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LEGAL ENGLISH THROUGH MOVIES: DEVELOPMENT OF PROFESSIONAL COMMUNICATIVE COMPETENCE

Abstract. Legal English (LE) has evolved as a distinct, highly demanded part of ESP in the recent years of globalisation. Many specialised textbooks have been published lately, but the professional communication aspect lacks sufficient coverage. This article presents a project, which is a teaching manual entitled *Legal English through Movies*, that has grown from the author's experience using video in the LE classroom. A general methodology of using authentic video in language teaching is briefly covered to explain why and how feature films were initially used by the author. The idea of using movies for developing law students' professional communicative competence has shifted the emphasis from pure language training to forming professional communication skills. The applied method takes into consideration both linguistic and extra-linguistic factors of professional communication. Special attention is paid to language patterns typical of different communicative situations within various areas of legal practice along with peculiarities of cross-cultural communication. Not covering all spheres of LE teaching the results enhance education kits for such course topics as Criminal Law, Tort Law, and Civil Procedure as well as provide training materials for mastering professional skills in typical communicative situations (lawyer – client, lawyer – lawyer, etc.). The approach introduced here can be expanded to different ESP fields as well.

Keywords: Legal English, authentic video, professional communication, language pattern

Significant changes have taken place in the Legal English (LE) field in the past fifteen years. Legal terminology has always been in the focus of interested linguists with all the difficulties of translation and interpretation caused by differences in cultures (Sierocka, 2014) and legal systems; and it is not only the difference between Anglo-American and Roman legal families that creates difficulties in translating specific concepts characteristic to the particular family, but variations inside the families as well (Khizhnyak, 2014). In the 1990s a few LE textbooks published in Russia were focused on studying terms of art and devoted little attention to professional

communication. This fact, along with the shortage of materials for developing listening skills, made teachers look for alternative teaching sources. Feature films became one of them.

In 2006 the release of *International Legal English* (Krois-Linder & Trans-Legal, 2006) shifted the emphasis from *English Law and Language* (Russell & Locke, 1993) or *American Legal English* (Lee, Hall, & Hurley, 1999) to international LE and gave an impulse to publication of specialised LE textbooks by different publishing houses. Although new teaching materials are of high quality and usually consist of several components (a course/student's book, a teacher's book, CDs, etc.), aspects of professional communication still need additional coverage so authentic feature films with specially developed activities have not lost their relevance.

The aim of this paper is to present a project that is a result of applying a new approach to existing teaching materials created by the author during ten years of using video in a LE classroom. Corroborating a general point that authentic feature films are a valuable resource for developing language skills the idea of selecting film episodes according to a particular communicative situation and collecting such episodes from different films under one title allows one not only to accomplish the common goals of using video in class but to take advantage of this resource for forming and mastering law students' professional communication skills as well as for teaching cross-cultural communication.

The first part of the paper offers a short overview of using video in a language classroom and describes the first steps of the author's work in this field. The project's objectives and methods are then discussed. The next part presents the structure of the teaching material manual *Legal English through Movies* and communicative situations which are covered in it. Some methodological notes for the teachers are also offered in this part. In conclusion remarks on efficiency and effectiveness of using the manual in the Legal English course at Saratov State Law Academy are made and recommendations for using this approach in other ESP fields are given.

A Brief Overview of Using Video in a Language Classroom

Using video in a foreign language classroom has a rather long history. In Russia one could find film projectors in language laboratories, at least in the big cities of the country, as long ago as 1970s, when mostly non-authentic instructional films were used (from a personal student's experience of the author). The introduction of the VCR brought authentic feature films and

TV recordings to the classroom. Nowadays, the information-communication technologies (ICT) era provides a great variety of video materials used in language education: videos as parts of course books, movies, and different Internet resources from media corporation sites to complete online video-courses.

Different authors give diverse grounds for incorporating video in language teaching. Among reasons to use video in class Jeremy Harmer (2007, p. 282) names (a) seeing language-in-use: matching facial expression with the intonation and other visual clues help general comprehension; (b) cross-cultural awareness: understanding various aspects of foreign culture through observing people in real life situations, such as ordering food or asking someone out; (c) motivation: most students like interesting tasks combined with a kind of relaxation, such as watching a video. Thomas Garza (2014) underlines that using authentic video facilitates “acquisition of linguistic and non-linguistic elements of communication” and Larry Lynch (2014) believes that such kind of materials “can provide invaluable insight into current events and cultural aspects of English-speaking countries for language teachers and learners in other parts of the world ... Course books ... cannot hold up to this level of cultural knowledge and impact”. On the other hand, proponents of non-authentic video state that today’s videos designed for classroom use are of high quality, cover a wide range of topics, including English for business and technology, and can be easily integrated into a course taught (Viney, 2004). However, there is a reason all researchers agree upon: increasing students’ motivation (Harmer, 2007, Garza, 2014, Lynch, 2014, Viney, 2004, Canning-Wilson, 2000, Mari, 2010, Sherman, 2003, Yassaei, 2012).

After introducing digital devices and computers into a classroom, technical problems, such as finding a particular place on a video-tape, replay, and/or quality of the video are not essential anymore while the video length and ways of incorporating it into a lesson (whole lesson, part of a lesson, relaxation) remain very important (Harmer, 2007). In regard to full-length movies Jane Sherman (2003) suggests several solutions to fit them into a schedule:

- illustrated talk (a teacher presents a film illustrating the talk by short episodes, stops at the climax, and offers volunteering students to watch it up to the end at home and prepare a report for the class),
- salami tactics (a movie is ‘sliced up’ into several parts and watched during several lessons following a common approach – pre-watching, watching, post-watching exercises),
- independent film study (an independent film study project is offered to a student/small group of students), etc.

Both authors, Harmer (2007) and Sherman (2003), propose a variety of viewing techniques depending on teachers' objectives: fast forward, silent viewing, freeze frame, partial viewing, picture or speech, picture-less listening, other techniques for developing listening skills. These solutions can be effective both in language and critical thinking training but they are not the only things that can be done. For example, in a LE class such a routine listening technique as 'while watching fill in the gaps' proved to be effective in mastering technical vocabulary.

Although using video in language teaching is rather broadly covered in scholarly literature, it should be mentioned that not many publications are devoted to video in ESP teaching. In one of the few articles devoted to bringing TV courtroom shows in a LE class, Andrzej Dąbrowski (2010) shares his experience of incorporating episodes from Judge Judy series in LE lessons and makes a conclusion that "For Legal English teachers, who in most cases have no legal background, courtroom shows provide an opportunity to contextualise the language tasks and expose learners to selected legal genres". Moreover, he underlines that students are exposed to "subject specific terminology" and get an opportunity "to boost their language and specific-purpose competences simultaneously" (Dąbrowski, 2010: 146). Another example of LE teachers' attention to video in class is a description of a EULETA-2012 Conference workshop where four teachers from the Czech Republic, Sri Lanka, and Russia (one of the Russian teachers was the author) shared their experience of incorporating movies/movie episodes in their classes to accomplish different methodological goals (Chovancová, 2012).

Initial Teaching Materials Used in the Project

At first, the primary goal of using movies in my LE class was to create training aids mostly to develop listening skills. The first movie to be processed was *A Civil Action*. The movie was chosen for a number of reasons. Firstly, there are several episodes in the film when the main character (in the form of an off-screen voice) is reflecting on such topics as plaintiffs, lawsuits, settlements, and some others. These comments are given in a clear and articulate manner, therefore the episodes are perfect for developing listening skills. Secondly, the language of the movie as a whole is mostly proper, distinct, and spoken at a mid-level speed. This makes it possible to use the film even with pre-intermediate level groups. Thirdly, there is much information providing a kind of awareness of lawyer-client interaction, U.S. civil procedure, and other law-related matters. So the movie can be used for en-

riching students' knowledge of a foreign legal system and developing some professional competences. The last but not the least reason is the cast of characters and their wonderful acting.

No doubt, the movie was worth being shown as a whole so salami-tactics was applied: the film was divided into short, sense bearing episodes and different types of activities were worked out for each of the three stages of using video for language teaching: pre-watching, watching, and post-watching. Not only listening skills were trained but there were activities aimed at mastering vocabulary and training speaking skills as well as teaching critical thinking.

The results of this work were published as a teaching manual *Legal English through Movies and Documentaries. Issue 1* (Vyushkina, 2004). This manual supplements LE course materials in the topic "Tort Law" both in mastering the topic vocabulary and in acquiring new knowledge, at least some understanding of how civil actions function in an American legal system. Depending on the students' language level and teaching objectives, either the whole movie or just several episodes are watched.

The same approach was used while developing activities and worksheets for *Erin Brockovich*. Although the full-length movie was processed, there are episodes which can be omitted either because of their discrepancy to LE class topics or inappropriateness for classroom use. The developed activities were published together with exercises for *The Shawshank Redemption* and this teaching manual (Vyushkina, 2005) is used while studying such topics as "Tort Law" and "Prisons", accordingly.

An analysis of students' results and feedback showed the effectiveness of feature film implementation in a LE class and encouraged the author to look for more titles suitable for classroom use. It is necessary to note that the list of feature films connected with lawyers and trials, so called courtroom dramas, is very long and many movies were nominated for different cinematographic awards. However, some well-known titles had already been processed by other teachers within the above mentioned project (*Twelve Angry Men* and *To Kill a Mockingbird*); some seemed inappropriate to be used full-length in class (e.g. *The Devil's Advocate*) and to continue the started series of teaching manuals *Legal English through Movies and Documentaries* only full-length movies were in focus. The Internet search prompted a list of movies (Siess, 2007) to be considered and such factors as language accuracy and articulation, terminology frequency, topic coverage, law-related information, and author's preferences were taken into account while selecting films. Now the list of processed movies includes *The Verdict*, ... and *Justice for All*, *The Paper Chase*, *Runaway Jury* and two more teaching manuals in the series have been published.

Today ICT development has broadened the opportunities of searching authentic video materials for an EFL, LE in particular, classroom. Students watch the latest TV series and movies online and suggest new titles, so the list mentioned above could be easily extended. But the experience gained during this work evolved into a new idea: to shift the stress from listening comprehension to developing a professional communicative competence.

Project Objectives and Method

The main aim of the project is to create teaching materials to be used with authentic movies in a LE classroom to develop law students' professional communicative competence. In order to achieve the project goal several objectives are set: 1) to explore the content of the selected movies in order to specify communicative situations for studying in the light of different aspects of professional communication; 2) to analyse the episodes falling under each category and determine language patterns characteristic to a particular situation; 3) to identify extra-linguistic factors distinctive to the situation; 4) to work out teaching activities for developing professional communicative skills.

The choice of movies for the project was determined by the previous author's experience of using feature films in class. Firstly, these are films which have been processed and used by the author earlier; secondly, there is a wide range of communicative situations where lawyers find themselves in their day-to-day practice; thirdly, the movies have already been divided into episodes so it makes the task of specifying the communicative situations easier; and, finally, the movies are available in hard copies.

The latter is very important as a copyright issue has to be considered while working with such kind of materials. There is no unified international legislation in the sphere of intellectual property protection but the doctrine of 'Fair Use' (U.S. Code) exists in national legislations under such names as 'fair dealing' (common law countries) or 'limitations and exceptions to copyright' (civil law countries). In Russia the issue is regulated by article 1275 of the RF Civil Code which allows using a copyrighted work if it is done for educational purposes. Episodes are denoted by time markers so, as all players have timers, any person having a movie copy can work with the project results.

After specifying the communicative situations, elements of content analysis were applied to describe patterns of interaction. While processing the situational language patterns subtitles were used: it is possible to extract

a subtitle file from a DVD and it is much easier, more convenient, and faster to work with a text file. At this stage extra-linguistic factors were taken into account in analysing different episodes within a specified situation. They include the branch of law involved (criminal vs. tort), date (year) of a movie release and the period depicted in the movie, a social group characters of the episode belong to.

As mentioned above, the selected movies originally were used in class primarily for developing listening skills and although there were activities created for each episode it was necessary to assess the existing exercises in terms of their appropriateness to the new aim. Some tasks fit it, some were changed, and new communicatively oriented assignments were added.

The Structure of the *Legal English through Movies* Manual and Its Practical Application

Seven movies were thoroughly studied (Appendix) and the following communicative situations were specified: lawyer – client communication; court in session; opening statements; closing statements; lawyer – judge communication; lawyer – lawyer communication; dispositions; examination / cross-examination; lawyer's behaviour in court; looking for a client / refusing to take a client's case; legal education. Some interesting episodes were not included into the manual because they were one-of-a-kind and that is why they did not fit the method used. So there are nine units in the manual devoted to a particular communicative situation, one unit dealing with peculiarities of legal education in the USA and particularly useful in terms of cross-cultural communication, and the last unit contains some information about the feature films used for the manual and activities similar to illustrated talk (volunteering students are offered to watch a movie, which interested them most of all, and prepare a report for the class).

Each unit but the last one has a similar composition: it begins with vocabulary exercises for removing difficulties in episodes perception; then, there are activities for separate episodes which focus both on mastering language skills (listening – fill in the blanks, speaking – answer the questions, etc.) and developing professional communicative competence and cross-cultural awareness (elicit from the episode ways of behaviour the character demonstrates in the situation, draw an analogy between or contrast the situation in the episode and the Russian (your home country) reality). These are followed by activities based on all episodes included in the unit, the tasks are aimed at cultivating critical thinking and practicing profes-

sional communicative skills (compare the episodes from different movies and find similarities/differences, elicit characteristic speech patterns, use these patterns in the dialogues of your own); each unit ends with a scenario for a role play or a task to make a short report devoted to the topic covered.

The developed teaching materials are used as additional resources for instructing first, second, and third year law students involved in a minor educational programme “Translator in the sphere of professional communication”. These materials supplement work with texts and other teaching resources while studying an appropriate topic. For instance, many textbooks offer speaking assignments in the form of a lawyer-client interview. Some speech patterns are given in the books but not many, so watching episodes from various movies, depicting lawyers practicing different branches of law, is very helpful and advantageous. Moreover, as some students are involved in such extra-curriculum activities as participation in different international competitions for law students, International Client Consultation Competition in particular, this work is even more beneficial in terms of preparation for these educational events (both at national qualifying and international levels).

Another sphere of implementation of the gained knowledge and skills is an internship in a law clinic. Although this activity is not compulsory for the academy students those who are engaged in it and have previously been involved in LE classes with the usage of movies report that it is much easier for them to communicate with their clients because they have already learnt some basics of professional communication.

Implementing episode watching in a LE class on a rather regular basis in compliance with the topics studied increases students’ motivation both in class and in their independent work. On the one hand, it is a truism that students like watching movies. On the other hand, films are not shown from the beginning to the end and students want to know what finally happens or what it has begun with so they are ready and motivated to watch these movies at home and report in a suggested form later in class.

Introducing this form of work for the first time a teacher should explain to the students how movies will be used during the course and what additional tasks are available for independent work. Depending on the group there may be many volunteers to fulfill extra work or just a few so in the first case the teacher should be ready to provide the students with different report topics on one and the same movie. This will make a discussion class at the end of the term more interesting and engrossing.

Some practical tips may be obvious to experienced teachers but useful for beginners: a teacher should watch the material s/he is going to use in

class beforehand so that s/he will be able to estimate how difficult it will be for her/his students to understand it and if it is necessary to switch on subtitles or be ready to show the episode twice. It is also necessary to check if disks to be used are compatible with the player installed in the computer; it might be useful (and not infringing copyright) to record a disk with the episodes for a personal use in class or to extract these episodes to a flashcard.

Conclusion and Further Development of the Project

The offered approach has been piloted in the author's LE classes and proved to show good results attested by a students' survey and their reports about independent watching. The students answered several questions concerning their attitude to using films in class (in general), relevance of topics, difficulties of tasks and understanding. The feedback was positive, which is implicitly confirmed by the number of students' reports about movies: all students watched independently at least one movie and prepared a report about it, some viewed three or four films, and a few people watched all the movies mentioned and actively participated in all discussions.

These results allow us to assume that the approach described here can be effective in any ESP class. Although not all spheres of professional activities are broadly depicted in movies, such classes as English for medicine, business, education can be easily supplemented by interesting video materials selected according to the suggested approach and accompanied by appropriate tasks and assignments.

In regard to LE, work on the project can be continued in at least two directions. Firstly, each unit can be extended by other movie episodes fitting a corresponding communicative situation; moreover, episodes from the movies excluded from the list because of their inappropriateness for full-length usage can enrich the manual content. Secondly, the number of units, i.e. communicative situations, can be increased. As mentioned above some episodes covering such topics as jury selection, considering a verdict, a parole committee, etc., were not included into the manual being one-of-a-kind. So these topics can be elaborated after finding appropriate movie materials.

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Appendix

Filmography

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