

The Value of Language and Content Needs Analysis in English for Legal Purposes Courses: Example from Croatia

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Abstract: English for legal purposes (ELP) is gaining more importance worldwide, which means using this type of language in different cultural and linguistic contexts, and in different legal systems. Therefore there is a need to develop ELP courses which are sensitive to the particular environment in which they will be implemented (Jordan, 1997) and the first step is to conduct a thorough needs analysis of language knowledge and skills as well as areas of law the students find most important.

This study evaluated the needs of three groups of ELP students: first-year law students taking ELP as a mandatory course, graduate law students taking ELP as an elective course and practising lawyers attending ELP courses at a specialised language school. A total of 161 students participated.

The study adopted a quantitative approach and aimed at determining differences between the groups in the fields of language skills and areas of law, as well as at establishing students' satisfaction with the current ELP course and their motivation and usage of ELP. The outcomes of the study confirmed our initial hypothesis: there is a strong correlation between gaining work experience and the level of importance attached to areas of law studied in ELP courses.

Key words: needs analysis, ELP, motivation

Introduction

There have been growing demands for accountability in foreign language learning and teaching which leads to increasing importance of careful studies of learner needs as a prerequisite for effective course design (Long, 2005). Effective course design is especially highly required in language courses for specific purposes as they involve participants who use a foreign language in particular circumstances and environments (Jordan, 1997).

English for legal purposes (ELP), as part of English for specific purposes (ESP), was first primarily focused on lexis and then it started involving specific language skills (Master, 2000). Since the needs of participants of such courses are primarily linguistic and the participants are motivated by material from their own field, the course offers a mixture of both content and linguistic instructions (Master, 2000).

Although grounds for conducting needs analysis research have been laid down (Berwick, 1989; Brindley, 1989; Hutchinson & Waters, 1987; Long, 2005) and a number of concrete examples can be found (Kaur & Baksh, 2010; Kavaliauskiene & Užpaliene, 2003) the main problem with doing this kind of research is that the same template cannot be used in every study. The reuse of the method from previous studies is relevant only if our sample group is the same or similar to the one used in the previous research (Long, 2005).

Needs analysis research involves various methods. Data can be obtained through interviews, questionnaires, language audits, observations, and through methodological triangulation (Long, 2005). It is not only the instrument that ensures relevant outcomes of needs analysis research, but also the approach of the researcher. It is important to possess knowledge of the field being investigated and of the participants (Long, 2005). Although learners can be a good source of information, sometimes they might find it difficult to express their present or future needs.

On the other hand, the knowledge of the field and the participants might also negatively influence the instrument if the researcher designs it focusing only on his or her knowledge as an expert in the field. The credibility can be ensured by using triangulation in the study (Mackey & Gass, 2005), e.g. an interview and a questionnaire. However if data are to be obtained from a large group of participants the questionnaire is the most appropriate instrument (Mackey & Gass, 2005). It also needs to be mentioned that a questionnaire is a common instrument used in needs analysis research (Dörnyei, 2008, p. 148, Long, 2005).

According to Master (2000) needs analysis constitutes the most important aspect of ESP courses. He further argues that it plays a crucial role by emphasising student-centred approach. When choosing such an approach, the teacher should teach the content of the course from the perspective of the students, which in Croatian ELP context means making the Croatian system of law and related legal terminology the foundation of the course.

The teacher should also have a good understanding of what motivates students to take an ELP course. According to Dörnyei, components of foreign language learning motivation can be found at the level of language, the level of learner and the level of learning situation (1994). Therefore, motivation can be integrative or instrumental with regard to why a particular language is learned and course-specific, teacher-specific and group-specific motivational components should be researched with regard to the learning situation level. At the learner level, components such as perceived language competence, language use anxiety and self-confidence should be considered.

The study

Participants

There were 161 participants in total: 85 first-year students of law (University of Zagreb, Faculty of Law) taking ELP as a mandatory course, 22 graduate students of law from the same Faculty taking ELP as an elective course, and 54 lawyers with various amount of work experience. The difference in the number of participants in the three groups is proportional to the aggregate number of students taking ELP courses at the Faculty of Law, and to the number of practicing lawyers taking ELP courses in private language schools.

Instruments

The data were collected through four questionnaires in the participants' mother tongue (Croatian). Two of them were designed to check the participants' needs regarding areas of law and language skills to be taught in ELP courses; another one was aimed at checking participants' satisfaction with their current ELP course; and the last one checked participants' motivation for studying ELP.

There were 26 questions in the needs analysis questionnaire on areas of law, covering fields of law as classified in the Croatian legal system with the addition of some items which are in line with the content of textbooks on ELP available in the market.

One more question has been added, which aimed at checking preference of teaching approach in ELP, namely whether ELP should be taught through the English legal system, the Croatian legal system, or through both.

In the questionnaire on language skills there were 18 questions, which covered reading and listening comprehension, writing and speaking skills and grammar. In addition, a number of other skills were included because they are necessary in the legal profession and are included in ELP textbooks: translation, interpretation of legal texts, public speaking, giving presentations, interviewing a client, drafting contracts and business letters, defining or explaining terminology, and usage of Latin terms.

These questionnaires contained three types of answers for each question: 1) *it is unimportant*, 2) *it is important*, 3) *it is very important*. The distinction between answer 2 and 3 had been made to check if any tendency exists to give increasing or decreasing importance to the items regarding experience in studying and practising law. Additionally, participants were asked to explain their answers.

The satisfaction questionnaire was a Likert-type questionnaire, which contained 15 items checking satisfaction with the content and organisation of the course, the teaching materials, the teacher and his/her teaching methods, and participants' readiness for using English and ELP at their work. The scale ranged from 1 (*I completely disagree*) to 4 (*I completely agree*).

The questionnaire on motivation for studying ELP contained 12 questions (multiple choice questions, yes or no questions and open-ended questions) and in most cases the participants had to explain their answers. The questions covered the various factors of motivation: the learner as an individual, his/her attitudes towards language learning, his/her willingness and ability to communicate in foreign languages, the willingness and ability to use ELP, the classroom environment, the teacher and the materials used in teaching ELP. The questionnaires were distributed either during the class or by email.

Method

The approach adopted in this study was both quantitative and qualitative. The former one was used to calculate frequencies, percentages and means in respective questionnaires. The latter one was used to analyse the participants' explanations to their answers.

Objectives

The main objective of the study was to ascertain learning needs of three groups of participants of ELP courses (first-year university students, graduate students, and practising lawyers) with respect to both content and language, as well as to detect differences between the groups. The study was also aimed at checking preferences in teaching approaches, students' satisfaction with the course, and their motivation for studying ELP.

Hypotheses

First-year students will have difficulties in expressing their needs either by underlying unimportance of some areas of law or by not providing clear explanations to their answers. This is due to lack of knowledge of a given subject or lack of awareness about the practicality of a given subject. On the other hand, they will be stressing the importance of subjects they have studied in the first year.

Graduate students will express their needs more clearly because of their greater knowledge of various areas of law; however their needs will not be strongly correlated with practicality as they do not possess work experience. Practising lawyers will express their needs clearly and they will be strongly correlated with their work experience.

There will be no significant differences between the groups regarding general language skills as they are not strongly correlated with gaining knowledge and experience, however, lawyers will stress the need for skills strongly related to their profession.

All three groups will express satisfaction with their current course, but first-year students will be the least satisfied and stress the classroom environment and the materials used in the course as the reason. Practising lawyers will be the most satisfied group as their courses are tailored to their specific needs.

All three groups will show instrumental motivation with regard to the language level. At the learner level, lawyers will have the highest perceived competence in English and ELP, the highest self-confidence in using them and the lowest anxiety of use as opposed to first-year students. Course specific motivational components will be most important at the learning situation level for all participants.

Findings and discussion

Fields of law

Six groups of fields of law have been analysed. The first group encompassed commercial law, contract law, and company law. Practising lawyers see these areas of law as either important (17%) or very important (83%), and although the majority of first-year and graduate students find them either important (51%) or very important (30%), there is still 19% of students who find them unimportant and 10% of first-year-students who said they do not know what these areas of law cover.

The second group consisted of areas of law related to business activities (employment, IP, financial, real property, and competition law; negotiable instrument and insolvency). In general, all groups regard these areas of law as important (44%). The importance is growing with gaining knowledge and experience concerning IP law, but with regard to negotiable instruments, financial law and insolvency, the increase in importance is noticeable only with practising lawyers which can be attributed to their work experience. However, it should also be mentioned that a significant number of lawyers, did not provide any answer to IP law and financial law (18% and 11% respectively), and that first-year students did not comment why IP law was important. Competition law should be also examined more carefully, as there was some inequality between the groups. More than 20% of lawyers and first-year students provided no answer to these questions as opposed to only 13.5% of graduate students. The areas of law which was equally and significantly regarded by all participants as unimportant was employment law (38%).

In the group consisting of EU law, international law, human rights law, maritime law and environmental law, EU law was regarded as very important by 80% and important by 17% of all participants. High importance is also given to maritime law – 49% of participants find it important and 20% find it very important. In both cases importance is correlated with work experience.

Regarding international and human rights law, the students see these fields of law as more important than practising lawyers (61% and 32% respectively). Environmental law was seen as important by first-year

students and lawyers (60%) while 60% of graduate students find it unimportant. It is also worth mentioning that a significant number of lawyers did not provide any answer for international, human rights, and maritime law (14%).

Regarding civil and criminal law, they were similarly important for all groups (83% and 69% respectively), whereas law of tort was regarded as most important by first-year students (73% in comparison with the rest of participants – 48.5%).

In terms of theory of law and the organisation of the system, all students think it is important to study the legal profession and the system of courts, and unimportant to study constitutional law. And while 50% of first-year students find studying sources of law important and additional 18% very important, the majority of graduate students and lawyers find it unimportant (76%).

When explaining their answers in terms of importance or unimportance, all groups mentioned the general importance of various fields, their practical application, their international relevance and how connected some fields are to others. The unimportance was also explained by the particular characteristics of a given field. Additionally, first-year students tended to generalise when commenting the answers or did not provide any comment whatsoever, whereas practising lawyers usually made a reference to their job.

The study has proved our hypotheses. The first-year students tended to express their needs unclearly, mostly by providing a generalised explanation or not providing any comments whatsoever. It was due to lack of knowledge on a given subject and to lack of awareness about the practicality of a given subject. On the other hand, they stressed the importance of subjects they have already learned, the subjects of general importance, and the subjects they regard as crucial for their future international career (e.g. EU law, international law, theoretical subjects, civil law, criminal law, the law of tort, legal profession), as 21% of them want to work in diplomacy.

Graduate students expressed their needs more clearly because of their greater knowledge on a given subject. In comparison with practising lawyers, who expressed their needs clearly and correlated them with their work experience, they tended to generalise in their comments; however to some extent they also showed a reference with their future job. Both practising lawyers and graduate students recognise the importance of business law and related areas of law, as 63% of the lawyers work for a law firm and 45% of the students want to work for a one.

Some further interesting observations can be done. Practising lawyers tended to be more careful in deciding whether something is important or unimportant. If they lacked knowledge of a given field or they had not practised in it, they left the question unanswered (e.g. IP, financial law, international, human rights, maritime law, criminal law, constitutional law, legal profession).

Finally, competition law was strongly related to gaining knowledge, where first-year students and lawyers do not possess knowledge about the subject, as the former have not studied it yet, and the latter did not study it since it was not available as an optional subject at the time they went to school.

Language skills

In this part of the study we wanted to establish which language skills and what language knowledge the participants find most important in their profession. The items in the questionnaire were grouped into the following six categories: grammar, legal terminology, reading, writing, listening and speaking skills.

The biggest gap between first-year students and practising lawyers exists in the skills 92 % of lawyers stress as the most needed, namely business correspondence and drafting contracts, while around 50 % of first-year students say these skills are important but they give rather general answers such as "...because we need to communicate with foreigners". Rather naively, a number of them believe it is not a job of a lawyer to write to the client or draft contracts: "I will have an assistant/secretary do it for me". A significant increase in attributing higher importance to these skills is noticeable with graduate students and their explanations are quite precise: "We will need this at work", proving much greater awareness of legal profession. Low importance given to writing skills with first-year students is also evident in the fact that around 30% feel there is no need for them to learn how to write essays or summaries in English, a percentage that is cut in half by the time they start to work.

The item which all three groups find most important is conversation practice. But, while both graduate students and practising lawyers find listening comprehension exercises very important (40%) linking it strongly with conversation practice and interviewing a client (e.g. "One cannot have a meaningful conversation if one does not understand what the other person is saying" and "It is important for a lawyer to be a good listener"), only 20% of first-year students agree and an equal percentage believe this skill is unnecessary.

Another point of agreement is a strong reliance on grammar. More than 50% of participants find studying grammar rules very important and less than 5% find grammar practice unimportant naming them "basic language knowledge" or "foundations for good oral and written communication". In terms of legal terminology, which constitutes the biggest part of legal English courses, 53% of first-year students believe it is very important to be able to explain legal terms in your own words in English rather than memorize their definitions (35%). The percentage is reversed with graduate students possibly due to the requirement to pass most of their law exams by

memorizing laws by heart. Practising lawyers, however, agree with the first-year students and the percentage is here even more significant for both skills (83% and 58%). They find definitions of legal terms useful because they provide the correct meaning of the term and "It is extremely important to be precise in law". On the other hand, to be able to explain a term in your own words means "...that I have fully understood its meaning".

All three groups also show the need for translating English terms into their mother tongue Croatian (between 30 and 40% find it very important). More than 50% of graduate students and practising lawyers feel the need for translating legal text from English into Croatian because "If I am able to translate it into Croatian it shows I understand the text".

Legal terminology and translation is connected to reading comprehension and interpreting of legal texts. The need for the skill of interpreting legal texts grows with work experience (from 20% of first-year students finding it unimportant to only 13% of graduate students and none of practising lawyers), as does the need for reading comprehension exercises (13% of first-year students, none of graduate students and none of practising lawyers). We should mention, however, that 20% of practising lawyers gave no answer to this question possibly because reading comprehension is essential part of interpreting legal texts and this is precisely what they do at their work.

The presented data have confirmed our hypothesis that practising lawyers stress the importance of language knowledge and skills which are necessary in their everyday work (drafting contracts, business correspondence, interviewing a client). Due to the lack of awareness of the legal profession and its necessities, first-year students do not stress this importance. The hypothesis that the awareness increases not just with work experience but also knowledge of the areas of law is supported by graduate students giving higher importance to these skills. This shows that ELP courses for graduate students can be the same as for practicing lawyers when it comes to language skills, but first-year courses certainly cannot be.

Courses for first-year students should focus on developing the general language skills that they already possess to various extents: speaking and reading (which they find very important) and listening and writing (which they do not, but which serve as foundation for more specific skills they will need in their career). Speaking is a particularly problematic issue with regard to first-year students as they currently attend their ELP course in groups of 150 students which makes conversation practice entirely impossible. Fifth-year ELP course is much smaller (30 students) so there is at least a chance for interaction in the classroom, but only practicing lawyers fully benefit from their awareness of the importance of speaking skills as they attend ELP courses in groups of 6.

In order to be able to implement such a course, the groups need to be smaller, students grouped according to the level of language knowledge they possess, the materials interesting, interactive and relating to the field of law (importance of legal terminology) and the teacher able to raise their awareness of the importance of all basic skills. In such groups, the much needed grammar could be introduced to the extent which is needed at various levels.

In addition, we believe the results of the research on language knowledge and skills speak strongly in favour of using the mother tongue in the ELP classroom, especially in courses for practising lawyers. Having much greater knowledge of the Croatian legal system and related terminology makes it impossible for practising lawyers not to compare it to the English legal terminology which they are studying. If the teacher is able to provide the Croatian terms or at least compare the two systems the students will feel safer in their understanding and more motivated.

Teaching approach

Most of participants claim that ELP should be taught through both systems of law (Croatian and English); however the distribution between the groups was not equal (63% of practising lawyers, 55% of first-year students and 91% of graduate students). There were also a significant number of lawyers and first-year students who claimed that ELP should be approached through the Croatian system (33.5%). The English system was mostly favoured by first-year students (10%), and the least favoured by lawyers (0%). Additionally, first-year students mentioned the importance of the EU system and would like to study ELP through materials related to EU law (5%).

Our hypotheses have been partially reflected in the preference of the teaching approach. The fact that a significant number of first-year students chose teaching through the Croatian system may be interpreted as their reliance on the scope of knowledge they possess and their conviction that their future job will be more practised in a national dimension. On the other hand, the lawyers' preference for the Croatian system is correlated with their work experience and practising law in the Croatian system. Graduate students lack the experience but possess knowledge and therefore are more open to the comparative approach in ELP. In other words, the preference for the comparative approach in ELP positively correlates with gaining knowledge but not necessarily with gaining experience. Additionally, the fact that the most frequent answer was teaching through both systems

(70%) and a significant number of participants opted for the Croatian system (24%) proves the importance of the Croatian system in teaching ELP.

Satisfaction

In general all participants are content with the ELP course they are attending or attended ($M = 3.62$): practising lawyers were most pleased and first-year students the least. In particular, all three groups are pleased with the teacher and the teaching methods. With regard to the size of the group, practising lawyers show greatest satisfaction ($M=4.0$) which is comparable to graduate students ($M=3.8$). The mean for first-year students is significantly lower ($M=3.0$) showing moderate satisfaction and indicating that there is a number of students who are not pleased with the size of the group. Furthermore, all participants are ready to use English and ELP at their work, however, lawyers are most confident about their language skills ($M = 3.84$), and first-year students the least, especially about ELP ($M = 3.34$). In other words, the willingness to use English and ELP is positively correlated with gaining knowledge and experience.

Judging further from the outcomes, first-year students object to the lack of conversation practice in the ELP classroom, to the number of lessons per week, and to the outdated teaching materials.

The outcomes of this part of research are in line with our hypothesis. The ELP courses are organised at a satisfactory level, however the dissatisfaction of first-year students with the lack of interaction in the classroom is a call for change. In other words, the willingness to use English and ELP is positively correlated with gaining knowledge and experience, whereas low willingness to use ELP is positively correlated with usage of the outdated textbook and the lack of conversation practice.

Motivation

With regard to the language level, all participants stressed usefulness for present/future job as the most important reason for studying ELP (80%) followed by the importance for lawyers to learn ELP as opposed to general English (10%) and the importance for lawyers as a profession to know foreign languages (9%) confirming our hypothesis. The remaining one percent opted for integrative motivation in describing studying ELP as a personal challenge.

All three groups of participants stated that they find course-specific motivational components the most relevant at the learning situation level (95%), namely interest, relevance and satisfaction thus proving our hypothesis. This shows that ELP practitioners should pay special attention to the attractiveness of the course, the materials, the teaching method and the type of tasks they give their students.

Lawyers feel most confident to use ELP as their perceived competence is higher than that of graduates and first-year students. They also show the least anxiety proving our hypothesis that gaining knowledge and experience is strongly correlated with motivational components at the learner level.

Conclusion

Our study has proven that knowledge and experience are strong factors that affect awareness of learning needs. There has been a positive correlation between gaining knowledge and a rise in awareness about the needs, which has been depicted by graduate students and practising lawyers providing more precise explanations to their answers. This tendency may be observed in both the areas of law and language skills.

A strong reference with work experience has been observed in increase of needs that encompass studying specific areas of ELP – business related areas of law, such as company law and commercial law, as well as special language skills, such as drafting contract and business correspondence. With regard to the areas of law and language skills of general importance (e.g. civil law; reading and listening skills), their importance in the context of work have been also recognised by graduate students and lawyers.

Having the above in mind, it may be stated that the difference between the groups is more significant when there is a significant range in knowledge and experience (first-year students and lawyers). When this range is narrowed there is no significant difference between groups (graduate students and lawyers). This statement should be taken into consideration when designing an ELP course and grouping candidates for this type of courses. Since first-year university students possess limited scope of knowledge on areas of law in their native language, they do not have a strong need for learning about them in English. Additionally, as they stress the importance of studying about the Croatian legal system in English, the content of such a course should be related

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to knowledge they already possess about it. With regard to language skills, first-year students differ from graduate students and practising lawyers in that they attribute more importance to general language skills in a general context. Therefore an ELP course for them should be based on developing these skills. Development of general language skills in the case of first-year students is crucial as they are grounds for job-related language skills important for a lawyer. Since practising lawyers and graduate students see more job-related context in language skills and have greater knowledge on law, an ELP course designed for them should be strongly work-related and may include more demanding content.

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