

### Developing Law Students' Communicative Competence: the ESP Perspective

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**Abstract:** The paper discusses the essence of the communicative competence and ways of its development in law students. Teaching and learning of a foreign language is presented in the context of developing the communicative competence as a combination of linguistic, sociolinguistic, discourse, and strategic competences. The content and the structure of the course in *English for Law Students* are described. Sample assignments to improve the language skills for professional communication in Legal English are given.

### Introduction

Teaching English for Specific Purposes (ESP) to law students is aimed at developing their foreign language communicative competence in the professional field. In other words, the ESP course for law students is based on integration of foreign language (English) with special disciplines so that students can acquire additional professional knowledge, skills and competences.

The communicative competence is the ability of the language user to use the language for communication. The term was coined by Dell Hymes in 1966 in reaction to Noam Chomsky's (1965) notion of "linguistic competence". Communicative competence is the intuitive functional knowledge and control of the principles of language usage. Traditionally, the communicative competence includes the following competences: linguistic, sociolinguistic, discourse, and strategic competence.

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*Linguistic competence* involves knowledge of the language code, i.e. its grammar and vocabulary, and rules of morphology, syntax, semantics and phonology. *Sociolinguistic competence* is the knowledge of sociocultural rules of use, i.e. knowing how to use and respond to language appropriately. *Discourse competence* is the knowledge needed to produce and comprehend oral or written texts in different modes. *Strategic competence* is the ability to overcome communication problems before, during, or after they occur.

In this paper, we will look at the ways of developing communicative competence in the course of English for Law Students.

### **Designing an ESP course at tertiary level**

The didactic and pedagogical aspects of teaching English for specific purposes are based on the assumption that learners are future specialists who have their own career goals and aspirations, their desire and need to practically use the acquired knowledge and skills in their professional life. Since a personal learning path is becoming increasingly important, a well-designed ESP course is expected to be individualized. This means that the content of the course is adapted to the needs of each learner.

Another important consideration is motivation for learning. Most students doing a course in ESP understand that it is necessary to meet the job requirements and adapt to changing life circumstances. In the process of teaching English for specific purposes, the formation of professional motivation for learning a foreign language is crucial. It requires a new approach to the selection of content, which is designed to contribute to the comprehensive and holistic formation of the student's personality, preparing them for future professional activities.

Any ESP course has to be well-balanced and include the language material (phonetic, lexical, grammatical, spelling); areas of communication, topics, situations, with regard to the learners' professional field, as well as a system of knowledge of national culture features and that of the country of the language being studied.

The development of appropriate learning materials and textbooks requires great effort of materials developers, since the field of teaching English for special purposes is insufficiently developed, primarily in a linguistic sense. Teachers have to deal with the problem of selecting appropriate terms specific to disciplines, grammar structures, lexical collocations (phrases), phrasal verbs and idioms related to a particular field.

One of the most important features of ESP courses is the authenticity of learning materials, as well as teaching methods and professional skills. At the same time, the language content and professional are combined, so that students can master both the linguistic competence and their profession in inextricable unity.

### **The course in English for Law Students**

The course "English for Law Students" designed at the Department of Foreign Languages and Professional Communication, Tambov State Technical University, is addressed to students studying law and allows students to master the communicative competence in English at the level of B1 + - B2.

The course is aimed at developing practical skills of Legal English, which is necessary for making a successful career in law. The purpose of the course is teaching foreign speaking and writing professional communication, as well as forming intercultural communication skills, including stereotypes of thinking and behavior in the culture of the language being studied.

During the course students familiarize themselves with the main branches of law and relevant legal terminology. They also learn how to write CVs and cover letters, write notes on the case and memos, as well as become familiar with the basic rules of legal translation.

The course is aimed at the development of competencies provided by the Federal State Educational Standard of Higher Education in the Russian Federation such as the ability to correctly and fully present data in legal and other documentation, the ability to interpret regulatory legal acts, the ability to provide qualified legal opinions and advice in specific types of the legal activity.

While doing the course students:

- expand their professional vocabulary;
- consolidate the grammatical material;
- improve the ability to communicate with interlocutors verbally and in writing;
- improve their reading skills while reading authentic texts of professional topics;
- form their independent work skills in mastering the English language;
- develop their professional competencies in the field of jurisprudence;
- expand their ability to work with original foreign language sources;
- develop the skills of familiarization, search and analytical reading, taking into account the professional orientation;
- form the skills in speaking and writing in a foreign language in the field of international legal activity.

The textbook includes two main modules: *Career in Law* and *Law and Society*. Each module consists of three sections, covering such key topics as: the concept of law and its main areas of application, legal professions, employment issues, types of crimes, judicial systems in different countries and unusual laws.

For each module, a task system has been designed that involves students' answers to key questions on the module topic, extracting information from the text for discussion, comparing facts and information, vocabulary and grammar work, discussion on proposed situations.

Assignments are divided by difficulty levels marked with asterisks, which helps to apply a differentiated approach to learning.

### **The development of linguistic and sociolinguistic competences**

Being a part of communicative competence linguistic competence is considered to be the basic element needed for successful communication. The competence is interpreted as “the ability to apply knowledge of the rules of a standard version of the language to produce and interpret spoken and written language” [1, p. 48]. According to this interpretation learners must be taught grammar and vocabulary to be able to communicate in a foreign language.

To help law students develop this competence the course “English for law students” includes a lot of assignments. For example, one of the activities involves developing the skill of making associations relying on the linguistic intuition and basic knowledge of legal principles. This assignment is quite essential for teaching students professional vocabulary. Different stages can be distinguished in this process. The first stage includes the following tasks:

– **match legal terms and their Russian equivalents which are given randomly**, e.g. *хулиганство, bribery, самоубийство, поджог, mugging, suicide, arson, взяточничество*;

– **match types of crimes with their definitions** (table 1).

This stage is aimed at introducing new words and formation of strong associations with legal terms.

The second stage may involve pair work or group work (4 learners). It may be focused on the development of speaking skills when students are asked to make up sentences or discuss some topic using the vocabulary which is studied. There can be such tasks as:

– **Work in pairs. Find the most appropriate words to make collocations that can be used to describe the given crimes and then make up as many sentences as possible**, e.g.

*to steal, shops, money, fire, things, goods, people, to kill, life, a house, to take, to deprive of, a person, set, a building, to enter, away*

*robbery - to steal money; murder - .....; arson - .....; mugging - .....*

– **Work in groups of four. Take turns to describe different crimes without naming them. Other students must guess what is meant**, e.g.

*It's a crime when somebody steals money from people's pockets (pickpocketing).*

There are also such assignments which encourage students to use word-formation models in order to describe different things, for instance:

**Fill in the table with new words made from the names of crimes to denote those people who can commit them. You can use such suffixes as: -er, -ist, -ster** (table 2).

**For example:** *robbery – a robber.*

Table 1

**Types of crimes and their definitions**

Term	Definition
1) <i>arson</i>	<i>a) the crime of killing somebody deliberately</i>
2) <i>murder</i>	<i>b) the illegal use of fire to destroy a house, building or property</i>
3) <i>kidnapping</i>	<i>c) the crime of stealing things from a shop</i>
4) <i>shoplifting</i>	<i>d) the act of stealing money and other things from from people's pockets and bags, especially in crowded places</i>
5) <i>pickpocketing</i>	<i>e) the act of illegally taking someone away and making them a prisoner, especially in order to make their family or government give you money or allow you to do what you want</i>

Table 2

## Types of crimes and criminals

Crime	Criminal	Crime	Criminal
<i>arson</i>		<i>kidnapping</i>	
<i>pickpocketing</i>		<i>shoplifting</i>	
<i>burglary</i>		<i>murder</i>	

Sociolinguistic competence is interpreted as “the ability to give to the language produced by an interlocutor – whether native speaker or not – meanings which are taken for granted by the interlocutor or which are negotiated and made explicit by the interlocutor” [1, p. 48].

As Y.V. Manukhina states, the sociolinguistic competence can be developed in the process of communication which takes place between learners of a foreign language. Thus, the teaching process must be aimed at the formation of the following skills and abilities:

- the ability to communicate;
- the ability to cooperate with other people;
- the ability to think critically and take independent decisions;
- the ability to process information;
- the ability to identify and solve problems;
- the ability to do research and be creative;
- the ability to adapt to changing situations in life;
- the ability to be an active subject of social activity;
- the ability for self-development and self-education;
- goodwill;
- politeness;
- patience in case of communicative failure [2].

Furthermore, this process is considered to be hard because there is a large variety of cultural rules which must also be followed in speaking. Even if the situation is the same in two cultures, some words and phrases may turn out to be inappropriate in one culture and quite appropriate in another one [3].

It is more complicated in professional spheres where the differences between two cultures are great. The sphere of law is not an exception. There are different legal professions in the USA and the UK which do not have analogues in Russia. At the same time there are specific legal rules and principles in different countries and teachers of English must draw students’ attention to them and the development of the abilities mentioned above.

So the course “English for Law Students” includes assignments based on the formation of reading and speaking skills as an integral part of sociolinguistic competence. For instance, students are asked to read some professional text, find out the main idea and background information, discuss its relevance in the modern society and compare the data presented with the real state of affairs in their own country and abroad. The discussion might cover not only problems typical for both countries but also the ways to deal with the problems from the point of view of law, legal rules, law enforcement agencies and lawyers.

For example, students read the text “The Liquid Matthew Case” which describes the murder of some man and the police actions in connection with that. Then learners answer the questions so that teachers can check the understanding of the text and provide help if necessary. The next step is to do vocabulary exercises based on the given text and clarify specific legal terms used in the text. This is followed by speaking exercises. They may discuss the problem of crimes in general and murder in particular, the rate of this crime in the UK, the USA and Russia. Teachers can ask students to look for the information related to murder and actions taken by the police and local authorities to decrease its rate in different countries addressing various sources, find out the most important facts and share them with other students. One more assignment is to think critically and suggest own ways to decrease the crime rate in Russia and abroad.

The more difficult tasks combine such types of speech activity as listening, reading, speaking and writing. For instance, learners must read the text about the main skills of a lawyer, then listen to the panel discussion of core skills of a successful lawyer, after which they highlight these core skills, define them, express their own opinions, agree or disagree with the information presented in the listening material. The final step is to write an essay about the skills a lawyer must have to succeed in his/her professional sphere. This level can also include the assignments which relate to peer assessment of essays written by students. Learners are taught to be able to critically analyze the work of other people commenting on benefits and drawbacks of essays. This activity is an integral part of their future work.

The course “English for law students” also has assignments based on case study. Students can read the information presented and role play different situations, e.g. “At court” choosing roles of solicitors, barristers, judges, defendants etc. It should be noted that their first role play must represent the situation specific for their native country. After they have learned all the peculiarities of legal proceedings in the USA and the UK, they are ready to try to represent the situation typical for these countries. In this case they must try to adapt to the conditions which differ from Russian ones. It is essential to use specific vocabulary imagining yourself in a foreign country and understand the different attitude of legal professionals to certain cases and use appropriate phrases in every situation. This is the basis for the formation of sociolinguistic competence which cannot be separated from all other competences comprising communicative competence.

### **The development of discourse and strategic competences**

In the framework of developing the communicative competence special attention is paid to the discourse competence formation which includes a set of methods aimed at both producing various written texts and oral multilateral discussions such as roundtables, disputes, debates, interviews, negotiations, etc.

While designing the ESP course for law students it is obvious that the content, texts, listening tasks, vocabulary, etc. should be contextually relevant. Learning situations with a wide range of communicative tasks that bring the learning environment closer to live communication and make students use a complex of language means should be involved in the learning process.

The ESP course “English for Law Students” considered in the present paper contains various situation modeling technologies where a certain topic is put forward for discussion while the teacher only coordinates the situation and the students try to reveal themselves by choosing the appropriate linguistic means, determining the plan of the conversation, expressing and proving their opinion, etc.

Role-playing a conversation between a lawyer and a client can serve as an example of mentioned tasks:

**Role 1 (a lawyer):** *You gather as much information about the case as possible. Then you complete a claim form and explain your client all the details of the claim procedure.*

**Role 2 (a client):** *You'd like to file a claim in the court against a store of household goods which refused to exchange a defective laptop you bought a week ago.*

Such tasks motivate students to speak arousing their interest, making students perceive a problem set in the task as the challenge for creating a foreign language speech product which will fulfill interactive and communicative functions in natural foreign language communication.

Another learning situation which helps develop the discourse competence immersing students in the real-life communicative situation involves role-playing. Law students can role-play a situation "Getting a job as a lawyer", where they identify their roles (job applicants, HR manager, etc.), study job advertisements, write CVs and motivation letters, construct a job interview, and choose the most appropriate candidates.

One of the most relevant discourse-oriented technologies is case study which helps students fully comprehend and analyze the proposed communicative situation (case). This method of foreign language teaching is characterized by complexity, integrity and multi-level, therefore students with different levels of foreign language proficiency may take part in such kind of tasks. Complexity and integrity is expressed in the fact that this technology aims to develop both communicative and professional skills among students and activate intersubject interaction making students' education more capacious [4].

A court trial case study has proved its productivity with law students who choose their roles themselves (a judge, a jury, a defendant, an attorney). This type of activity implementing the students' discourse competence is highly motivating and productive, though vocabulary and grammar, which is supposed to be used during these activities, should be worked out in advance.

The course “English for Law Students” contains several case study tasks based on various real legal situations which activate a complex of students' professional knowledge as well as their problem-solving and decision-making skills.

This is one of the case study situations designed within the course:

*Julio Gonzalez was working as a warehouse employee after he had immigrated to New York in 1980. Some years later the man lost his job. One day he got drunk and went to his girl-friend who worked as a coat-check girl at the Happy Land Social Club. The girl asked him to leave but Gonzalez began shouting threats and was thrown out.*

*Then he bought a dollar's worth of gasoline at a nearby gas station, returned to the club, poured the gas over the stairs and threw a match on it. The fire burned quickly.*

*Gonzalez went home to sleep. But soon he was arrested.*

The case study technology can be implemented in accordance with the following scheme:

- lead-in stage where students get acquainted with the case through reading the text and listening to the dialogue between the suspect and the investigator;
- conducting the analysis of the situation in small groups (diagnosis of a problem), presentation of their findings and decisions in discussion with students from other groups;
- distributing the roles;
- case presentation and argumentation of decisions made by case participants;
- making solutions supported by arguments and giving recommendations with reasoning;
- producing an action plan to implement the decision made during the discussion;
- making a conclusion.

Thus, the case study technology allows developing the discourse competence through the integration of students' mental activity and certain language proficiency with the focus on the formation of key professional competences and soft skills such as the ability to analyze a large amount of information in short timing and make decisions under pressure.

To consolidate the skills of the discourse competence in law students in terms of written speech, students write short court claims on a given subject using the proposed language material, construct CVs and motivation letters applying for a job, making up a verbal sketch of a criminal in writing, compose comparative and opinion essays, e.g. *filing a court claim on violating the contract by a business partner, comparing the judicial systems of The Russian Federation, the UK and the USA following the plan, writing an opinion essay on the quote by Benjamin Disraeli "When men are pure, laws are useless; when men are corrupt, laws are broken"*, etc.

Another basic structural element within foreign language communicative competence is strategic competence which is understood as the ability to use verbal and non-verbal strategies to compensate gaps in the user's knowledge of the language code [5]. Therefore, the presence of students' strategic competence is necessary in order to feel more confident in contacts with the interlocutor while comprehending a foreign language text, because this competence provides the ability to solve problems of various kinds using verbal and non-verbal means of communication.

If we speak about developing students' reading and listening skills, the strategic competence can be determined by the actual conditions of semantic processing of the information presented in the text. Here the teacher should pay attention to two strategies – learning and communicative, which fully cover the strategic competence. Learning strategies characterize the “input” information, its processing, storage and retrieval while communicative strategies associate

with the “output” information, i.e. the way in which students express their thoughts using language tools [6]. Thus, learning strategies allow students to gain knowledge while communicative strategies help them use the acquired knowledge in practice.

In the course we made an attempt to form and develop the elements of the strategic competence through professionally-oriented texts for reading and listening. Students start working with the text through its visual or auditory perception which is also reflected in students’ internal speech. This information is subjected to semantic processing at several levels: the meaning of the word is correlated with the meanings of others establishing their contextual meanings, related words are combined into phrases and further into sentences and units of a larger order, e.g. semantic pieces, and finally they make up a complete finished speech product.

During semantic processing students distinguish the more significant information, generalize it, correlate these facts with each other, and come to certain conclusions. In order to develop the learning strategies the teacher should use such reading or listening strategies that activate the processes of comparison and generalization, analysis and synthesis, abstraction and concretization, perception, forecasting and comprehension of the text so that it will help students find connections in a separate sentence, between sentences, paragraphs, etc. Our course for law students has a lot of similar tasks developing learning strategies:

**Put the phrases in the correct order to make up a logical conversation between a lawyer and its client** (an extract is given).

– *Good morning, Mr. Goodwill. Thanks for coming in time. I see that you’d like to issue a claim in the State Court?*

– *I need your customer’s name and address. When we send a claim your customer will be called the defendant. I also need to know when the defendant got the delivery from you and when he had to pay you for it. Please give me a copy of the contract. How much money does he owe you?*

– *Six months is quite a long period. I agree that you should issue a claim. I’m going to explain you all the details. First, we must fill in a claim form and send it to the Court.*

– *Yes, it is right. The only thing I can do is to visit the Court. I supply food to cafés and restaurants in our city. I have signed a contract with all my customers. The contract says that a customer has 14 days to pay me from the date they get a delivery. An owner of the Three pigs restaurant is six months late in paying me. So, I’d like to start proceedings against him.*

– *I understand. What do you need to fill in the claim form? Any passport details?*

Fulfilling this kind of tasks students learn to follow the laws of cohesion which ensure the text comprehension. For law students the basic cohesion aspects are bind pronouns, ligaments, substitutions, and repetitions – all this gives the speech a certain sequence, connectivity and logic.

The use of communication strategies helps students to extract the necessary information and use it in real situations, e.g. students can make up a claim on specific problems which can be distributed by the teacher among the students.

The semantic processing of the text is a cognitive activity and consists in finding topics, main ideas, plan, etc. and includes learning forecasting and reflection strategies, e.g. **Read the following short stories and guess what types of crimes are described:**

a) *Police are looking for a person who was beaten by his victim; a 42-year-old woman beat the man after she had discovered him in her back garden in Norwich, Norfolk, England. He tried to get away but got stuck on a fence and the woman thrashed him with a bamboo cane. The man ran away and later knocked over a broom in a garden nearby; then, he became dazzled by a bright security light and fell into a garden pond before making his escape.*

b) *Robert Tappan Morris was a student at Cornell University and, having been given access to the Cornell computer, he devised one of the first internet bugs, known as the Morris worm, after himself. The worm was released from the Massachusetts University of Technology and infected the internet through send mail, finger program and trusted hosts.*

Thus, the formation and development of all these competences are essential in foreign language teaching as they cover all kinds of the speech activity. As a result students are able to use a variety of linguistic means improving their level of intercultural communication.

### Conclusion

The four components of communicative competence should be respected in teaching a foreign language, which means that teachers are expected to employ methods and teaching techniques to serve the goal of communicative teaching. It is especially important in the ESP courses as they are aimed at developing learners' skills in professional communication in a foreign language. The course in English for Law Students focuses on the development of linguistic, sociolinguistic, discourse, and strategic competences. The assignments included in the course fully meet the objectives set in the educational standards and learners' needs and expectations.

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#### **Развитие коммуникативной компетенции студентов-юристов: профессионально-ориентированный аспект**

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**Ключевые слова:** коммуникативная компетенция, английский для юристов, профессиональное общение, навыки.

**Аннотация:** Рассмотрены сущность коммуникативной компетенции и подходы к ее формированию у студентов юридических направлений подготовки. Преподавание и изучение иностранного языка представлено в контексте развития коммуникативной компетенции как комбинации языковых, социолингвистических, дискурсивных и стратегических компетенций. Представлено содержание курса на английском языке для студентов-юристов. Приведены примеры заданий, направленных на формирование коммуникативной компетенции на английском языке у студентов-юристов.

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