

LANGUAGE IN INDIA

Strength for Today and Bright Hope for Tomorrow

Volume 9 : 8 August 2009

ISSN 1930-2940

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Teaching English Language Skills for Law - A Malaysian Case Study

Devikamani Menon, Ph.D. & Maya Khemlani David, Ph.D.

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Status of English in Malaysia

Malaysia is a multilingual and multiracial country. People are identified according to their ethnic affiliations such as Malay, Chinese, Indian and other minority groups in Sabah and Sarawak. Several languages are spoken in Malaysia like Bahasa, Malaysia, Mandarin, other Chinese dialects, Tamil, Iban, Bidayuh and other minority languages. Bahasa Malaysia is the national and official language of Malaysia and English is the second most important language in the country. Malay is the medium of instruction in national schools while English is taught as a single subject. However, in 2003, English was reintroduced in the educational system and used as the medium of instruction in teaching Mathematics and Science in Malaysian secondary and primary schools.

At present, the use of English in Malaysia is common. Most people particularly in Kuala Lumpur can converse in English with minimum level of language proficiency. In fact, it has become a lingua franca when communicating with people from other ethnic groups.

English Language and the Malaysian Law Courts

In Malaysian courts today, all lawyers in the higher courts need to be equally proficient in both Malay and English. Even though all cases at the Lower courts are in Malay language, when lawyers do their research for their submissions to the court, they would find that most of the legal records on past cases in Malaysia are in English, especially those recorded ten to thirty years ago. Thus they would require English language skills to do research when preparing for cases, whether the cases are held in Malay or English. However, the majority of law undergraduates are proficient in Malay since a strong credit for their school leaving examination is compulsory for entry into the university. However, many of them seem to lack the specific English language skills to function well in the higher courts as lawyers. This skill is particularly the case in industrial courts where most of the clients are managers and trade union leaders and they normally request for lawyers who are proficient in English. In addition, due to globalization, many prospective clients are not just Malaysians. These clients want their cases to be held in English and would expect their lawyers to use a standard English in court.

English Language and Legal Education

In the Law Faculty of the University of Malaya, most of the legal materials in the law library are in English. Many legal documents and records are from pre-independent Malaya, and former British colonies such as Hong Kong and India. Hence, preparatory work for all assignments, projects and tutorials require students to read and understand materials in English. In addition, Moot Courts or trial courts are held at the faculty where cases are

conducted in both Malay and English. Hence proficiency in listening, speaking, reading and writing in the English language seems important for a lawyer in Malaysia to be successful in his or her career, whether in the private or public sector.

Lack of Adequate English Language Skills

Since the medium of instruction changed from English to Malay from 1971 onwards, the newer batches of students leaving secondary schools seem to lack the fluency and accuracy in English to be able to function professionally. In fact, many of the undergraduates in the Law Faculty lack the specific language skills needed for legal English such as the pragmatic competence required to interview their clients especially if they are foreigners or expatriates, the skills to cross-examine witnesses or present a cogent argument in court to defend their clients.

Many of the students create syntactic errors even in relatively simple sentences. In a survey conducted the following errors were noted:

- “...learnt it for so many times”
- “ emphasis the importance of English”
- “...it helps me develops”
- “...make it more fun and enjoyable so that we do not boring anymore”
- “...just boost us to speak better English”
- “...not everybody are excellent in English”
- “.. I don't sure”

The above errors in writing have been observed in the students' spoken English as well. In addition, while most of the students seem to be able to read and interpret simple law-based materials, the majority are not able to write well-organized, error-free essays of an argumentative or logical nature. In other words, they lack the skills for critical thinking simply because they lack the necessary tools in the English language. Many are also unable to make a short oral presentation in English without multiple grammatical and vocabulary errors.

The UMSEP Project

For the past thirty years or so, there has been a great need for locally produced Malaysian English language materials for Malaysian law undergraduates. Hence, In order to meet this need, a team of local linguists from the University of Malaya formed a research team called the University of Malaya Spoken English Skills Project or UMSEP, and this project was launched in 1979 by the Language Centre of the university, the predecessor of the current Faculty of Languages and Linguistics.

This was a major research project funded by the University of Malaya for more than three million Malaysian dollars in response to a national need to produce university graduates who are articulate in English.

The UMSEP research team collected and analyzed data from authentic sources such as recordings from court proceedings, and interviews with legal specialists, and then combined

the research findings with pedagogical principles to produce three specially designed and tested UMSEP course passages consisting of both audio and video tapes. They were – *Preparatory Oral skills for Management, Oral Skills for Management* and ***Oral Skills for Law***. The materials used for these texts were used in their draft form for piloting purposes, for seven years before they were published in 1986. The visiting consultants were prominent linguists such as John Sinclair, Henry Widdowson, Charles Alderson and Roger Bowers.

However, ***Oral Skills for Law*** was used only for a period of about twelve years. A change in language policy resulted in the onus of making undergraduates proficient in English removed from the universities. The textbook, ***Oral Skills for Law***, was no longer in demand so the University of Malaya Department of Publications discontinued publishing the textbook which had been the product of much research effort and funding, and which had been widely used in the 1980s and 1990s in the Law Faculty.

Professional Skills for Law

For seven years the Faculty of Languages and Linguistics did not offer any formal English language programmes in the Law Faculty of the University of Malaya, although the need for lawyers to be skilful in spoken and written English continued to escalate, especially with the globalization of commerce and industry in Malaysia. Fresh graduates from the university had a less competitive edge when it came to important cases, compared to those who had graduated from private colleges and from overseas universities, as the former were seen by senior lawyers and judges as unable to function professionally in the English Language compared to the latter. In 2005 in order to take steps to remedy the situation, the then Dean of the Law faculty requested for English language courses to be resumed. A course coordinator was appointed, teachers were invited to teach, a placement test was administered, and first year students were then taught using a general proficiency textbook Cunningham, S & Moor, P. 2005. *New Cutting Edge: Intermediate*.

For the second year students, the idea was mooted to re-utilize the materials from the original ***Oral Skills for Law*** textbook. A research team was then set up with a view to updating the materials to meet the demands and needs of a new generation of law students. One of the writers of this paper was asked to head the research team to create supplementary materials for ***Oral Skills for Law***. The aim was to collect feedback from both the teachers and students after they had used the materials with the aim of making improvements in the supplementary materials. It was decided that supplemented versions of ***Oral Skills for Law*** units would be used in their draft form for piloting purposes for classroom teaching for at least two years.

The Research Goals

This research project is entitled '**Professional Skills for Law**' and the team consists of 5 other members of the staff of the Faculty of Languages and Linguistics. We plan to publish two updated textbooks from the original ***Oral Skills for Law***. There was a special research funding for this project from the University in 2007.

Both writers of this paper are members of a team of teachers who are teaching the second year and third year Law undergraduates a special English class – Oral Skills for Law 1 for

second year classes and Oral Skills for Law 2 for third year undergraduates. This enrichment course is taught for two hours a week for 28 weeks, over two semesters. This paper will describe the experimental syllabus which has been designed, and the feedback from the teachers and students with a view to re-evaluating the needs of the students.

The Oral Skills for Law Textbook

The textbook consists of 21 units in three parts.

Part 1: Establishing Information

This section focuses on ways of establishing information in face-to-face encounters. Units 1 to 4 emphasise the relationship between question and reply, while Units 5 to 10 place greater emphasis on the relationship operating between sequences of questions and replies. The units in Part 1 are:

1. Establishing basic information
2. Eliciting precise information
3. Establishing degrees of certainty
4. Eliciting relevant information
5. Sequencing information
6. Developing a topic
7. Introducing a new topic
8. Making assumptions
9. Asking leading questions
10. Correcting unsatisfactory replies

This section is currently being piloted as teaching materials for the Second Year Law undergraduates.

Part 2: Using Information to Develop an Argument

Part 2 is concerned about ways of using information to develop an argument. Support is given not only at the function level but also at the strategy level.

The units in Part 2 are:

11. Expressing opinions
12. Summarizing
13. Explaining alternatives
14. Supporting and attacking an interpretation
15. Making and demanding concessions
16. Making evasions

Part Two is currently being piloted as teaching materials for third year law undergraduates.

Part 3: Arguing in Legal Situations

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Part 3 is concerned with strategies for effective communication in a range of professional encounters both in and out of court. The focus of the professional encounters is aimed at:

- a) recycling the use of more discrete functions and strategies featured earlier.
- b) developing professionally relevant communication skills through the effective use of language resources.
- c) aiding effective transfer of linguistic competence in performance in professional situations

The units in Part 3 are as follows:

- 17. Interviewing a client
- 18. Negotiating with another lawyer
- 19. Counseling a client
- 20. Examining a witness
- 21. Cross-examining a witness

Parts Two and Three have segments that require the use of video-tapes.

For each of the units 1 to 10 which are currently being used by second year undergraduates, the team members prepared an ESP-based reading comprehension passage with questions for reading comprehension, speaking and writing activities, and a grammar section with simple grammar exercises. Enrichment activities that require the use of role-play and discussion are also available.

Supplementary Materials for OSL

For each of the units 11 to 21 which are currently being used by the third year undergraduates the team members prepared an ESP-based reading comprehension passage with questions for reading comprehension, speaking and writing activities, and speech acts. The supplementary materials consist of the following components:

- Pre-reading section
- Vocabulary for comprehension
- Grammar section(except for Unit 7)
- Oral skills for law activities
- Worksheets as Appendices for each units

The exercises on Speech Acts for Units 11 to 21 which team members are working on are as follows:

- Unit 11 – Compliments, Responding to Compliments
- Unit 12 – Polite expressions, openings, closings, phatic talk
- Unit 13 – Requests and Directives
- Unit 14 - Submissive to assertive language

- Unit 15 – Accusations and Threats,
- Unit 16 - How to respond to Accusations and Threats
- Unit 17 - Making Complaints
- Unit 18 – Responding to Complaints
- Unit 19 - Rebukes and Reprimands
- Unit 20 – Handling Rebukes and reprimands
- Unit 21 – Handling Negative Criticism and Giving Constructive Criticism

The Teachers’ Questionnaire

In order to obtain feedback on the materials a questionnaire was administered to both the teachers and the students. The questionnaire for the teachers elicited responses on certain aspects such as the usefulness of the pre-reading exercises on vocabulary, suggestions on grammar points to be included, the types of problems their students faced in carrying out some exercises and whether the use of recordings was an effective way to teach questioning strategies.

The Students’ Questionnaire

The questionnaire for the students tests them on their understanding of what is required in audio and visual skills. Part 1 was on Pre-reading, Vocabulary and Reading Comprehension. Part 2 focused on Grammar while Part 3 was on Listening, Oral, Audio and Visual Skills for Law. were asked to identify which of the Grammar points they found useful and which they did not find useful with regards to their various other law courses, and on whether the tasks and activities were helpful in the learning process and to give suggestions on more interesting activities that could be incorporated in the units.

Feedback from a Teacher

One of the teachers reported that most of the grammar exercises were too simple for her students. She also added that the grammar notes were too long. The following table shows how this teacher marked her responses:

GRAMMAR SECTION

UNIT	GRAMMAR POINT	Effectively done	Not
1	Direct Questions	X	
2.	Indirect Questions	X	
3	Adverbs ad Degrees of Certainty		X
4	Forms of Reference		X
5	5.1 Sequence Connectors and Logical Connectors 5.2 Forms of Substitution 5.3 Uncountable Nouns		X X x
6	Conjunctions – Kinds of Adverbs	X	
7	Lexical Expressions – Polite Requests	X	

8	Conditionals	X	
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As can be seen the teacher reported that Direct and Indirect Questions, Conjunctions, Lexical Expressions and Conditionals were found to be useful for meeting the needs of her students. She also suggested that grammar points taught in Year 2 should be a revision of grammar points taught in Year 1. She also suggested that the exercises should be at a higher level than the first year grammar exercises. In other words, this teacher was suggesting that there should be continuation in the materials used for grammar between first and second year.

Feedback from Students

Findings on Data Questionnaires

Responses from the questionnaires indicate generally students realize that they need proficiency in language and feel the syllabus is a good one. But those who are already quite proficient find it tedious and a bit boring especially the sections on grammar.

The students basically agree that the course is useful and beneficial for them. The students found the pre-reading / reading skills useful as it enhances their confidence .They felt they could speak better. However, they were of the view that the grammar section was not appropriate as they had already learned it in school.

The oral skills section was deemed useful except for a few who felt it should be changed. The Speaking section was generally felt to be the most important section by the students as it was very useful in their career. Listening to recordings of real drama (real happenings) in the court was considered very useful and which was exactly what the law students needed. Most of the students like the reading section where the vocabulary is closely related to the law course content. The students felt that they would be wasting their time if they were made to study something which would not be useful in their law course. Generally the students believe the course is beneficial but they wanted to take part in discussions, have debates and want to express their opinions more.

Findings on Obstacles faced

In finding out whether the students had faced any obstacles throughout the whole course, it was clear that there was some consensus on the difficulties faced in the comprehension section. The main reason for this was the difficult lexical items used in the texts. In fact because of this some students were unwilling to deal with the argumentative essays which came after the comprehension section.

When the students were asked whether they had been offered the chance to demonstrate what they had learnt all of them stated that because of the discussions on current issues and debates they had learnt to express themselves.

The open-ended section yielded some interesting comments from the students.

Participative and Interactive Activities

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In terms of activities, 14 out of 40 respondents or 35% suggested that there should be more speaking activities especially involving the use of legal terminology. Some speaking activities suggested were role-play, public speaking and discussions on current issues pertaining to the law. In general, the comment was that there should be more interactive activities and 'less book-based learning'.

Creative Critical Thinking Activities

There were a few requests to organize creative critical thinking activities such as interpreting controversial newspaper articles, conducting mock trials, debates, dramas, and speeches. The undergraduates were of the view that 'activities should be more fun' and lessons 'need to be more lively'. There was even a suggestion for the use of attractive graphics for learning activities, which may be related to the concept of Multiple Intelligences, and in this case, the need to appeal to the visual learner.

Outdoor Activities

Three of the students suggested that activities should not be limited to tutorial class only, but could be arranged outside class hours such as watching movies with a legal theme, interacting with foreign students and listening to guest lecturers from other 'centres' such as the British Council.

Current Issues

Four students mentioned that there should be discussions on current issues, and that passages should be based on the latest and current issues, 'to enhance the students' interest and to enable them to think better and more creatively'.

Conclusion

As this paper has shown, to carry out a successful ESP curriculum, there are several things that need to be taken into consideration, namely, the ability to use the particular terminology or register characteristic of a specific occupational context, the ability to use a more generalized set of academic skills and the ability to use language effectively in a specific working context. It is crucial to conduct a survey determining students' real needs in a particular domain of occupation. Not only did we identify the students' needs, but based on the feedback received, we as ESP teachers understood the advantages and disadvantages of the curriculum, and have been able to improve on it.

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