

Key Issues for Contextual Education of Legal English in the Conditions of the Slovak Republic

Východiskové tézy kontextuálnej výučby právnej angličtiny v podmienkach Slovenskej republiky

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Abstrakt

Predkladaný článok sa venuje základným východiskovým tézám viažucim sa k výučbe právnej angličtiny na právnických fakultách v podmienkach Slovenskej republiky. Článok koncentruje svoju pozornosť najmä k otázke, či je predmetom výučby v takomto prípade cudzí jazyk (v užšom zmysle) alebo vecná stránka (t. j. právo). Osobitne si v tejto súvislosti kladie tiež otázku možnosti izolovanej výučby právnej angličtiny bez znalostí anglického/amerického práva, resp. práva slovenského. Rozsiahlejší priestor je venovaný tzv. kontrastnej metóde výučby, resp. vecnej komparácii právnych odvetví pri výučbe právnej angličtiny, ale aj niektorým didaktickým/metodickým otázkam spojenými s výučbou právnej angličtiny.

Kľúčové slová

anglický jazyk, odborný jazyk, právna angličtina, vysoká škola, právo, kontextuálna výučba, didaktika, metodika

Abstract

The present paper deals with the key issues of teaching English at the faculties of law in the Slovak Republic. Paper is dedicated to finding of answers to various problems, such as the question of whether the subject or focus of teaching English for Lawyers is the foreign language or its substance (i.e. law), or if you can teach Legal English in isolation without any knowledge of English/American law, or the Slovak law and the like. The broader scope of the present paper is devoted to the so-called contrast method of teaching, or comparison of substantive legal sections in teaching Legal English, and also certain other didactic and methodological issues related to teaching of Legal English.

Key words

English language, technical language, Legal English, university, law, contextual education, didactics, methodology

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1 Introduction

Teaching technical language² is now an integral part of the systemic and systematic teaching of foreign languages, both at universities and in specific courses of further (technical) education. This fact is determined by several external factors, among which we can also include:

- a) Modern integration processes within the European and international territory;
- b) Curricular requirements in line with the applicable law for teaching of foreign languages at the universities in the Slovak Republic;
- c) The dominance of English in foreign language category, i.e. as a secondary language;
- d) The actual needs and requirements of the labour market – especially the perceived (accepted) source/sources in the technical language and the requirement of direct active communication with the target group (e.g. the relationship attorney – client, attorney – attorney, etc.).

After its creation (01. 01. 1993), or shortly before, the Slovak Republic began to vigorously implement the integration processes towards the inclusion of our country in the European and international structures. The very efforts leading to the later inclusion of Slovakia in a number of supranational bodies and organizations led to the inevitable and logical need to strengthen the teaching of general, as well as technical language (primarily English), which was relevant for starting the integration processes in question, their completion, as well as in a follow-up maintenance of these international legal and political ties. After the Cold War, the political orientation of the Slovak Republic was gradually essentially modified towards former “capitalist” states, resulting in the need of strengthening the teaching of English (even at the cost of decline in the extent of teaching other foreign languages relevant until then to our geographical and geopolitical environment, i.e. largely Russian language). There is no doubt that the integration efforts have led secondarily to the policy of opening of the national borders, labour markets and the like – which have then led to other related effects, such as cross-border supply and utilization of services, cross-border purchases of goods, social interaction (mixed marriages and others).

Based on the above facts, teaching of English language gradually becomes part of the educational processes at all levels of formal education, i.e. at primary schools, secondary schools and universities, and during the period of last five to ten years, the general language has become an integral part of teaching even in kindergartens. The subject of our analysis is teaching of English at universities, in two subsystems of higher education – as a general language, especially at the faculties and philosophical faculties, or as a technical language (especially at the faculties of other technical orientation as mentioned above, e.g. at the faculties of law, medical schools, pharmaceutical faculties, etc.). Technical language has thus become an integral component of teaching and learning at several universities, or faculties, as a subject not forming the core curriculum, but generally as a subject of support – in terms of its status as a facultative or selective subject. Teaching of technical language is implemented within the properly accredited study programs in the vast

2 For the purposes of this paper, Legal English is considered to be the “technical language”, both as a subject or set of subjects taught at the most faculties of law in the Slovak Republic.

majority of the Slovak universities, and therefore it is considered to be a full component of higher education. Such language learning in terms of its form and content is generally outside the decision-making of the individual (student), but as the nature and classification of the relevant program of study is concerned, it is considered to be a condition for obtaining the relevant degree of higher education.

Teaching technical language, i.e. both specific subsystems of English (as a secondary language), is undoubtedly obviously carried out within the English language. This was evoked – *inter alia* – also by the circumstances stated above, after 1989 English becomes the dominant foreign language in the Slovak Republic, mainly at the expense of Russian language and less to the detriment of the German language. Further strengthening of English language teaching was also achieved via stronger presence of foreign non-governmental organizations in the region – e.g. *The British Council* and others, which ensure so-called language distribution through various acquisition activities.

Currently, undoubtedly the most dominant or the most established secondary language in the Slovak Republic is the English language, which is reflected by the fact that the command of English is now a common requirement in the labour market. Its mastering is required with different quality requirements and criteria (starting with the requirements of basic knowledge of general English to the requirement of speaking technical language at (almost) *native speaker* level). Within the legal professions (especially for attorneys³) job seekers (particularly assistants – specialists and trainee lawyers⁴) are required to have a good (sometimes excellent) knowledge of technical English, which is determined by the fact that the above-mentioned persons in the context of their future workload are generally expected to be able to at least find, systematize and analyze relevant set of technical information in English. In case of more qualified individuals, mostly the requirement of a full communication in technical language is applied (e.g. in legal English), both written and spoken.

Based on the above, it can be concluded that the study and subsequent proficiency of technical language by individuals in the relevant labour market is now a requirement which is laid not only by social reality, but also by the follow-up requirements of employers directed to job applicants.

3 *The author is aware of the fact that the graduates of higher education in this field also work in other legal professions, but in quantitative terms attorneys are perceived as the most common jobs where law graduates are employed. Advocacy is also a category of employment outside the public authorities, i.e. it is such an area within which a higher degree of linguistic competence (of attorneys) is required since otherwise it comes to the generation of costs (especially the cost for interpreting and translation) borne by attorneys themselves (except in cases of special status).*

4 *§ 61 of the Act No. 586/2003 Coll. on Advocacy and on amendments and supplements to the Act No. 455/1991 Coll. on Trades (the Trade Act), as amended: "Trainee Lawyer is a person who is registered in the list of trainee lawyers maintained by the Chamber". Trainee lawyer is a natural person who meets the conditions prescribed by law and is in an employment relationship with an attorney, who is his trainer (in preparation for the next – individual – practice of law).*

2 Teaching Legal English – context or linguistics

Command of Legal English is one of the tools for understanding not only the material, but often the value level of legal regulations (the English or American law) and the related social determinants. This is based on very simple principles – just like the knowledge of general language is an essential communication tool between people communicating in the language, also communication in technical language is a tool for understanding the information conveyed between the communicating person and the information addressee. Specificity of this communication is the subject, or the content of information conveyed, which has a special character. This information cannot generally be regarded as a matter of common knowledge. Overall, in this context it may be noted that Legal English is specific, not only in its content, but also in terms of its form, or linguistics. It is often stated in this regard that Legal English can seem to someone who doesn't know the "language" as an archaic text of Bible in English.⁵

There is no doubt in technical circles, that it is a technical language – even directly linked to a specific country (jurisdiction). Information in Legal English is actually communicated in the specific language – i.e. in a sub-language, which uses and applies specific syntactic, semantic and pragmatic rules.⁶

The specificity of information conveyed within teaching of Legal English is relevant in these two lines:

- a) **Linguistic** (for the purposes of this article, linguistic information line will be considered to be the linguistic part of information conveyed – e.g. lexical units, words, phrasemes etc.).
- b) **Substantive** (substantive line will be the identification and verification of the existence of linguistic/terminological parallels in the studied languages, and the identification and verification of the substantive **content** of the terms).

In a very simplified form it could be noted that the information conveyed in technical language (this applies to Legal English, but also to other fields) differs linguistically and factually from the information conveyed in the general language. If, for example, English word "snow" has a parallel in the Slovak word "sneh", this word is generally known and also the content of the word is widely known – i.e. its concept. In Legal English, however, the equation does not apply automatically, and therefore one often finds that the technical language is rather "a language in the language". Ultimately, this also applies to the Slovak language, or the mother tongue of any person. Neither (the almost) perfect mastering of mother tongue as a rule does not automatically lead to understanding the nature of the information conveyed having technical nature in that language – e.g. from medicine, engineering or law.

5 LOJKO, M. O. *Teaching Legal English to English Second Language Students in the US Law Schools*. In: *Respectus Philologicus*, Vol. 24, No. 19. p. 20.

6 GOGA-VIGARU, ROXANA-PETRUTA. *Challenges in Teaching Legal English and Efficient Methods of Evaluating Romanian Students at the Faculty of Law and Public Administration*. In: *International Conference on Language and Literature in Education and Research 2015*. Nitra: SlovakEdu – Conference Proceedings, 2015. p. 37.

Although the above simple example shows two important circumstances pertaining to the so-called linguistic line of information conveyed in the technical language – in Legal English:

- a) In technical terminology (including the legal) it is often the case that the present term is used in the primary language and the secondary language, in the same wording, i.e. both languages use identical words – often originating from a third language (especially Latin, French, etc.), or there are only minor modifications of the word in one or the other language (e.g. the word “*verdict*” and “*verdict*”);
- b) Polysemy of the word – general language vs. technical language. In this context it should be noted that a term may have a completely different meaning in the general language than in the technical language (of the same language) – e.g. the meaning of the word “*burden*” will be different in the general language and different in the technical language (e.g. *burden of proof*), or the word “*sentence*” in the general language and “*sentence*” in legal terminology express two different information and many more.

The above stated facts suggest the difficulty of technical language proficiency (even for a native speaker). The situation can be substantially more difficult, especially, if the information transfer is concerned between the languages. In this case, there may come to a shift not only on the level of language, but also on the level of substance. For this reason, not only during the studies, but also during teaching of technical language – Legal English – it is necessary to identify and verify whether:

- a) **There exists** a language/terminology parallel (comparative basis) in the primary and the secondary language, and
- b) **The content (substance)** of the terms is identical.

This verification shall find out whether the primary and the secondary language have a term describing the phenomenon, the matter, the fact etc. The general procedure is that only the existence of a parallel concept is verified not the substance. We could mention, for example, the terms “*testator*” and “*poručitel*”, “*murder*” and “*vražda*”, “*creditor*” and “*veriteľ*”, and the like as model situations. In such cases, these are concepts with so called language permeability. In this context, however, one should not omit situations where there is no language permeability or a language parallel – e.g. “*privileged will*” (Slovak legislation does not know “*privilegovaný závet*” in the relevant terminology), or the term “*tort*” has no identical Slovak equivalent, or the term “*second degree murder*” (US) – Slovak legal terminology doesn’t have “*vraždu druhého stupňa*” (even if it knows the facts of the crime equivalent to the “*second degree murder*”), or the term “*petit jury*” (i.e. “*malá porota*” does not exist in Slovak legislation, and therefore there is no terminology), and the like. Thus, teacher of Legal English should in preparation for teaching first check whether there is (not) a terminological parallel in the secondary language in comparison to the relevant concepts in the primary language. The absence of a specific legal concept in the Slovak law must therefore soon lead to an explanation of the content of the English/American legal concept from the point of its substance (i.e. the interpretation of notion’s content), and only then a descriptive term/notion describing the phenomenon (the closest to the Slovak legal parallel) should be chosen.

In general, it is possible to establish that from the perspective of teacher (who is not also a specialist in the relevant sector), it is probably the most demanding part of the curricu-

lum. The teacher is confronted here with the fact that it is not enough to verify whether there is a terminology parallel between the languages, or language permeability between the concepts or not, but the teacher must know the content of the various concepts in order to fully define them, or to provide relevant interpretation, because factual knowledge is inevitable when teaching technical language. If the teacher of technical language (in the context of terminology) did not understand the content of the notion, this could lead to cardinal communication problems, which would result in inaccuracy and substantive incorrectness of translation. In practice, e.g. it often happens that the English term “*expert witness*” is translated as a special kind of witness (in the context of the English word “witness”), but the term is used in the English terminology for naming of an expert. Teacher of Legal English, therefore, in the context of the relevant terminology, cannot merely verify the existence of a parallel concept in both languages, but he/she must also verify the content of the concept, as only in this way it is possible to verify whether the term is used in both languages to describe the same phenomenon, reality etc.

Based on these examples, we can conclude that there are a number of combinations that can occur when working with the English legal terminology, including, for example from a situation when a legal institution exists in both languages, it even has identical/similar wording (expression), and also identical content – to “extreme” cases where one language knows the legal institution and defines it, but it does not exist in the second language (and therefore that language also doesn’t have an expression for that concept). There is a “central point” at this imaginary communication line and it is a situation where both jurisdictions, and thus both languages, have a legal concept (with identical or similar content) but with a different linguistic (verbal) expression. This is, of course, the most common situation (when Slovak language on one side is compared to the English language on the other).

From the above brief analysis, it follows that if a teacher should be capable to teach special vocabulary (e.g. Legal English), and the student should learn to command it well, it is necessary to achieve the following partial objectives:

- a) Both, i.e. the teacher and the student must be able to seek information from the sources used within education (learning sources), but also from other relevant sources from outside academia;
- b) Both, i.e. the teacher and the student must be able to process the information received, on the basis of relevant tasks and assignments (and systematize these);
- c) Both, i.e. the teacher and the student must acquire the ability of correct and logical presentation (of the processed information) in oral and written expression.

These processes are even more difficult in Legal English, because Legal English has a lot of specifics, especially in the context of diametrical substance differences between the English, or American law on the one hand and the law and order of continental Europe, encompassing also the law of the Slovak Republic.⁷

⁷ “Legal language and legal terminology are characterized by semantic precision, clarity, consistency, briefness and non-expressivity. However, legal practice and translation work point to the fact that in practice this characteristics does not apply, especially in the translation of legal terms from the source to the target language. This problem is more acute if a conflict of legal systems occurs – such as the Roman-Germanic

This set of specifics leads to the fact that teaching of Legal English should be substantially different from teaching of general language. Regardless of the fact that in both cases it is a bilateral process between the teacher and the student, when teaching technical language (Legal English), the model of authoritative teacher usually gets "lost". On the contrary, the teacher gains respect within the teaching of technical language often paradoxically by factual knowledge (i.e. knowledge of "Law") – whether theoretical or practical, since these are crucial from the perspective of Legal English students. When studying the technical language – Legal English – also (an almost) *native speaker* gets to a level close to the beginner. Often it happens that students who for example graduated at elite secondary schools with extensive teaching of English, or even those who studied in England and the US, have a problem to complete the subject of Legal English. On the other hand we can say that quite often we see cases where a student with average (and sometimes with slightly below-average knowledge of the language) was able to complete the subject of technical terminology successfully. Teaching technical terminology is therefore generally rather built on partnership cooperation of teachers and students, joint activities and joint efforts in order to achieve the objective pursued, but the fundamental question in teaching Legal English (and in teaching of technical English in general) is whether "the language" or "the content" (its substance – context) is taught.⁸

In this context, we would also like to point out the following interesting phenomenon. Technical English (Legal English) is taught at the most Slovak faculties of law from the first level of university education (bachelor's degree) and as a rule in the first years of study. This is, *inter alia*, due to the fact that Legal English as a collection of separate objects with specific identification (e.g. *Introduction to legal communication*, or *Stylistics of English legal texts* and *Analysis of English legal texts* and the like) are taught at lower grades of study as "supportive" subjects in relation to the so-called positive legal subjects⁹, which – on the contrary – are usually taught in higher grades.

and Anglo-American ones, which differ not only in their bases but also in spirit. The study attempts to clarify this fact by providing translation solution. The problem with translation of legal lexemes is not caused only by characteristics of the terms, but also by non – equivalency of terms or by the transition of legal branches, change of the term due to lapse of time and finally by the culture differences and the language itself. The paper deals with the concept of the term with which Legal English operates as well as with its characteristics that legal English breaks." In: SPÁLOVÁ J. What Causes a Headache to Slovak Teachers of Legal English? In: International Conference on Language and Literature in Education and Research 2015. Nitra: SlovakEdu – Conference Proceedings, 2015. p. 43.

- 8 "Legal English course is a course of language, not a course of legal concepts or information, so I must admit that, in order to gain sufficient knowledge on different legal issues, I asked for my colleagues' help. As they are specialists in different areas of law, they could provide useful information which is important for me in succeeding teaching legal English." In: GOGA-VIGARU, ROXANA-PETRUTA. *Challenges in Teaching Legal English and Efficient Methods of Evaluating Romanian Students at the Faculty of Law and Public Administration*. In: International Conference on Language and Literature in Education and Research 2015. Nitra: SlovakEdu – Conference Proceedings, 2015. p. 41.
- 9 Positive law is generally considered to be a set of valid sources of law (within a certain territory) governing certain social relationships whose enforcement is ensured by public authorities. Positive law is formed by relatively comprehensive legal sectors, e.g.: civil law, administrative law, criminal law, constitutional law and the like. [Note: the definition and interpretation of this footnote is simplified.]

By its structural inclusion in the curriculum, Legal English is similar to the subject of legal history, philosophy, sociology, economic subjects, psychology for lawyers, etc., i.e. those subjects, which have no or minimal didactic dimension of the legal field. Another difference between the Legal English and the subjects stated above is that while the above subjects are taught in Slovak, Legal English, of course, is normally taught in English. Position of Legal English teacher at the Slovak faculties of law is therefore extremely difficult, as the teacher is confronted with several challenges at the same time:

- a) The teacher teaches technical language, not the general one, and it is expected that students of Legal English already have a good knowledge of the language, which is not always true. When teaching technical terminology it is not possible to "catch up" on limited knowledge of language, which is why the subject becomes extremely difficult not only for students, but also for teachers (especially in heterogeneous study groups). For this reason, it is possible to establish that Legal English is a subject suitable for students having general command of English language at least at the level of "intermediate".
- b) The teacher himself should know at least the basics of English or American law, selected substantive and procedural concepts within public and private law disciplines and the like, and should have sufficient knowledge for mutual comparison of differences between the English or American law on the one hand and Slovak (or continental) law on the other, but also between the English law (on the one hand) and American law (on the other), as there are also linguistic and substantive differences between the English and American legal terminology;
- c) The teacher of English law – precisely because of the facts stated above – should to some extent substitute the teaching of positive law. Technical English teacher undoubtedly does not only teach a foreign language, but also the basics of English and American law. If taking into account that students of Bachelor's degree (first years) have yet almost no knowledge of positive law subjects, teacher of English law must de facto explain the substance of the topic to students – the context – and at the same time teach the linguistic aspects of the topic. Paradoxically, therefore, there may be situations where the student of Legal English cannot successfully handle the subject, which may not be because of student's poor linguistic competence, but e.g. because of misunderstanding the substance of the topic (i.e. legal issues). Student's grade from this subject is then the more difficult, because the teacher must differentiate between "material knowledge" and "linguistic knowledge" in his answers, which is not always easy. If the legal discipline is not only a tool, but ultimately the aim of teaching, teacher of Legal English must fulfil two quite different objectives at the same time. When for example assessing the student, the teacher should very carefully check whether the knowledge presented by the student in examinations (answers to questions) is only reproduction of memorized subject (without understanding), or whether this is true knowledge of legal terminology (including the content of the concept and its comparison with Slovak legislation, etc.). Otherwise, it could lead to "false" assessment, where the student's answer rated with an excellent mark is not an expression of his/her real knowledge, but merely of what the student learned by heart. Therefore, it is necessary to prepare the examination in the technical subjects so as to sufficiently verify the so-called "real" knowledge of student (e.g. by selecting the right exercises, model situations, by properly worded open-

end questions, etc.). We can therefore conclude that the objective of teaching is difficult to meet, if there is not the necessary synergy between these components. This means that the student will not have a good knowledge of Legal English, if the student has not the necessary knowledge of the context (its substance) and, conversely, even the above-average knowledge of contextual level (its substance), or good knowledge of general English may not be the guarantee of a good knowledge of Legal English.

Not only the teacher of Legal English, but ultimately the student or the one who learns the subject should meet/handle especially the following sub-competences within the communication competence¹⁰ in order to achieve the objectives of Legal English teaching:

1. *Linguistic competence* – especially knowledge of relevant legal terminology, grammar, phonetics and related skills (phonetic – phonological competence, morphological competence...);
2. *Socio-linguistic competence* – especially the ability of correct choice of communication expressions/forms suitable for the relevant context and style;
3. *Socio-cultural competence* – teaching of legal terminology is not only communication between people – individuals, but in fact, it is also an intercultural communication, a dialogue between two cultures; the knowledge of rules and principles of verbal communication;
4. *Knowledge of related strategic competencies* – e.g. ability to form a coherent text, rhetorical skills and the like;
5. *Discourse competence* – setting goals and achieving them, using appropriate techniques and skills. Discourse competence is understood as the ability to form coherent message orally or in writing – as opposed to the reception/interpretation and use of isolated phrases;
6. *Strategic competence* – the ability to compensate for certain deficiencies in the knowledge of language and its use via the speech in acceptable forms of expression.

Experience has shown that the most important instrument in teaching and learning of Legal English is resource reading when the student tries to acquire the appropriate legal terminology and general language proficiency in technical English through familiarization with textual units. Rarely, however, this objective can be achieved only by working with publications from the subject of *Legal English*. On the contrary, the teacher and the student must often resort to numerous other literary sources as the sources of information from which they subsequently abstract these relevant language elements.

Reading techniques that we consider essential and which are applied, or taught within the subject of Legal English include virtually all key techniques, i.e. *skimming* – filtration of the essence, the core of the text, further *scanning* – searching for specific information in the text, as well as *reading for detail* – reading for a detailed understanding of the

¹⁰ Homolová defines the communication competence as “the ability that allows the user to efficiently operate a foreign language in real communicative situations”. In: HOMOLOVÁ, E. *Application of the Communicative Teaching by the Teachers' Roles*. Banská Bystrica: Matej Bel University, 2003, s. 23.

content and meaning of the text. Of course, in different stages of Legal English teaching (study), one of these methods always takes precedence, depending on the intended amount of technical and linguistic skills the students should already dispose of in certain time-frame (in a continuous process of teaching). It is the work with text (but not only with study resources – textbooks and lecture notes) that becomes a sort of culmination of teaching the technical language, when students begin to work with authentic text material from different branches of law and relevant legal cultures.

Specifics of Legal English education (at universities) could be summarized from didactic aspects as follows:

- 1) Focus on the student also on the level of "*bearer of relevant information*" – if we have stated above that law students generally begin to study legal English in the lower grades of the Bachelor's degree, then it is logical that over time – by progressing within the study of law – their thematic and content horizons extend, i.e. what they did not understand probably at the beginning of their studies (technical language). The student thus implements "self-study", i.e. that during the study of legal disciplines (within the Slovak law and order) the student gains factual knowledge and then applies it in the study of Legal English. Legal English student at university (especially in upper grades) is not only the addressee of educational activities (student), but also the bearer of factual information on which the teacher of technical English can build. This often leads to an interesting phenomenon – namely, that later in the more advanced stages of teaching/learning of Legal English, the ratio of components of teaching (substance vs. language) changes in favour of teaching of Legal English (in the narrow sense), i.e. linguistic aspects, as the teacher of Legal English generally doesn't have to substitute and deal with the lack of knowledge of substantive topics to such an extent (on the part of students), i.e. there is more space left for linguistic questions.
- 2) Within the teaching of technical language (and hence also Legal English), the method of *awareness* must undoubtedly have a strong position. Contrary to general language skills, which are as if automatic from the point of content (compared to the mother tongue of the student) in Legal English this is not true. When teaching legal English, it is very relevant to apply the contrast method of teaching. The student specifically compares the relevant terms, their content, differences between them and the like. The student must be led in the context of teaching to notice these identical, similar and different features and to communicate while having the knowledge of all these facts. The student must be led by the teacher to select a certain communication tool within the Legal English, i.e. a subsystem. Teaching of Legal English therefore becomes a cognitive process, and by means of Legal English, the student gets familiar with the "world of law".
- 3) Teaching of Legal English must exhibit an extremely high degree of creativity, which is by its nature different from the pedagogical creativity applied within the teaching of general language. This creativity is manifested not only in the fact that the teacher chooses different educational tools from those for teaching of general language, but also in the fact that the creative approach (in teaching of a foreign language) is required from the students themselves. Most often, this effect is manifested in so called *case studies*, *moot courts* or *model situations*. Students are given a real or fictitious legal case, study it and seek solutions, arguments in support

of the conclusions of the court, the attorney, etc. Application of this method of teaching has a synergistic effect, i.e. the student incorporates factual knowledge gained in the study of other subjects in the process of language learning. Providing space for a creative solution to the problem is a stimulating factor for the students of law. The students can effectively verify their "legal abilities" when dealing with the solution of "linguistic assignment" (within the scope of Legal English), namely by verification of the correctness of their arguments through the teacher (of foreign language).

- 4) The method of "activating" or "engaging" students within the teaching of Legal English was demonstrably proven in the teaching process, even more than in teaching of general language. In principle, it is possible to state that a) teaching can take place on the basis of certain activity, and/or b) the activity itself is a tool for teaching. The substance of such education is specific by the fact that it encompasses not only linguistic aspects and the subject-matter (law), but it also often has intellectually-emotional context/contrast (e.g. simulated litigations when students identify with some imaginary person, present specific legal arguments from the perspective of that person, or it can be a simulation of examination of the offender, etc.). Interestingly, the continuous use of such learning tools can also lead to the identification of various interdisciplinary linkages (e.g. law vs. psychology, law vs. sociology and others).
- 5) Acceptance and development of student's personal autonomy is a thesis which should be decisive for teaching of Legal English. Punishment or penalization of student cannot be regarded a motivational tool. Teaching technical terminology should therefore motivate the students to personal autonomy, active studying, and the awareness of their own language skills. In this context it is relevant to point out that the teacher should in particular provide the students with space to apply their own – effective study tools, but a systematic solution of practical problems, model situations etc., when the student gets from the "personal autonomy" into the level of a person responsible for the collective result may also act as certainly motivating in the study of Legal English.

Teaching Legal English should therefore be practical, constructive, and paradoxically less purely linguistic. In principle, it may be noted that teaching of Legal English is based on communicative teaching, namely¹¹:

- a) *The principle of purposefulness* – is inherent to everything that occurs in the classroom and is the basis for effective work of teachers, especially in planning and teaching of classes.
- b) *The principle of subordination* of linguistic tools to the practicing of communication skills – suggests the relationship of linguistic tools (grammar, vocabulary) and communicative competence. The acquisition of linguistic tools is the basis for development of communication skills, not a goal.
- c) *The situational principle* – emphasizes promotion and practicing of language in real and imaginary communicative situations induced by the teacher. Each situation requires an adequate organizational form of work.

11 REPKA, R. 1997. *From the functions of language to communicative teaching*. Bratislava: SAP, 1997, (see p. 64 of the cited publication).

- d) *The authenticity principle* of communication processes – emphasizes the information gap between the communicating subjects as the basic condition of communicative tasks.¹² It also underlines the need for some degree of individualization, so that the teacher allows the students to talk about themselves, their own feelings, experiences, what can be done mainly through authentic communicative tasks.
- e) *The evaluation principle* of communication effectiveness in the received or produced language as regards the objectives and tasks relating to the evaluation of results achieved by the students in relation to communicative classroom objectives and tasks.

3 Conclusion

Based on these examples and analysis of the described situations, we can state that teaching of Legal English differs from teaching of general English language in many ways. The most significant problem seems to be that the terminology is taught through a tool that is still not known to students at the time of the start of teaching (law), or that they only get familiar with this tool later in higher grades. During continuous teaching of Legal English (several semesters), the student gradually shifts from the level of no knowledge of Legal English and the law to the ideal situation – where the student should know legal terminology – as well as the English/American law, or the Slovak law (as a comparative basis to the English/American law).

We can also say based on the experience that the effects of teaching technical English language usually improve proportionally to the students' knowledge of law (either Slovak or English/American law). In contrast to the teaching of general language, when the communication skills of students can be improved for example only by classic "practicing" of the abilities in question, in case of Legal English it is required to gradually increase the students' volume of so-called substantive knowledge of law in order to spread their knowledge and understanding.

This fact places extraordinary demands on teachers who in addition to the normal teaching of technical English language should "give a lecture" about the basics of English and American law, so that the students gain not only knowledge of the English language in general, but also manage the technical (legal) terminology. We propose that the teaching of English law was not just composed of memorizing vocabulary in the English language, but that it should be built on the substantive knowledge of the teacher and the student. Without the knowledge of substance (i.e. without the knowledge of law), the Legal English could not constitute anything else than a systematization of words into coherent units, but without understanding the substantive meaning.

It follows therefore that the methodology of teaching Legal English differs from general English teaching methodology, and the teacher himself sometimes is in the position of "a student" (educates himself in the field of law) in order to know how to pass the substance onto the student together with teaching of technical language. This creates a very

12 HARMER, J. 2015. *The Practice of English Language Teaching*. 3. vyd. London: Pearson education, 2015, p. 37.

interesting model of teaching, a sort of hybrid between a lecture and a seminar, where the lecture is understood as a teacher's monologue with certain elements of interaction with the audience, in which there is "the interpretation of the subject matter". This is then followed by a discussion, or verification and practicing of "lectured" curriculum. However, the lecture should not only be a tool of providing factual information, but as it is done in English, also a good way of teaching/practicing common linguistic elements (e.g. phonetics, etc.), or practicing of spoken word (*listening comprehension*). Tasks and assignments used in teaching a foreign language should be creative, motivating and related to subject – often with emotional appeal – to encourage students to do the target acts.

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