



Writing: A Neglected Skill In English For Legal Purposes Teaching

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Abstract: Teaching writing skills to law students is essential for their growth and advancement as legal professionals. A plethora of studies offer valuable insights regarding the significance and approaches to effectively instructing law students in the art of impactful legal writing. In this line of thought, this article explores the significance of instructing impactful legal writing to law students. It suggests that incorporating writing assignments throughout the law school curriculum can effectively enhance students' ability to utilize writing as a tool for developing their own comprehension of the law. Additionally, it exposes them to the legal discourse community that shapes this comprehension. Additionally, the current paper emphasizes the importance of law schools prioritizing the instruction of legal writing, recognizing it as a crucial skill for aspiring lawyers. Also, it places significant emphasis on the effectiveness of offering students meticulously evaluated legal writing experiences and opportunities to draft a range of legal documents, including appellate briefs, memoranda, and letters. These endeavours aim to enhance students' proficiency as legal writers. Hence, it is apparent that instructing law students in the art of writing, particularly in the realm of influential legal writing, is imperative for their professional growth and achievement within the legal profession.

Keywords: English for legal purposes, writing, writing skills, legal writing

L'écriture : une compétence négligée dans l'enseignement de l'anglais juridique

Résumé : L'enseignement des compétences rédactionnelles aux étudiants en droit est essentiel pour leur développement et leur progression en tant que professionnels du droit. Une pléthore d'études offre des perspectives précieuses concernant l'importance et les approches de l'enseignement efficace de l'art de la rédaction juridique percutante aux étudiants en droit. Dans cette ligne de pensée, cet article explore l'importance d'enseigner aux étudiants en droit l'art de la rédaction juridique percutante. Il suggère que l'incorporation de travaux d'écriture dans le programme d'études de la faculté de droit peut améliorer efficacement la capacité des étudiants à utiliser l'écriture comme outil pour développer leur propre compréhension du droit. En outre, cela les expose à la communauté du discours juridique qui façonne cette compréhension. En outre, le présent document souligne l'importance pour les écoles de droit de donner la priorité à l'enseignement de la rédaction juridique, en reconnaissant qu'il s'agit d'une compétence cruciale pour les juristes en herbe. Il met également l'accent sur l'efficacité d'offrir aux étudiants des expériences de rédaction juridique méticuleusement évaluées et des opportunités de rédiger une gamme de documents juridiques, y compris des mémoires d'appel, des mémorandums et des lettres. Ces efforts visent à améliorer les compétences des étudiants en tant que rédacteurs juridiques. Il est donc évident que former les étudiants en droit à l'art de l'écriture, en particulier dans le domaine de la rédaction juridique influente, est

impératif pour leur développement professionnel et leur réussite au sein de la profession juridique.

Mots-clés : Anglais juridique, l'écriture, compétences rédactionnelles, rédaction juridique

Introduction

English for Specific Purposes (ESP) is a type of language teaching that focuses on teaching language and communication skills specific to certain professions or disciplines of study. In parallel, English for Legal Purposes (ELP) is a specialized branch of English language teaching (ELT) that focuses on the English language skills required for legal practice in a globalized world. ELP is an essential component of legal education, as it equips law students and legal professionals with the ability to read, write, speak, and listen effectively in a variety of legal contexts. However, Legal English is a distinct register of English that is characterized by its precise vocabulary, formal style, and adherence to legal conventions.

It is used in a wide range of legal documents, including contracts, wills, statutes, and court rulings. Legal English is also used in oral communication, such as in courtroom proceedings, legal consultations, and client interviews. In Algerian context, ELP courses are set in order to help law students acquire legal vocabulary and grammar, read and understand a wide range of legal documents, and communicate effectively in a variety of legal contexts. Moreover, legal English instruction tends to develop the learners' ability to write clear, concise, and persuasive legal prose. In fact, this latter, i.e., writing, is considered the core activity of an institution in the field of ESP in general and ELP in particular. Henceforth, studies (Mauludin et al., 2021, Nazarova et al., 2020) report that teaching writing in ESP classes include task should rely on effective ways including achievement, organization, relevance, and appropriateness of ideas.

Though research on writing instruction in ESP is considered as insufficient, some papers portrayed the problem of teaching this skill in specific sectors. In the context of ELP, Rideout & Ramsfield (1994) assert that a significant proportion of law students lack comprehensive training as they are not exposed to consistent personalized instruction, and do not engage in problem-solving within an environment that replicates the demands of legal practice or rigorous legal scholarship. Following the completion of their initial year, the majority of students are left to navigate an environment that assesses their writing skills primarily through two specific genres: examinations and seminar papers. Unfortunately, only a limited number of students receive guidance from legal professionals who possess the necessary expertise and knowledge to effectively introduce beginners to the intricacies of this new discourse.

Consequently, the present paper constitutes an intensive review of literature regarding the importance of teaching writing in the field of English for legal purposes. However, the significance of legal English proficiency cannot be overstated, as it enables law graduates to effectively navigate the complexities of international law and engage with legal professionals from diverse cultural backgrounds. In today's interconnected world, the demand for lawyers with strong foreign language skills has grown exponentially. The ability to communicate fluently in multiple languages not only facilitates effective communication with clients and colleagues from different countries but also opens doors to international career opportunities. By equipping legal professionals with these comprehensive skills, foreign language training plays a crucial role in enhancing their global competitiveness. It enables them to engage in international legal transactions, collaborate with foreign legal experts, and effectively represent their clients' interests in cross-border disputes. In conclusion, the incorporation of writing instruction into the curriculum of law graduates is imperative for their successful integration into the global professional community. It does not only enhance their linguistic abilities but also equips them with the necessary competencies to thrive in an increasingly interconnected and multicultural legal landscape.

The theoretical framework for this study is based on the concept of legal English as a specialized language that requires specific skills and knowledge. Legal English is not simply English as a foreign language (EFL); it is a distinct language variety with its own unique vocabulary, grammar, and syntax. In order to be effective legal communicators, lawyers and other legal professionals must be able to read, write, and speak legal English with fluency and accuracy. However, it writing focuses on the development of specific writing skills that are essential for legal professionals, such as clarity, precision, and persuasiveness.

Henceforth, this current research paper aims to investigate the importance of teaching writing in legal education. It tends to review the theoretical underpinnings of legal writing; and identify the key skills and competencies essential for effective legal writing skills. Additionally, it explores the benefits of teaching writing in the legal field, highlighting the challenges associated with teaching writing for law professionals. In fact, this brings us to formulate these hypotheses. The first stipulates that teaching writing is an essential component of legal education. As far as the second hypothesis, it assumes that effective legal writing instruction can significantly enhance the legal writing skills of law students. Regarding the third one, it holds that proficient legal writing skills can contribute to the overall success of law graduates in their careers.

To reach the aforementioned ends, a comprehensive exploratory literature review methodology is conducted. It sheds light on the definition and scope of legal English. Also, it identifies the skills, knowledge and approaches required for effective legal writing. Then, the present research paper emphasises the effectiveness of teaching writing to legal professionals as a way to gain a deeper understanding of their experiences and perspectives. Therefore, this study is hoped to provide valuable insights into the importance of legal writing and the effectiveness of various approaches to teaching this fundamental skill. This account of literature will also inform recommendations for improving legal writing instruction in legal education programs in order to better meet the needs of legal professionals.

1. English for Legal Purposes (ELP)

English for Legal Purposes (ELP) is known by English native speakers as Legal English or the Language of Law. ELP belongs “to social sciences and it is considered as a sub-branch of EAP” (Lamri, 2011:25). Therefore, English for Legal Purposes is an inseparable sub-branch of ESP as they almost share the same features and principles. Li (2013:84) argues that the emergence of ELP is associated with the globalization of the international law and legal practice which ensures the engagements as global citizens. Thus, ELP is defined as an independent interdisciplinary subject characterized by its linguistic complexity as Yongping (2004:29) states that “ELP is a complex collection of linguistic habits that have developed over many countries and that have been learnt to be used by lawyers”.

1.1. Legal language

Legal English is “a complex genre, which needs a combination of good basic skills and a legal background” (Hamzaoui and Lamri, 2011:25). This means that the technicality of legal language creates difficulties for ELP teachers who lack expertise in the field of law and make it necessary to consult subject-matter experts. Linguistically, the language of law is qualified for its striking features which correspond to the requirements of globalization to communicate and understand the legal terms, concepts and agreements in English. In this regard, Zhang et al. (2013:68) assert that:

ELP is in essence a functional variety of English based on the common core of English rather than a national language with a specific vocabulary and grammar. ELP displays distinctive features at the levels of lexicon, syntax, rhetoric, graphology, discourse structure and so on.

This means that the English language used in the legal field use specific Jargon and language structures that are not commonly employed in other contexts. Accordingly, Cao (2007:13) describes legal language as normative, performative and technical, as will be explained below:

- Normative

It is widely acknowledged that law constitutes a set of prescribed imperatives and norms through which the aim is to regulate social relationships, behavior and procedures.

- Performative

Cao (2007:14) argues that the legal analysis adopts the speech act theory developed by Austin (1962), i.e., how speakers use the language, how hearers understand what is said to them, and how they respond, as its linguistic core. This means that when uttering certain expressions such as “to tell the truth, the whole truth, and nothing but the truth”, and so on, certain legal effects and consequences like admitting, accusing, promising, declaring, vowing, swearing, threatening are obtained.

- Technical

Darani (2012:4) indicates that the highly technical nature of legal language differentiates it from other types of language use. This technicality of language of law is recognized in the following components:

- The speakers i.e., the users of legal language are the legislators who write the laws and define the legal terms, the judiciary including judges, assistants to the judges, court clerks, and the lawyers.

- The style which refers to “the linguistic aspects of the written legal language and the way in which legal problems are approached, managed and solved” (Cao, 2007:22).

-Specific vocabulary.

-Syntactic structure.

In effect, the challenging task of acquiring a type of English specific to legal context in parallel with promoting English basic skills urged the education leaders all over the world to implement the teaching of English for Legal Purposes or simply ELP.

1.2. *Teaching and learning ELP*

In recent years, law students, workplace managers and lawyers are called more than any one and any time to learn English in order to keep pace with nowadays globalization of international law and business. Thus, teaching

English for Legal Purposes is regarded as challenging since ELP teaching differs from that of General English as it involves not only language but also law; however, the complexity of legal discourse creates difficulties to ELP teachers who are deficient in legal domain. Since ELP constitutes an essential branch of ESP, they share approximately the same characteristics and principles. Therefore, discourse information represents the core of the ELP class as “the research into language and discourse is the most involved and sophisticated in ESP” (Johns et.al.2011).

In this regard, the task of the ELP teachers lies in their ability to use an appropriate multitude of textbooks, reference materials, oral explanations and so on in parallel with their students’ needs. The aims and objectives of the ELP course are determined in accordance with the different types of syllabi through which the ELP course “is designed to meet the learners’ special needs” (Dudley-Evans & St Johns, 1998:4). Accordingly, the ELP course design is built upon law content by “describing the students’ own legal systems frequently together with comparison and contrast with that of the common law system” (Mishchenko, 2010) to ensure the benefits of ESP course design outlined by Dudley-Evans et al.(1998:9):

- The ESP course design wastes no time as the course focused on the learners’ needs.

- The ESP course design is relevant to the learner.

- It is successful in imparting learning.

- It is more cost-effective than General English.

The teaching of ELP involves double-effects as the aim is to ensure a high proficiency level in the English language throughout teaching the basic skills of the English language, and improving skillful language use in legal contexts. Gonz alez (1999) describes Legal English teaching as being devoted to students above average proficiency level in the English language, uses specialized teaching materials and technical information, and summarizes the factors that threaten the continuity of the ELP teaching process in the idea that Legal English does not have a distinctive pedagogical foundation which makes the designers of the teaching materials neglect the learners’ needs. Regarding our context, i.e., the Algerian situation, an investigation was made to determine law students’ needs. The outcomes revealed that:

Law and administrative students are required to obtain ideas and information about managerial and regulatory rules by listening to talks and lectures, viewing multimedia resources, and reading a variety of publications. In such situation, the syllabus is more content-oriented and focuses essentially on the desired outcomes that students can understand ideas and information in a wide range of legal materials. (Lamri, 2011:27)

This implies that ELP courses should focus on the following areas:

- **Legal vocabulary and grammar:** students learn the specialized vocabulary and grammar of legal English.
- **Legal reading comprehension:** they develop the skills they need to read and understand a variety of legal documents, such as contracts, wills, statutes, and court rulings.
- **Legal writing:** learners practice writing a variety of legal documents, such as memoranda, letters, and briefs.
- **Legal communication:** law students will be able to communicate effectively in a variety of legal contexts, such as courtroom proceedings, legal consultations, and client interviews.

2. Teaching writing in ELP

Writing skills refer to the abilities used to clearly communicate ideas through writing in various forms. It includes all the knowledge and abilities related to expressing ideas through the written word (Herrity,2023). Writing skills can be broken down into component skills including: grammar, structure, word choice. These skills are considered a significant element of clear and effective communication. In ELP, writing skills are crucial for law students as they are essential for future lawyers, litigators and transactional attorneys.

2.1. Importance of writing skill in ELP

Legal English is a distinct register of English that is characterized by its precise vocabulary, formal style, and adherence to legal conventions. It is used in a wide range of legal documents, including contracts, wills, statutes, and court rulings. That is why writing is a very important skill in the lawyers' career. In fact, as clear and concise writing improves the ability to navigate legal documents and understand legal rights and duties (Kimble & Cooney, n.d). Additionally, legal writing helps students find and present impactful cases, increasing the likelihood of a favourable ruling. Werner (2023) argues that writing courses allow learners to produce impactful and interesting briefs, which can influence the outcome of cases and provide a competitive advantage. Moreover, strong legal writing skills are also important for paralegals, as they contribute to the credibility and persuasiveness of legal arguments and documents. Therefore, developing proficient writing skills is crucial for law students to succeed in their academic and professional endeavours (Indeed Editorial Team, 2023, Kuris, n.d).

2.2. Legal writing

Legal writing aims to communicate complex legal concepts in a clear and understandable manner. It covers a broad range of documents such as contracts,

letters, pleadings, briefs, and opinions. The reason why it is characterized by several key features that are essential for effective communication within the legal profession. These features include conciseness, completeness, courtesy, clarity, and correctness (Candlin et al., 2002). In the same line of thought, Osbeck (2011) outlines that clarity, conciseness, and the ability to appropriately engage the reader are also striking features of legal writing. These features are crucial for legal professionals to effectively convey legal information and arguments. Effectively, the formality of legal writing often involves long sentences, complex constructions, and a focus on content, but it also requires an emphasis on simplicity, and directness (Riera,2005).

Accordingly, there are a set of rules that govern legal writing. They ensure clarity, precision, and professionalism in legal documents, contributing to effective communication within the legal profession. These basic rules include:

1. Clear and concise language: legal writing should be easy to understand, avoiding unnecessary jargon, archaic terms, and overly complex sentences.

2. Organized structure: legal writing should be structured logically with a clear introduction, body, and conclusion. Headings and subheadings are used to break down complex information.

3. Precision and accuracy: legal writing requires precision and accuracy. Precise language is used to convey meaning without ambiguity. Vague or ambiguous terms that could lead to misinterpretation are avoided.

4. Support arguments with authority: legal arguments are supported with relevant legal authority, such as statutes, regulations, case law, or legal principles.

5. Proofreading and editing: legal writing should be error-free. Careful document proofreading for grammar, punctuation, and spelling mistakes, editing for clarity and coherence, and logical flow of arguments must be ensured.

6. Objectivity and impartiality: law professionals are asked to maintain a neutral tone and avoid personal biases or opinions in their writing. They should stick to the facts, legal analysis, and applicable law. (UOLLB Legal English and Writing, 2023).

2.3. Legal writing teaching strategies

According to Donahoe and Ross (2013), teaching writing to law students involves several effective strategies that allow educators teach effectively legal writing, helping learners develop essential skills for their future legal careers. Teachers should encourage their students to practice writing in class by emphasizing the importance of clear and effective legal writing, and providing real-world legal and common writing samples as a way to engage them in the

task. Besides, lesson plans should foster critical thinking about the writing process for legal documents. This means that learners will be able to translate their skills to any legal product. Effectively, legal writing courses should focus on teaching students to think and write like a lawyer. On the contrary, a plethora of studies (Nowak,2021; McArdle,2005; Dunnewold,1999) agree that teaching legal writing to law students presents several challenges. However, a great proportion of learners demonstrate an inadequate mastery of the basic writing skills such as grammar, punctuation and syntax. This, in reality, poses a challenge for ELP instructors who must decide how to address these issues while teaching writing. Also, students need to adapt to new audiences, purposes and expectations in legal writing, which are different from their previous writing experiences.

As novice lawyers, learners may struggle to preserve their individual voice and ownership of their writing as they enter a professional discourse community and negotiate its formal structures. Hence, they may feel uncomfortable or lose confidence throughout the legal writing course, mainly if they have never struggled with writing or legal analysis before. In sum, addressing these challenges requires legal writing teachers to develop good working relationships with students, clarify the purpose and scope of the course, and provide support for developing both basic and legal writing skills. Additionally, emphasizing the importance of core writing skills and the transition to legal writing helps students overcome the challenges of legal writing effectively.

Conclusion

Teaching legal writing is a complex and multifaceted task that requires a deep understanding of both legal doctrine and writing pedagogy. Legal writing is fundamentally about analysing legal issues and presenting persuasive arguments. They must be able to identify the relevant legal rules and principles, apply them to the facts of a particular case, and draw sound conclusions. Legal writing requires learners to conduct thorough legal research and to synthesize information from a variety of sources. Instructors must teach students how to use legal research tools, such as case reporters, statutes, and treatises, and how to evaluate the credibility of different sources. Legal writing is about communicating complex legal concepts in a clear, concise, and persuasive manner. Instructors must teach students how to structure their arguments effectively, use language precisely, and proofread their work carefully. Legal writers must be aware of the ethical and professional norms that

govern the practice of law. Instructors must teach students about the importance of confidentiality, objectivity, and advocacy.

In addition to these core skills, effective legal writing instructors must also be able to provide students with individualized feedback and guidance. They must be able to identify each student's strengths and weaknesses and to tailor their instruction accordingly. They must also be able to create a supportive and engaging learning environment that encourages students to participate actively in their own learning. The goal of teaching legal writing is to produce lawyers who are able to write clear, concise, and persuasive legal documents. Legal writing is a critical skill for all lawyers, regardless of their area of practice. It is also a skill that is increasingly important in the modern legal profession, as more and more legal work is done in writing. Effective legal writing instructors play a vital role in ensuring that the next generation of lawyers is prepared to meet the challenges of the legal profession. They are the ones who teach students how to think like lawyers, how to research and analyse legal issues, and how to communicate their findings in a clear and persuasive manner.

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