

TEACHING LEGAL ENGLISH (ESP) IN VIETNAM AND OTHER COUNTRIES IN THE WORLD

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Date received the article: 04/08/2022

Date received the review results: 03/02/2023

Date published the article: 29/02/2023

Abstract: *Foreign languages in the context of Vietnam and other countries. Since context specificity reviews its importance as content specificity, the study looks at different groups of learners according to further professional or academic purposes, especially for ESP students regarding legal English teaching. Highly specialized legal English teaching contexts require the equal cooperation of ESP practitioners and legal professionals. To be proficient in the use of legal language, the comprehension of legal terminologies and theories must be achieved since the difficulties of Legal language belong to the nature of the legal profession in any language. However, besides the challenges of the nature of the legal profession, teachers have affirmed the challenge of teaching legal English (for both native speakers) because of “legalese” (roughly translated as a legal term used in legal documents).*

Keywords: *Legal English, teaching language, English for specific purpose.*

I. Introduction

In the field of language education in general, legal English in particular, Law is often considered the specific area that differs from other areas of ESP, such as English for medicine or English for IT. Such a fact partly answers the views adopted by legal experts who have cited many books on legal methods and published legal research guidance (e.g. Hanson 1999, Bradney et al. 2000). Specifically, Strong (2003:1) asserts that “students (in the UK) are not prepared to study law since it’s qualitatively different from learning other subjects”. The close

interplay between content and language in Law (Gibbons 2003, Tiersma 1999) leads to unique difficulties for ESP. This issue was partially addressed in the debate between Dudley-Evans and St John (1998), who extended Blue’s Distinguishing theory (1988) between EGAP - English for General Academic Purposes and ESAP - English for Specific Academic Purposes for ESP in general. In the list, from general to specific, Legal English appears in 4th place with “courses for broad professional or disciplinary areas” (Dudley-Evans and St John 1988: 9). The Law, however, is one of many instances

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of special areas of expertise that ESP teachers may encounter. Dudley-Evans (2001) concluded that research evidence from discourse and genre analysis further strengthens the specific case in EAP teaching. Bhatia (2002) describes gender roles in various fields and provided examples of cases widely applied in both business and legal education. On the surface, business and case law share some common characteristics; however, they play entirely different roles in business and Law.

In case law legal systems, case law will begin with the facts, followed by the judge's reasoning that supports their decision, known as the decision rate. This decision contains a new rule of law that binds the courts' application in subsequent cases. Legal experts research cases to find and understand the judge's reasoning to determine the applicable principle of law.

White (1981) and Swales (1990) both provide an explanation about how they were confused by the surface structure of the text when asking law students to develop reading skills that focus on understanding the narrative or the facts of a case:

Reading comprehension exercises that I ask students to do are misunderstood because they are designed to help students understand the case. Only if I attend classes taught by a Criminal law professor, I belatedly realized that the required reading strategy in legal education is not about understanding or to retain the main idea of a story, but rather to discover the truth that is a prerequisite for making decisions (right or wrong).

The essence of the law is discipline, which causes many difficulties for translators and ESP teachers. Harvey 2002, he considers legal language as an example of specialized language; therefore, translators will approach similarly to other types of specialized discourse. However, according to Šarčević 1997, 2001, he asserted that only well-trained translators are competent to translate legal documents. Northcott and Brown (2006) provide a complete base on common issues for legal learners, translators and legal English teachers based on an analysis of legal seminar presentations. He also emphasized the need for the cooperation of ELP (English for Legal Purposes) instructors in training and teaching English for legal professions. It has important implications for the necessary knowledge base of legal English teachers, an issue that will be presented in the third part of the paper.

II. Theoretical background

2.1. The context of teaching Legal English at Hanoi University of Law

The author's intention in this section is an analysis of context specificity as it is the main content of the paper. To lay the ground for discussion in a real context, the authors refer to a sample of data collected from a legal English teaching context at Hanoi Law University, who currently runs the foreign language department – Legal English for L2 students over the past seven years. Currently, in addition to subjects explicitly designed to meet the specific needs of the subject goals such as Legal English translation, English legal interpretation, basic legal English 1,2,3,

and advanced legal English 1,2,3. Data on learners' needs are regularly collected by questionnaires that are completed at the beginning of the course and an assessment questionnaire completed at the end of the term. The data in this study are taken from data collected in the second semester of the academic year 2019-2020 from students participating in the Legal English course – classes K43-N02 and K43-N03.

The answers of 62 students from the legal English department and 30 from the CH15 class at the MA level were reviewed and analyzed in detail. Both groups of students were asked why they decided to participate in the courses. In summary, students' responses regarding their future careers and the necessity of attaining legal English to get a target job. Interestingly, this is not just a view expressed by those who aim to work in an international context where most of the day-to-day work is mainly related to English. Students who express their aspiration to work at domestic law firms recognize the importance of English proficiency, especially legal English. Some of the law students commented on the career opportunities for a lawyer in globalization without legal English proficiency and an understanding of legal systems in English. She also emphasized the importance of legal English for positions working in international trade law, and international law since all the documents are referred to legal matters, specifically:

- Comprehending legal documents in English;
- Composing letters about legal issues;

- Presenting on legal matters in English;

- Writing requests;
- Negotiating on legal matters;
- Managing contracts in English.

The replies from MA learners revealed the similarity. They pay more attention on their demand and tend to distinguish the specific skills for drafting legal contracts, specifically:

- Composing (a legal brief, email colleagues to discuss cases, draft contracts in English, legal documents);

- Reading (legal documents, textbook)

- Fluency in presenting (discussion on legal matters, clients telephoning to consult legal issues in English, discussion on law and its similarity of companies and tax in Vietnam.etc.)

- Comprehending the execution of the legal system in Vietnam in English.

Summarizing the specific needs of learner groups illustrates the need to distinguish the purposes that different groups of learners can approach legal English learning.

Law students and MA law learners are distinguished in the approaching methods. For instance, an attorney focuses on work-related law, such as application writing and contract drafting. However, the influence level of legal English in the learning and working context plays an important role. The particular interest is the interaction between legal matters and languages; for instance, students find it challenging to draft legal writing if

their legal reporting skill is insufficient. However, this reaffirms the necessity of understanding the context in which legal papers must be interpreted, especially the comprehension of the Vietnamese legal system

III. Legal English teaching in the contexts of some Universities in Vietnam.

3.1. Academy of Judicial:

The course of Legal English 1,2 is the main subject that Judicial Academy has taught with the Joint training centre for international commercial law, which will conduct beside the International Trade Lawyer Training Program. In addition to equipping learners with basic legal English, the course Legal English was designed to establish a source of trainees for the international commercial lawyer training program.

The Center and the Nottingham Law School (UK) offer an international commercial law program based on the objectives of Project 123 of the Prime Minister. This program is considered a key national training program that will provide a team of lawyers who are good at the law profession and English to serve international economic integration in the coming period.

The centre offers learners two legal English training programs as follows:

1. Basic legal English – learners with IELTS band over 4.5 – Coursebook: Professional English in Use Law.

Basic legal English is a program that provides learners with essential legal

English vocabulary for legal activities practice such as client interviewing, client consulting in the field of drafting the contract, legal contract drafting, drafting legal papers, contracts and so on.

The structure of the program includes 30% foreign and 70% Vietnamese teachers who are lawyers, lecturers, the experienced in the field of Legal English from the Ministry of Justice, Institute of Legal Science, Hanoi Law University, and Judicial Academy.

2. Legal English ILEC - learners with IELTS band over 4.5 – Coursebook: International Legal English Certificate.

With legal English ILEC, learners are taught by 100% foreign lecturers trained as lawyers at American, English, and Canadian universities. Especially with the participation of lectures by experienced lawyers from reputable law firms in Vietnam, such as Baker & McKenzie, and Tilleke & Gibbins.

3. Ho Chi Minh Law University:

Short courses are designed to serve the needs of all students with basic learning content, such as introductory courses with the basic English knowledge and necessary skills to ensure English ability for learners who can attend the intermediate-level legal English course.

Other in-depth courses focus on the content following legal topics, which aim to equip students with legal English 4 skills: listening, speaking, reading and writing. English is the primary language that students will learn and practice during

the course for the following subjects: Contract law; Tort law; Criminal law; Company law; Commercial law; Real property; Litigation and arbitration; International law; Comparative law.

The textbook is International Legal English (ILEC) of Cambridge (UK) at the pre-intermediate level. After the course, students with an intermediate level in legal English will be proficient in English legal terminology, listening, speaking, reading and writing legal English. They are able to use legal English and soft skills to meet the requirements of the job, such as translating (basic), drafting and reviewing contracts, and drafting English legal documents and legal transactions in English.

Almost Law lecturers have mainly trained abroad with the ability, experience and methods of teaching English to law majors. Lawyers and legal experts work at law offices and foreign law firms.

3.2. Legal English course at Law Department – VNU.

The training program aims to provide and train the basic knowledge of jurisprudence. At the same time, it improves students' skills and foreign language abilities, especially legal English.

□ Knowledge: basic rules of English for Law; key words and legal terms, Legal English expressions, and style in the field of contract law; commercial business and characteristics of legal systems and culture in some countries worldwide.

● Skills: be able to listen - speak - read - write legal English at a relatively

proficient level; skills in using English to perform basic tasks of a legal practitioner in an English environment. With a team of lecturers that are foreign lawyers and jurists in Vietnam (working at law firms, diplomatic missions, and representatives).

- Lecturers specializing in Law (Lecturer of the Faculty of Law trained abroad);

- Lecturers specializing in English (Faculty of English - American Language and Culture, University of Foreign Languages, Vietnam National University, Hanoi). Academic advisors accompany and support students during the learning process.

IV. The context of teaching Legal English in the world

Students from Common Law systems where there is a historical connection or link with the legal system of the UK or the US, but they don't study law in English at law schools. The law can be taught as an independent subject, or it can be implicitly learned that can be found in UK universities' law programmes. Therefore, reading seems to be the most essential skill in legal English learning contexts. Deutch (2003) analyzed the needs of law students in Israel. He stated that the relationship between the Israeli legal system and the United States is evolving with the decisions of the US courts that can be persuasive jurisdiction in Israel. Israel legal system has transcended historical ties to English law. In South Africa and in Zimbabwe, English remains the dominant language of law (de Klerk 2003, Northcott 1997). In Hongkong, law students must complete their law reports

in English and write problem-question essays as law students learn English for law.

Since genre analysis of legal texts is not limited to ESP's growing academic literature, research is being carried out in areas such as computer linguistics designed to analyze legal documents. Grover, Hachey, Hughson and Korycinski (2003) described the development of tools and methods for automatic linguistic annotation of House of Lords. They focused on original genre analysis to provide summaries. Corpus-based methods are a promising direction in legal education; however, these should be approached with caution due to the diversity of the legal English language with a highly specific corpus system. Hafner and Candlin (2007) provided evidence on students using online corpus tools to improve legal writing during professional legal training in Hong Kong. He concluded that as attorneys often drafted from precedent, they were more likely to look for sample documents than specific legal phrases. Moreover, the detailed linguistic analysis has exceeded the needs of law practitioners. It is important to apply the regulations of the ESP to understand that the disciplinary activities of linguists are often not the profession's best practices.

In addition to taking part in legal English courses, there is evidence of a trend, especially among Chinese students, for Diploma of Law courses that are traditionally for non-English majors to enter the legal profession to use legal English. A law degree from a university in the UK or the US is considered the most favourable path to finding an excellent

job as Chinese students return to China with this degree. However, they will only sometimes work as lawyers. Diploma of Law courses provide basic legal English, and an EALP course for pre-med students will focus on the same areas as it does for law students. These students can also take legal English courses even though they don't study British or American law, and the legal system of the learners is not directly affected by the Common Law system. In Europe, these courses are increasingly popular in law universities since the understanding of the Anglo-American legal system is becoming a prerequisite for lawyers, especially lawyers specializing in international trade.

Furthermore, English users in the European Union community have increased, and legal documents are often drafted in English. Legal English programs are operating at many universities in Central and Eastern Europe. These courses are offered both in law schools and in the Faculty of Law in particular; it can be part of the legal studies curriculum, or language assistance units provide it along with general ESP courses. Currently, linguistics departments at universities have proven themselves to be a primary source of Legal English textbooks and documents specially designed for local needs (e.g. Kossakowska-Pisarek and Niepytalska 2004, Bardi 2001). Some of UK publishers' most popular legal English textbooks originated as courses taught to European law students (Riley 1994, Chartrand, Millar and Wiltshire 2003).

In the USA, where the law is not taught at the college level, the faculty places more emphasis on skills-based

courses. Here, legal English courses can be found in parallel with the introduction of US law courses for both L1 and L2 English speakers and may be taught by a law or a language teacher with well-prepared introductory materials. Such types of material are extensive with instructor notes; however, documents are often context-specific, so they don't quickly adapt to legal contexts if it does not follow the United States legal system.

V. Legal teaching Human resources in Vietnam

ESP Teachers with a Postgraduate Applied Linguistics degree with theoretical and practical experience in both linguistic needs and analysis can effectively analyze the language learning needs of specific groups of learners and other areas. Also, they develop course programs based on learners' needs. More documents are being published, from which it is possible to choose books that match the above requirements. On the other hand, a legal expert such as a native lawyer, qualified person can be obtained knowledge through "cramming". People who can work with clients in specific areas of law, operating primarily at the problem-solving level, rarely use law books and with little knowledge of other legal systems such as teachers are thought to have no skills required for this type of ESP teaching. Deutch (2003: 141) also describes the same dilemma; while legal English teachers must be exposed to highly specialized material, most language instructors have never attended law school. Some solutions have been suggested to overcome this obstacle which leads to both unprofessional production

of material and negative attitudes of students towards the course due to their foreign language teachers' qualifications. Therefore, some law schools employ lawyers to teach legal English as a remedy for the negative effects of non-professional language courses. However, lawyers must gain the pedagogical background to teach a language course. The commercial sector tends to favour lawyers over language instructors, often on a one-tutor/student basis or in small groups, where pedagogy could be more focused. There is an increasing need for dual-qualified instructors to work with attorneys; therefore, foreign language schools in Vietnam attract high tuition fees for legal English courses tailored to individual needs and taught by lawyers with TEFL degrees.

VI. Conclusion

Facts about the specialized English level of university graduates are a warning bell about university training programs and methods. The above recommendations entail the costs of training and human resources for ESP learning courses. However, with the Government's policy of autonomous innovation in educational management at universities, along with the determination to find efficiency in teaching and learning legal English in particular, a change in perception must be raised. Proposing an idea is only the beginning; the full awareness of both lecturers and students about the entire process of teaching and learning legal English in general and ESP following socio-economic conditions and towards higher education reform is the main issue.

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