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## DO WE CLIL IN LEGAL ENGLISH CLASSROOM?

### Introduction

Content and Language Integrated Learning (CLIL) has become very popular in Europe since the term was first coined in 1994 to name the joint project of UNICOM – a platform of The Continuing Education Centre at the Finnish Jyväskylä University – the key centre for CLIL expertise in the world and European Platform for Dutch Education. This term was used to describe an approach for learning content through the medium of a foreign language. The CLIL definition by Marsh and Lange (2000: iii) is quoted most often and explains that “content and language integrated learning (CLIL) is a generic term and refers to any educational situation in which an additional language and therefore not the most widely used language of the environment is used for the teaching and learning of subjects other than the language itself.” So, as Marsh (2005) explains, it is an “approach which involves learning subjects such as history, geography or others, through an additional language. It can be very successful in enhancing the learning of languages and other subjects.” He also convinces that “it has been found that some of the most suitable CLIL teachers are those who speak the majority language as their first language and the CLIL language as the second language.”

In 2010 the definition of CLIL was simplified by Coyle, Hood and Marsh (Coyle et al. 2010: 1) and now it states that “CLIL is a dual-focused educational approach in which an additional language is used for learning and teaching of both content and language.”

CLIL has been widely supported by the European Commission which defines it as a method that “involves teaching a curricular subject through the medium of a language other than that normally used and the key issue is that the learner is gaining new knowledge about the ‘non-language’ subject while encountering, using and learning the foreign language.”<sup>1</sup> The European Commission also supports the professional development of CLIL teachers who are required to be “specialists in their own discipline rather than traditional language teachers. They are usually fluent speakers of the target language, bilingual or native speakers.”<sup>2</sup>

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<sup>1</sup> [http://ec.europa.eu/education/languages/language-teaching/doc236\\_en.htm](http://ec.europa.eu/education/languages/language-teaching/doc236_en.htm) [Accessed: 20.03.2011].

<sup>2</sup> <http://ec.europa.eu/education/languages/language-teaching/content-and-language-integrated-learning-en.htm> [Accessed: 20.03.2011].

This paper will analyse whether Legal English classes at universities fit into the definition of CLIL and what competences Legal English teachers need in order to run English for Legal Purposes (ELP) courses successfully.

### **Legal English courses at universities**

In the first decade of the 20<sup>th</sup> century Legal English courses became very popular at Polish universities due to the fact that new law faculties opened at many Polish private universities and the number of law students increased significantly. At the same time university English teachers faced a new challenge of modelling and teaching very specialist Legal English courses. The biggest problem they faced was the content knowledge of law which most of them lacked, since they were linguists with no legal educational background. Even though they were confronted with pre-experienced learners, they still needed some knowledge of law in order not to feel intimidated and frustrated when explaining the intricacies of legal concepts. Northcott (2008: 40), however, convinces that “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.”

Results of the research entitled “Becoming a Legal English Teacher in Poland. Teachers’ Biographies” conducted by the author of this paper in September 2010 that drew on thematic narrative interviews with eleven experienced university English teachers working at leading Polish universities provided meaningful feedback as to differences between teaching Business and Legal English. Such comparison was possible to conduct, since all of the respondents had experience in teaching Business English as well. All teachers agreed that teaching Legal English was much more demanding and it required more content knowledge and solid background on the content. Business English bases on more common knowledge and is more intuition-oriented when it comes to content expertise. Business English is also more international and country specific differences do not play such a big role compared to diversity in legal systems across the world. Teaching Legal English may be, therefore, more misleading and requires more precision in terms of terminology and feedback.

Another difference between Business and Legal English is the quality and availability of teaching materials which in case of Legal English are not very exciting and rather monotonous as they are mostly aimed at developing vocabulary and reading and writing skills. Therefore, Legal English teachers are forced to produce their own materials if they want to make their classes more attractive and develop other skills especially communication. Another problem is the lack of published Legal English materials that develop the content knowledge of Polish law. Namely, they usually cover the issues typical of common law systems. For that reason, teachers who understand the need of their Polish students to develop the ability to discuss Polish legal issues in English will regularly need to supplement course books with Polish law-oriented in-house materials. Business English materials due to their multitude offer the teachers wider choice of activities and allow for satisfying most of the wishes, wants and likes.

The research showed that Legal English courses at universities contain many elements of CLIL, since in practice they go beyond strictly language objectives. An

experienced teacher will know that setting only linguistic goals for law students is irresponsible. This requirement found its reflection in the research conducted by Catherine Mason of Global Legal English, the author of *The Lawyer's English Language Course* book, among the Magic Circle international law firms based in Warsaw. The questions which the representatives of the Magic Circle addressed concerned what qualifications they require from law graduates who apply for jobs with these internationally recognized firms. During her presentation for students delivered at Kozminski University on 18 May 2010 Catherine Mason mentioned two skills that law graduates need:

- **practical skills** including excellent accurate English in speaking and writing, especially plain English drafting;
- **commercial awareness** which refers to students' general knowledge of business, their business experience (or work experience) and, specifically, their understanding of the industry which they are applying to join. Students will need to know some basic general commercial principles to be able to answer general commercial awareness questions, such as being able to explain the difference between a private limited company and a public limited company. They will also need to be able to discuss differences between Polish or European Union and common law systems, e.g. tax rates, employment law issues, finance options for a new business, liabilities for debts, etc. They will also need to know about any current major global economic issues, and their impact, or potential impact, on their employer's business sector.

A web portal [www.wikijob.co.uk](http://www.wikijob.co.uk) gives the following examples of typical commercial awareness interview questions:

1. Describe a company you think is doing well/badly and explain why you think this is so.
2. What do you think are key qualities for a company to have to be successful?
3. What do you understand of the role this firm plays in this industry?

Interestingly commercial awareness has been ranked<sup>3</sup> in the first position on the "Top Ten" Skills Shortages List among graduates as mentioned by the employers. Therefore, in order to be able to teach a specialist variety of English and commercial awareness, the teacher must develop the considerable knowledge of the subject matter, in this case of law: common law, local (Polish) law, European Union law, contract law, company law, tort law, employment law, administrative law, tax law, criminal law, etc. Officially Legal English courses at Polish universities are regular ESP courses and they are run by English teachers with no legal educational background. In practice, however, they are usually based on the concept of Content-Based Instruction (CBI) which refers to the integration of particular content learning with language teaching aims as well as the concurrent teaching of academic subject matter and second language skills (Brinton, Snow and Wesche 1989). The research conducted by the three authors was meaningful for the development of CBI concept and concentrated mainly on the tertiary context. The CBI syllabuses were evaluated as especially effective as they naturally integrate all language skills, i.e. reading authentic texts and interpreting them, expressing critical opinions orally or in writing. CBI classes are also viewed as highly motivating, as Stryker and Leaver

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<sup>3</sup> <http://www.kent.ac.uk/careers/sk/commercialawareness.htm> [Accessed: 20.03.2011].

(1997: 19) point out: “in content-based classroom, students are exposed to complex information and are involved in demanding activities which can lead to intrinsic motivation.”

The feedback provided by law students taught by the author of this article supports the above conclusion. Their motivation increases significantly the moment they start to study Legal English. The English teachers at Kozminski University are offered a lot of autonomy in structuring Legal English courses and selecting the content to teach. Some of them decide to devote the first year of the course, which altogether lasts three years, to developing Business English and only in the second year they introduce Legal English content and skills. Students, however, perceive the Business English component as particularly tedious and not exactly useful for them as lawyers-to-be.

The concept of CLIL is wider than CBI. According to Wolff (2002: 90) it is based on five main dimensions which justify this kind of instruction and include: the culture, the environment, the language, the content and the learning dimensions. CLIL model was enriched with the culture dimension which was not emphasized in CBI and involves developing intercultural knowledge and competence, learning about Anglophone countries, understanding the cultural context and as a result facilitating adaptation and assimilation processes.

Legal English teachers would face an unbelievably intimidating experience if they had to run Legal English classes at universities according to CLIL method. Such classes, however, would constitute the highest value for students. Such opinion found its reflection in the above mentioned research conducted among Polish university Legal English teachers, during which the respondents were asked to depict the ideal Legal English teacher. The answers provided a collection of descriptions relating to personal qualities, educational background and professional experience.

Some of the respondents concentrated on personality traits which a person pursuing Legal English career should possess. An ideal Legal English teacher was described as a hard-working, brave, open, stubborn, curious person, lifelong learner and constant knowledge seeker. The person must also be ambitious and stress resistant, as lawyers are very demanding students who might like to undermine the non-lawyer teacher’s qualifications just to show that linguists are not good at law. A person interested in Legal English teacher’s career may be unaware that being able to provide the students with Polish equivalents of some English law terms is not enough. Being an efficient Legal English teacher requires broader understanding of the mechanisms ruling the world of law. One of the respondents, therefore, coined a term “half teacher – half lawyer” to describe a perfect Legal English professional. Therefore, teachers working with law practitioners will need to engage much deeper in the subject matter, while teachers cooperating with law students will get a smoother introduction to the new profession as both parties, the students and the teachers, will be freshmen in the subject of law.

The description which was most often repeated pictured a person who was either fluent in English, bilingual or a fully qualified EFL/ESL teacher and practicing lawyer or professional translator of legal documents at the same time. None of the respondents in fact obtained this kind of dual educational background. Therefore, they strongly denied teaching the content of law and decisively underlined that they taught **only** the language and had no intention to teach the content.

Despite their denial, Legal English teachers operate on the verge of CLIL methodology, as it is impossible to teach Legal English totally ignoring the content and not bothering about understanding the subject matter. Teachers require particular competences so that content and language learning takes place. Apart from strictly linguistic component, Legal English syllabus will usually include the development of intercultural knowledge, academic skills, learning strategies, self-esteem as well as preparation for the international certificate examinations, mobility and internationalization.

That is why, Legal English teachers may wish to develop the competences typical of CLIL teachers when they pursue their professional development. A collection of competences for CLIL teachers identified in a SOCRATES-COMENIUS project entitled: "CLIL across Contexts: A scaffolding framework for teacher education (2006–2009)" will be presented below. The outcome of the project will be confronted with the CLIL competences grid drawn up by CLIL Cascade Network (CCN) – an on-line community of CLIL practitioners and their professional partners available on [www.ccn-clil.eu](http://www.ccn-clil.eu), a project supported by the European Commission.

### CLIL competences for teachers

SOCRATES-COMENIUS project was undertaken by nine institutions based in six European countries: Luxemburg, Spain, the Czech Republic, Great Britain and Spain. The rationale of the project was to develop new trends in teacher education which promote a better integration of content and language learning.

Eight areas of CLIL teacher competences have been identified by the project and they comprise:

1. **the awareness of students'** individual differences, ability to investigate their **needs**, making the use of students' experience and background and structuring the tasks to engage the students in activities that suit their learning styles;
2. **planning and managing the teaching and learning process** effectively by setting realistic objectives, sequencing and balancing material for developing the language and the content, selecting resources, and specifying assessment procedures;
3. employing **multimodality** (i.e. several modalities) of perception and production in order to share information with the students using both linguistic and non-linguistic content, code switching, varying input (i.e. verbal, non-verbal, visual, kinesthetic, tactile) to address multiple intelligences;
4. teacher's **social interaction competence** that will provide students with opportunities for the active use of the foreign language for different communicative purposes, i.e. contributing to conversations, initiating interactions, elaborating on meaning, etc.;
5. **subject** and knowledge **literacies** that will allow for a diligent interpretation of not only the content but also the genres of the text used and produced by students;
6. the ability of effective **assessment of the learning outcomes** not only by the teachers but also peer evaluation and self-evaluation;
7. the ability of **cooperation with other teachers**, exchanging ideas, inspiring one another, sharing methods and examples of good practice, discussing

problems and anticipating others, conducting peer-observation, **reflecting** on their practices, building a teaching community and developing their knowledge beyond their initial teacher training, i.e. “knowledge-in-practice;”

8. **understanding the cultural diversity** and introducing it to the classroom as a toll for content learning and communicative behaviour in a foreign language, preparing students for mobility and diversity of authentic situations, texts and topics by the use of authentic materials from different countries and initiating exchanges with students from other regions.

The outcome of the CCN project is the CLIL Teacher’s Competences Grid which can be used by teachers to identify professional development needs. The animated grid is available online and below the selected areas of competences applying to Legal English teachers’ situation that might supplement the above mentioned eight competences and will be presented:

1. **target language competence** on the academic level of proficiency which will enable the teachers to read subject material and theoretical texts, use appropriate subject-specific terminology and syntactic structures and conceptualise whilst using the target language;
2. the ability **to design a course** so that it combines language, content and skills outcome, synchronising the language and subject curricula, so that they support each other, scaffolding language, content and learning skills development, developing learners autonomy, fostering critical thinking, helping students to link learning from various subjects in the studies programme;
3. the ability to **select, adapt and design learning materials**, making the use of various learning environments (e.g. discussion forums, ICT, web 2.0), finding and adapting authentic materials which speak to students’ interests and needs, creating cross-cultural themes, creating opportunities for researching topics independently and through cooperation with others;
4. the ability **to select the language** needed to ensure student comprehension, rich language and content input, rich student language and content output, efficient classroom management, linking previous and new knowledge;
5. the ability **to build constructive relationship with students** by connecting with each student personally, being respectful of diversity, creating, reassuring and enriching learning environment, supporting individual and differentiated learning, adapting materials and strategies to students’ needs;
6. **applying interactive methodology** by fostering manifold interactions (L-L, L-T, T-T), creating rich learning experiences (group work, peer enhancement, whilst presentation tasks, end-of-task assessment of group work);
7. **preparing students for formal examinations**, including high-stakes examinations.

## Conclusions

The research conducted among Polish Legal English teachers revealed that the decision about becoming a Legal English teacher is rarely the teacher’s own initiative. They were usually “asked” or “forced” to teach law students when the demand arose. They had to start to teach the course immediately and at the same time develop their knowledge of the very demanding and often controversial subject matter as

well as the know-how of the teaching skills, experimenting with the new techniques in order to bring life into dry materials provided by Legal English course books. The whole process, therefore, was and probably still is marked with ups and downs and in many areas overlaps with CLIL methodology.

The answer to Legal English teachers' success might be the fact that they all were aware of how important lifelong learning and lifelong professional development are. The teachers undertook many self-initiatives aimed at continual evolution in the role of the teacher. They mentioned peer teaching as specially valuable and supportive activity. They all worked systematically to develop the content knowledge and teaching techniques. They were not afraid of testing new media and new materials in order to bring life into dry materials provided by Legal English course books. They took part in professional development trainings, undertook post-graduate and PhD studies, wrote their own teaching materials and even published Legal English course books, supported one another and shared their expertise and examples of good practice. They created a new quality and proved to be very responsible, creative and at the same time hard-working professionals who fully understood what it means to be a modern foreign language professional.

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## Czy używamy zintegrowanego nauczania przedmiotu i języka (CLIL) na zajęciach z prawniczego języka angielskiego?

### Streszczenie

Lektorzy zazwyczaj zaprzeczają, że na zajęciach prawniczego języka angielskiego uczą prawa po angielsku. Twierdzą zaś, że ich zadaniem jest nauczanie wyłącznie języka prawniczego,

co w praktyce jest w zasadzie niemożliwe. Trudno jest zupełnie pominąć treści prawne i nauczać języka prawniczego bez zrozumienia i wyjaśnienia zagadnień merytorycznych.

Można zatem postawić tezę, iż lektorzy prawniczego języka angielskiego powinni rozwinąć kompetencje typowe dla zintegrowanego nauczania przedmiotu i języka (ang. CLIL), gdyż poza rozwijaniem kompetencji językowych program nauczania prawniczego języka angielskiego obejmuje również budowanie wiedzy kulturowej, sprawności akademickich, strategii uczenia się, poczucia własnej wartości, jak również przygotowanie do międzynarodowych egzaminów certyfikatowych, mobilności studentów i później pracowników.

Artykuł jest analizą kompetencji typowych dla nauczycieli nauczających metodami CLIL, które zostały wyłonione i opracowane w ramach projektu SOKRATES-COMENIUS pod tytułem „CLIL across contexts: A scaffolding framework for teacher education (2006–2009)” oraz tych prezentowanych na stronie internetowej społeczności CLIL Cascade Network (CCN) skupiającej nauczycieli CLIL i wspieranej przez Komisję Europejską dostępnej na [www.ccn-clil.eu](http://www.ccn-clil.eu).

Wnioski z powyższej analizy zostaną porównane z opiniami doświadczonych lektorów prawniczego języka angielskiego wyrażonymi w ankiecie przeprowadzonej przez autorkę artykułu latem 2010 roku.