in a visible progress and increasing confidence when performing interviews or negotiations. Thus, the communication skills training was evaluated as the most beneficial from all participants including those with a high level of both general and legal English.

The evaluation of other components of the course was mostly positive as well, although not unanimously, which reflected participants' individual expectations and preferences. Someone would have liked to spend more time on theory, while someone else pointed out there was too much theory in the course. Some students expected more work on extending the knowledge of legal English; some persons did not particularly enjoy practising on the areas of legal English they are not fond of much. Someone would have liked to focus more on body language and some participants would have needed practising pronunciation and intonation which was not included in the course at all.

CONCLUSION

The feedback from the participants confirmed the importance of practising communication skills. Everybody agrees that communication is a vital part of legal profession, however, the communication skills training (especially oral communication skills) was either overlooked in the legal education or the courses typically stressed a result.³ The situation has changed since the importance of soft-skills in the university preparation was recognized,⁴ and therefore we hope to incorporate much of our course material and methods into the regular courses of legal English at Masaryk University. Legal English is included in the courses of “English for Lawyers” (4 semesters), “Introduction to English for International Trade Law” (2 semesters) and “English for Public Administration” (1 semester). We feel that it is possible for students to develop their communication skills gradually in the context of the particular specialization.

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³ see KORN (2004), p. 588

⁴ e. g. <http://www.softskills.wz.cz/html/vyznam%20soft%20skills.html> [31/5/2011]