

*What can a lawyer learn from an English teacher? And what does an English teacher need to know about the law?*

**Laura Stamps**

# ***Introduction***

***‘Words are the lawyer's tools of trade’***

***Lord Denning***

***Lawyers are people with high verbal skills in their own language and this is what they are looking for in English too.***

# ***About me***

*I've been teaching legal English courses at The London School of English for four years:*

- *English for Young Lawyers*
- *English for Commercial Lawyers*
- *TOLES exam – Test of Legal English Skills*

# *Aims of the workshop*

- *What are the **main differences** between the legal system in England and Wales and those of other countries?*
- *What's special about **legal** English?*
- *Which **typical classroom activities** are appropriate for teaching legal English?*

# ***Who is the typical legal English student?***

- *More likely to deal with **civil** than criminal law – in some countries, being a criminal lawyer is a **risky** job*
- *Often **in-house, commercial** lawyers*
- *Need English to communicate with **foreign clients***
- *May want to do an **LLM** in their field*

# ***How much do you need to know about the law to teach legal English?***

- ***Don't worry about trying to learn everything -lawyers never do, they have reference books***
- ***What's useful is to have a concept of how the English legal system differs from others***

# ***Why might these aspects of the legal profession seem strange to students?***

- *Common law*
- *Solicitors and barristers*
- *Judges*
- *Magistrates*
- *Freehold and leasehold*

# ***Why might these aspects of the legal profession seem strange to students?***

## ***Common law***

- *Different to civil law- greater emphasis on **case law***
- *Students often assume that there is no written law in the UK, when in fact there are many **written statutes***



# ***Why might these aspects of the legal profession seem strange to students?***

## ***Solicitors and barristers***

- *This **division of the legal profession** doesn't exist in civil law jurisdictions*
- *The traditional barrister's **wig and gown** is the source of much amusement and fascination*

# ***Why might these aspects of the legal profession seem strange to students?***

## ***Judges***

- ***Separate career path*** in many countries – don't be surprised if one of your students is a judge in their mid-twenties!
- Students are often surprised by how much discussion there is between the judge and the counsels: The English system is ***adversarial*** rather than ***inquisitorial***

# ***Why might these aspects of the legal profession seem strange to students?***

## ***Magistrates***

- *In **civil law systems**, a magistrate is a **qualified judge** in a superior court*
- *In **common law systems**, a magistrate is a **layperson** who only works as a magistrate a few days a year – yet has the power to impose a **12-month prison sentence** or a **£5000 fine**!*

# ***Why might these aspects of the legal profession seem strange to students?***

## ***Freehold and leasehold***

***‘The common law of the landlord-tenant relation evolved in England during the Middle Ages. That law still retains many archaic terms and principles pertinent to a feudal social order and an agrarian economy, where land was the primary economic asset and ownership of land was the primary source of rank and status’***

# ***Why might these aspects of the legal profession seem strange to students?***

## ***Freehold and leasehold***

*Most buyers in the UK happily buy a leasehold property without thinking, as you can*

- *buy or sell the property*
- *alter it*
- *leave it to someone in your will*

*and ground-rent is nominal*

# ***Key differences between legal and general English***

***What do these words mean in general and legal English?***

- *offence*
- *express*
- *material*
- *several*
- *outstanding*
- *undertake*
- *discovery*
- *notice*
- *consideration*

# ***Key differences between legal and general English***

***Now, with some context:***

***offence***

*‘She received a custodial sentence after being convicted of an **offence**.’*

***express***

*‘There are **express** and implied terms in the contract.’*

***material***

*‘He was ordered to pay a **material** contribution towards costs.’*

# ***Key differences between legal and general English***

***several***

*'The tenants had joint and **several** liability for paying the rent.'*

***outstanding***

*'I have written to my client to request them to pay the **outstanding** sums.'*

***undertake***

*'I **undertake** to carry out the task.'*



# ***Key differences between legal and general English***

## ***discovery***

*‘In a civil trial, one party may order the **discovery** of documents.’*

## ***notice***

*‘Party A shall **notice** Party B on receipt of the documents.’*

## ***consideration***

*‘English contracts need an element of **consideration** in order to be legally valid.’*

***And how would you explain them to learners?***

# ***Key differences between legal and general English***

***From a local government letter concerning taxation on housing***

*'A claim for exemption from the abovementioned taxation, which in the case of a dwelling that houses not more than a single family, the value of that dwelling shall not exceed £45,000 or the fair market value, whichever is less, may be filed with this office within 30 days of receipt of this notice.'*

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# ***Key differences between legal and general English***

*'You may not have to pay this tax if you file a claim for exemption within the correct time limits and both of the following conditions apply:*

- a) your property is worth £45, 000 or less, and*
- b) only one family lives in the property*

*If you want to make a claim for exemption, you must send your claim to this office within 30 days from the day you received this letter. [The day you received the letter will count as day one]*

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# ***Key overlaps between legal and general English***

- *Students also need **good general English***
- *They need to be able to **explain legal terms** in general English*
- *Grammar – focus more on **complex structures** than tenses e.g. present simple is used throughout contracts*
- *Since **Lord Woolf's 1998 reforms** there has been a move to clarify legal English*

[www.plainenglish.co.uk](http://www.plainenglish.co.uk)

# ***Comparing Legal and Business English***

***‘For business people, English is a tool of communication; so long as they succeed in making someone understand the conditions they want to set out, accuracy of speaking and writing does not become a big issue.’***

***‘Conversely, lawyers have to speak English on behalf of their clients...In other words, our priority is not to establish worldwide business relationships but to gain the faith of clients. For that purpose, our English shall be more accurate and clearer than that of our clients and it shall be able to bear our clients’ strict appraisal.’***

***Naoki Kadotani, student on the Commercial Lawyers course at  
The London School of English***

# ***Comparing Legal and Business English***

- *A lot of overlap in terms of **company law***
- ***Fewer buzzwords** in legal lexis – there is a lot of **jargon** but it tends to have a **concrete meaning***
- *Legal terminology **moves more slowly** than that of business, often to the point of being **archaic***

# ***Links between other ESP courses***

***Which areas of the law would you look at in these ESP courses?***

- *HR*
- *Business*
- *Medical English*
- *Engineering*

# ***Links between other ESP courses***

***Which areas of the law would you look at in these ESP courses?***

- ***HR*** – employment law
- ***Business*** – company law, compliance, M and A, duties of directors, setting up a company, dissolution of companies
- ***Medical English*** – medical negligence cases, IP
- ***Engineering*** – IP, environmental law



# ***What can I do in class?***

***How could you upgrade these typical classroom activities for a legal English context?***

- *Backs to the board/vocabulary cards*
- *Role-plays*
- *News and views presentation*
- *Writing letters and emails*
- *Discussing controversial topics*

# ***What can I do in class?***

## ***Backs to the board/vocabulary cards***

*This is ideal as there is so much vocabulary to learn*

*Upgrade with collocation, e.g. verb + noun, or word formation, which is good for TOLES:*

- *amend –*
- *repudiate –*
- *rescind –*
- *sever -*
- *ship –*
- *veto –*

# ***What can I do in class?***

## ***Backs to the board/vocabulary cards***

- *amend – amendment*
- *repudiate – repudiation*
- *rescind – rescission*
- *sever - severance*
- *ship – shipment*
- *veto – veto*

# ***What can I do in class?***

## ***Role-plays***

- ***Mediation*** - Mediator with two parties in dispute (pick the loudest, most opinionated students to be the mediators!)
- ***Client and solicitor*** – get the solicitor to explain legal terms in general English
- ***Negotiations*** – for example, a takeover bid, or renegotiating the terms of a draft contract

# ***What can I do in class?***

## ***News and views presentation***

- *Yes, about a story relevant to the law – any **crime story** would be good*
- *Students can present a story from a British newspaper and explain how it would work in their legal system, or vice-versa*
- *Whole class discussion*

# ***What can I do in class?***

## ***Writing letters and emails***

*TOLES style writing:*

- ***Redraft** short legal texts to make them more easily understood by the client*
- *Rewrite a letter to a client to make it more **formal***
- *Write an email to a friend to explain **specific legal terms***

# ***What can I do in class?***

## ***Discussing controversial topics***

*Yes, these discussions really lend themselves to a class full of lawyers!*

- *Not only do class members give their own opinion, they also **compare the legal stance of their respective jurisdictions***
- *Make it more formal by setting it up as an **adversarial debate**, with the two sides taking it in turns to present their case, call witnesses etc. Then the **class becomes the jury***

# ***What can I do outside class?***

***Take them outside the classroom***

- *To **court!** It's free and fascinating*
- *To an **employment tribunal***
- *The **Houses of Parliament** is also a winner – watch a debate in the House of Lords*



# ***Tips***

- *Learn as much as you can but remember that **you can check and get back to them***
- *Spend time in **court!***
- *Get a really **good legal dictionary***
- *Do some of **coursera.org's** free law courses*
- *Have **simple, memorable examples** up your sleeve*
- *Learn the names and sites of the **official bodies**, e.g HMRC for tax law*
- *Learn from your **students!***

# ***Good news***

- *The law is both **interesting** and directly **relevant** to our lives*
- *A good grounding in legal knowledge will help you to deliver other **ESP** courses*
- *Lawyers are enjoyable to teach – they **enjoy studying and using language***
- *They very rarely live up to their smart-alec reputation – **they don't try to deliberately baffle you or catch you out**; they're looking for **clarification***
- *Many lawyers mainly want to improve their general English – **the legal context is a bonus for them***

# Resources

## Websites

- [www.plainenglish.co.uk](http://www.plainenglish.co.uk)
- [www.toleslegal.com](http://www.toleslegal.com)
- [www.cambridgeenglish.org/exams/legal](http://www.cambridgeenglish.org/exams/legal)
- [www.coursera.org](http://www.coursera.org)
- [www.justice.gov.uk](http://www.justice.gov.uk)

# Resources

## Useful for ESP

- Tax law: [www.hmrc.gov.uk](http://www.hmrc.gov.uk)
- HR: [www.cipd.co.uk](http://www.cipd.co.uk)
- Company law:  
[www.gov.uk/government/organisations/companies-house](http://www.gov.uk/government/organisations/companies-house)

# Resources

## Reference books

- ***The Rule of Law***, Tom Bingham
- ***The Law Machine***, Clare Dyer and Marcel Berlins
- ***Oxford Dictionary of Law***, Elizabeth A. Martin and Jonathan Law
- ***An Essential A-Z of Business Law***, Catherine Mason
- ***Cases that changed our lives***, ed. Ian McDougall
- ***Cases that changed our lives***, Volume 2, ed. Ian McDougall and James Wilson

# Resources

## Books for the classroom or self-study

- ***Cambridge Professional English in Use: Law***, Gillian D. Brown and Sally Rice
- ***Cambridge English, International Legal English***, Amy Krois-Lindner, TransLegal<sup>®</sup> and Jeremy Day

Any questions?

*Thank you!*

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