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## **CLIL APPROACH TO LEGAL ENGLISH COURSES: ANALYSIS OF PRACTICE AND EXPERIENCE**

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**Summary.** The EU consistent policy on languages promotes new language teaching methods and encourages pedagogical experiments at all levels of education, Content and Language Integrated Learning (CLIL) being one of language education innovations. Over the past twenty years CLIL proved to be an effective method in foreign language acquisition and there is considerable evidence of successful CLIL implementation in secondary schools in many European countries. Speaking about foreign languages in higher education, it is necessary to note that abbreviation EMI – English as a Medium of Instruction – is mentioned much more often than CLIL. One of the reasons for lower CLIL implementation at a tertiary level is the complexity of subject contents taught at universities. Furthermore, if a student's major is law, the issue becomes more challenging because of the differences in common law and civil law systems. However, one of lawyer's professional competences directly connected with language learning is a communicative competence. Such spheres of lawyer's activity as client counseling, negotiation, and mediation rely heavily on listening, paraphrasing, reframing, summarising, and skills of question formation regardless of what legal system a lawyer belongs to. These so-called soft skills can be developed within a foreign language course but it seems more rational to master them through a professional medium. Therefore, law teachers should be engaged in designing a substantive part of course materials, while language teachers are to be in charge of communicative competence development. The present study aims at analyzing the practice and experience in designing and implementing an original optional course "Client Consultation in English". This course can serve as an illustration of a CLIL Legal English course and its structure can be used as an example to follow while designing similar courses.

**Keywords:** CLIL, Legal English, professional communicative competence, university education.

### **Introduction**

The foundation of the EU set forward a number of issues necessary to be solved in order to create a community of citizens with equal opportunities. Education and language education in particular has been one of the spheres of unification. "An ambitious goal" of "his/her mother tongue plus at least two other languages" was established (Communication, 2003, p. 4) and since then the EU consistent policy on languages has been reflected in different documents. Ideas and recommendations expressed in these documents promote new language teaching methods, encourage pedagogical experiments at all levels of education, recognise the importance of life-long language learning, and foster other activities. Content

and Language Integrated Learning (CLIL) is paid special attention including the support for the development of subject teachers' foreign language (FL) skills so that they are able to instruct in an FL as well as improving FL teachers' professional training to make them capable to teach non-language disciplines, in other words, to build the basis for CLIL widespread implementation.

### **CLIL: theory and practice**

CLIL derived from two well-known teaching methods in FL education: Immersion and Content-Based Instruction (CBI). Since ancient times language immersion has proven its efficiency and is still in high demand today: encouraging students of all ages to go to the country of the language they study is very popular and, in fact, substantially accelerates FL acquisition. As for CBI, it is aimed at teaching subject-related new material in an FL which makes students more motivated than when they are taught new material about FL. Combining CBI and immersion in teaching English as ESL considerably increases efficiency of educational process as reported by North American teachers who practice joint work of English and subject instructors (Davies, 2003). In essence, there is little difference between such approach and CLIL. It is not essential what term to use in describing the method of teaching a subject in an FL. A more important thing is that the method proved to be effective.

David Marsh was among the first researchers in his attempt to analyse CLIL experience and prospects for its development in Europe in his book "CLIL/EMILE: The European Dimension: Actions, Trends and Foresight Potential" (Marsh, 2002). The book consists of papers written by European CLIL professionals in this field comprising positive examples of using CLIL at schools and universities, and practical suggestions and theoretical guidelines for further development of this teaching method. In this book CLIL is considered in different dimensions and from a language point of view. It is clear that CLIL gives teachers an opportunity to develop all language skills and allows students to acquire both language and communicative competences. Reading, listening, writing, and speaking are trained within studying subject content (text selected and prepared by subject specialists and exercises and activities worked out by FL teachers). When students get to practical tasks (carrying out experiments, solving problems,

working on projects, etc.) they use FL for communication in a real life situation while considering and discussing their work and results.

An important fact about CLIL is that it combines both language and subject teaching. Students do not just study an FL, but use it to study subject-related authentic content. So teachers, practicing CLIL, rely not only on language teaching methods, but also apply didactic instruments used in subject instruction such as analysis of tables, diagrams, maps and/or studying authentic sources (Wolff, 2002).

In fact, it is more correct to call CLIL not a teaching method but a general approach to instruction which provides effective FL learning. In his attempt to define CLIL, Phill Ball (2017) makes reference to the opinions of different scholars on the matter and underlines such vital characteristics of CLIL as a dual-focus teaching and simultaneousness of the achievement of these goals. Moreover, he identifies two groups of teachers using CLIL: those who lean towards language learning goals, while others favour subject teaching (Ball, 2017). Analysis of Internet sources, including scientific online library eLIBRARY.RU, showed that in Russia representatives of both groups exist at all levels of the education system.

### **CLIL in Europe**

During the past decades there appeared many EU documents addressing language education. The "MT+2" goal was put forward and the results of action plans and EU initiatives were necessary to be analysed. Several studies showed a broad variety of language acquisition results in different countries as well as many problems connected with the issue: low percentage of EU citizens speaking two foreign languages, problems with implementing the EU plans in some national educational systems, etc. (Saville & Eugenio, 2016) Nevertheless, the researchers underline that there are enough positive successful results of European strategy on multilingualism (ESM) implementation which should be used more actively by Member States.

One of the examples showing effective results of a joint work of European educators is *LanQua Toolkit* available online. Language Network for Quality Assurance was a three year project (2007-2010) within which 60 partners from 29 EU countries jointly developed "the downloadable LanQua Toolkit comprising a

five-stage Quality Model to guide reflective practice” (Language Network for Quality Assurance, 2010). Another example of CLIL development and implementation is a continuously updated website – Clil4U. It also started as an EC funded project – Clil4U (CLIL implementation with pools of resources for teachers, students, and pupils) – and now contains promotional videos, ready-to-use CLIL scenarios, online collection of materials, etc. “CLIL Guide Book” (Montalto et al 2014) provides basic theory and describes existing practices for teachers who are new in using CLIL, and this manual can serve as a starting point for working out a CLIL course.

In addition to online self-study opportunities, there are plenty of summer teacher development courses offered in different EU countries, for instance, “CLIL Methodology in Higher Education” of Utrecht Summer School (Netherlands) or “Content and Language Integrated Learning” of Oxford TEFL. Kelly (2015) shares his experience in organising a teacher development workshop for both subject and language teachers and emphasises the “willingness to get sat down together and begin the dialogue that was necessary for this cooperation to begin”. He offers several important recommendations for cooperation in creating a CLIL course: teaching the same group of students and providing teachers with time for the preparation of integrated materials. Moreover, an essential role of management is also stressed – teachers should have their authority’s support while working on a CLIL project.

An interesting conclusion that “the ‘golden age’ of multilingualism was the 2007–2010 period” is made by Gazzola (2016) who underlines that the reduced attention to multilingualism does not have grounds and ESM main goals, “namely, strengthening social cohesion, the integration of migrants, and intercultural dialogue”, continue to be important and timely for the EU community.

### **CLIL in Russia**

Speaking about CLIL in Russia, it is necessary to note that research is conducted in various directions but one cannot say that it is extensive. The top results of the Internet search on the issue are CLIL overviews and calls for CLIL workshops or conferences as well as teacher development courses. There are also papers reporting results of pedagogical experiments in teaching a subject in an FL,

mostly English, alongside with teachers' comments and recommendations. In addition, rather numerous lesson plans of integrated lessons in different subjects are offered on the website "Pedagogical ideas festival 'An Open Lesson' ". Being the results of teachers' joint creative work, they are ready for use in class or can be a good model to follow. Their common drawback is dissociation from a particular course; they are just single lesson plans.

Growing interest in CLIL issues is confirmed by the increasing number of articles in the scientific online library eLIBRARY.RU: for the year 2013 only four articles were found in the library database, the year 2014 shows 19 works, 2015 includes 29 articles, and 35 articles dated of 2016 can be found. Although CLIL theory and implementation prospects in Russian education system are the main topics of these articles, some publications reflect the successful results of enthusiasts' attempts to implement CLIL into the higher education process. Thus, while creating a CLIL course "Globalisation and international integration" for students of International Relations Department at the Siberian Institute of Management (Novosibirsk), Gromoglasova underlines such challenges as "completely new genre of textbooks and teaching materials". However, she also mentions the high efficiency of the suggested course including multi-media teaching materials created by the authors and increasing students' motivation (Gromoglasova 2015, p. 26). CLIL approach proved to be effective in teaching mathematics to students of philology (Zaripova, 2015) and in working on joint projects at St. Petersburg Institute of Culture (Devel, 2015).

Switching the search parameters from "content and language integrated leaning" to "English as a medium of instruction" (EMI) changes the results dramatically: the former has given 65 articles for the period 2015–2017 while the latter has shown 531 papers for the same period. Such topics as theoretical analysis of CLIL implementation in Russian system of education and examples of CLIL introduction into secondary schools prevail in the first group, while implementation of EMI in the university teaching practice is the core of the second one, although some articles can be found in both groups. One of such examples is an article of Polenova, who analyses the expanding trend of using EMI both in Europe and Russia and presents her experience of teaching a "theme-based course" (Polenova, 2016, p. 158) to students of economics, the course being built on CLIL principles. Denisova (2016) also considers the issue and

presents the results of an EMI experiment conducted with the "History of Arts" majors at the High School of Economics. Although there are successful examples of CLIL implementation in European and Russian universities, the diversity in subject matter does not give teachers an opportunity to apply the existing models straightforwardly so these models are to be adapted to students' majors.

Another reason for lower CLIL implementation at the tertiary level in comparison to secondary schools is the complexity of subject contents taught at universities. Thus, on the one hand, language teachers do not have enough subject knowledge, on the other hand, in Russia, especially apart from the capitals, Moscow and St. Petersburg, there are not enough subject teachers mastering an FL at a proper level to use it for teaching the discipline. One more important factor is the significant differences in the level of students' FL knowledge. Theoretically, secondary school graduates are supposed to have at least an intermediate level (B1 in accordance with CEFR), but, practically, there can be students from beginner to advanced levels (A1 to C1 respectively) in one and the same group.

These factors should be taken into account while developing an integrated university course. Other factors to be considered at the beginning of creating a course are students' major, year of study, and level of higher education (undergraduate vs. graduate). When students' major is science or engineering, the process of creating a course is significantly simplified by universal contents and terminology but fundamentally complicated by the difficulty of subject matter. It seems obvious that CLIL courses in this situation should be planned as a part of introductory subject courses taught by a subject teacher with the support of an FL teacher providing the former with recommendations for language teaching methods to be used.

Unification of humanities seems to be much more complex. Furthermore, if a student's major is law, the issue becomes more challenging because of the differences in common law and civil law systems. But there are guidelines each CLIL course should follow: «the 4Cs – content, communication, cognition and culture / citizenship» (Coyle, 2002). The content component turns out to be most complicated if a CLIL course is created by a language teacher. So subject and FL teachers' close cooperation is one of the most important aspects of successful work on a CLIL course.

## **Legal English CLIL Courses**

Realising difficulties of CLIL implementation at a university level, there are factors in Russian education system still encouraging pedagogical experiments in creating such courses. One of them is a vital necessity to find ways to accomplish state educational standards in FL acquisition within the deficiency of academic hours assigned for studying this subject. The goal of the discipline "FL in the sphere of jurisprudence", which is included in the compulsory part of the Bachelor of Jurisprudence curriculum and is usually taught in the second and third terms, is to develop an FL competence so that on the completion of the course students should be able to read and understand professional texts and to communicate on professional topics. Such a goal seems to be very difficult to achieve within the time allocated for the course and poor professional competence of the students at the beginning of their studies.

However, there are compulsory subjects in the curriculum which are closely connected with FL: "History of Foreign Countries' State and Law", "Constitutional Law of Foreign Countries", "International Law", and some others. These courses are taught in different years of studies; thus, introducing CLIL parts or sections within these courses enables students to develop and improve their FL skills during the whole period of instruction. For example, such topics as "Legislative / Executive / Judicial branch of power of countries of the studied language" are almost always included in the "FL in the sphere of jurisprudence" syllabus. At the same time one can find the same topics (in a different wording) within a "History of Foreign Countries State and Law" course. Therefore, these topics can be taught in an FL if the content is adjusted and university authorities' consent is received.

As it was mentioned above, the current state educational standard goals are directed towards the formation of general cultural, general professional and professional competences. So developing and introducing CLIL courses into the educational process will intensify and improve the process. Syllabi analysis conducted from a CLIL point of view will provide a list of topics which can be taught in an FL. However, such teaching will not be an example of EMI implementation because language teaching methods should be used for new vocabulary introduction and mastering. There should be appropriate work on

preparing teaching materials carried out by both subject and language teachers. Activities for developing language skills should be included in these materials as well as tests for assessing both mastering the language material and understanding and acquisition of subject contents.

A similar approach was used in creating and implementing the course "European law (in English)" in the educational process of the Kolomna branch of Moscow Polytechnic University. The author, Pluzhnikova (2015), reports successful results of the pedagogical experiment and gives such reflections on the course as allowing students a high level of autonomy in selecting texts for self-study tasks, taking into account students' personalities, promoting personal learning strategies and creating students' portfolios. To keep students motivated the author suggests using authentic materials (texts, video, audio), conducting role plays, arranging project work, and developing cross-disciplinary relations. Using Internet resources is also an integral part of such a course.

### **Optional Course "Client Consultation in English"**

There is a category of a lawyer's professional competence directly connected with language learning, namely a communicative competence. Such spheres of lawyer's activity as client counseling, negotiation, and mediation rely heavily on listening, paraphrasing, reframing, summarising, and skills of question formation regardless of what legal system a lawyer belongs to. These so called soft skills can be developed within a foreign language course but it seems more rational to master them through a professional medium. CLIL courses on client counseling, mediation, and negotiations can serve as such a medium. So law teachers should be engaged in designing a substantive part of course materials, while language teachers are to be in charge of communicative competence development. It was such cooperation that was used in the creation of an elective course "Client Consultation in English".

The idea of putting five years' experience of training students for participation in national rounds of International Client Consultation Competition (ICCC) within a course framework was generated when the author got acquainted with CLIL principles at one of the international conferences and conducted research of the issue. The course consists of two parts: constant and variable.



A variable part is necessary due to the fact that the course is used for preparing students for ICCC national rounds and the branch of law intended to be used at the competition changes each year so vocabulary and content of that particular branch should be regularly revised within the course. Depending on the announced area of consultation, the relevant unit from a Legal English course is enclosed. Students learn or revise terminology of the particular branch of law which improves their understanding of a legal picture of the English speaking countries (Khizhnyak, 2016) and forms professional FL competences. Moreover, awareness of other cultures leads to understanding cross-cultural differences and developing poly-culture which corresponds to the forth principle of CLIL.

The constant part of the course begins with a module devoted to providing students with the information about the goals of the course, forms of work to be used, and structure of the competition. The native language is almost not used in class so the students are to some extent immersed in the target language environment. Thus, a CLIL 'communication' principle is carried out as English acts as a means but not a subject of learning. Most of teaching materials are created on the basis of the Internet resources and they are authentic. When the competition rules are discussed, students get to learn patterns of a lawyer-client consultation in the context of western legal tradition and thus acquisition of cross-cultural differences takes place. Critical thinking skills are trained through such assignments as comparing documents which regulate advocacy practice in Russia with the competition rules and presenting this analysis in English.

Forming and developing skills of obtaining information is one of the main tasks of teaching legal consultation. Carrying out this professional task is parallel to mastering language skills of obtaining and summarising information. Students take turns representing a lawyer and a client: special (open) questions are used to encourage 'a client' to state his/her problem while general (closed) questions are asked to confirm that the information gained by 'a lawyer' is correct. This type of work allows students to learn logical-language basis of legal communication. Listening comprehension skills are trained simultaneously with the methods of active listening. In addition to "Introduction to International Legal English" (Krois-Linder, 2008), "English for legal professionals" (Frost, 2009) and other textbooks are used as well as original materials that are prepared by the author.

Consultation practicing is one of the most interesting and difficult stages of the work. It is rather difficult for a language teacher to work out case scenarios to be used at this stage. It is here that law and language teachers cooperate the most. A law teacher provides a language teacher with materials which can be used as a basis for scenarios and recommends what Russian law textbooks can be drawn upon. Another way to approach this task, which seems very effective, is to give students a home assignment to work out factual situations to present at consultations. Every student acts as a client and so he/she can use this situation with different 'lawyers'. One more source of consultation scenarios is materials collected while carrying out this course.

The first steps in creating this course were made in 2010 when Saratov State Law Academy (SSLA) students took part in the national ICCC rounds for the first time. Initial experience and some materials became the basis for training students in the fall term of the following academic year. It was not a well-structured course at the initial stage, just a series of training sessions which brought the SSLA team to the third place at the ICCC national rounds. Applying CLIL theory to the collected materials and the relevant experience made it possible to develop an elective course "Client Consultation in English". Although this course is not part of the curriculum and used as students' extra-curriculum activities, classes are held systematically during the first term of an academic year two academic hours per week. No exam is supposed at the end of the course but an internal academy client consultation competition. Course enhancement and revision are performed after annual national competition; however, the general frame is clear and can be used as a model to follow in developing similar courses.

## **Conclusion**

In the present article there are two ways proposed how to create CLIL Legal English courses. The first one is to select overlapping topics in FL and law-related courses syllabi and to combine language and law teachers' efforts in developing CLIL units providing students with an opportunity to master their foreign language skills throughout the whole process of studies.

The second way is to combine Legal English learning together with acquiring general professional competences: counseling, negotiating, and

mediating. Unfortunately, Russian Law Schools' curricula do not have compulsory courses in legal professional skills (just optional courses or internship in law clinics), disregarding the fact that these skills are essential for students' success in their future careers. Nevertheless, law students have an opportunity to take part in extra-curriculum activities, competitions and tournaments organised to develop and improve negotiation or mediation skills. Creating optional courses "Legal Negotiations in English" and "Mediation in English" is the next step planned by the author as SSLA students participate in national and international Negotiation Competitions and Mediation Tournaments. Accumulating practical experience and using the approach described above will result in new opportunities for teachers and students.

Looking at the issue from a broader perspective brings us to the conclusion that, if there is a proper development of legal and regulatory framework for CLIL implementation in Russian higher educational establishments, there will not be any problems for teachers interested in applying CLIL theoretical basis to the existing experience and realising enormous perspectives this approach yields to the educational system. Moreover, CLIL can help to achieve not only the goal of speaking one or more foreign languages, but also to develop general and professional communicative competences.

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**INTEGRUOTO DALYKO IR KALBOS MOKYMO (DKIM) METODO  
TAIKYMAS TEISINĖS ANGLŲ KALBOS KURSAMS: PRAKTIKOS IR  
PATIRTIES ANALIZĖ**

**Santrauka.** Nuosekli Europos Sąjungos kalbų politika skatina naujus kalbų mokymo metodus ir pedagoginius eksperimentus visuose išsilavinimo lygmenyse, o dalyko ir kalbos integruotas mokymasis (DKIM) yra viena iš kalbų švietimo naujovių. Per pastaruosius dvidešimt metų įrodyta, kad DKIM metodas yra veiksmingas įsisavinant kalbas, o šio metodo taikymo efektyvumas įvairių Europos valstybių vidurinėse mokyklose – akivaizdus. Kalbant apie užsienio kalbas aukštojo mokslo kontekste, dažniau susiduriama su trumpiniu EMI (English as a Medium of Instruction), t. y. anglų kalba kaip mokymo priemonė, nei su trumpiniu DKIM. Viena iš priežasčių, kodėl DKIM rečiau taikomas aukštajame moksle, yra dėstomų dalykų sudėtingumas. Teisės studijų atveju kyla sunkumų dėl bendrosios ir civilinės teisės sistemų skirtumų. Tačiau komunikaciniai gebėjimai yra viena iš teisininko kompetencijų, kuri yra tiesiogiai susijusi su kalbų mokymusi. Klientų konsultavimas, derybos ir tarpininkavimas yra teisininko veiklos sritys, kurios remiasi klausymu, perfrazavimu, reformulavimu, apibendrinimu ir klausimų formavimo įgūdžiais nepaisant to, kokioje teisinėje sistemoje teisininkas dirba. Visus šiuos socialinius įgūdžius galima lavinti kalbų kursuose, tačiau daug logiškiau tai padaryti profesinėje srityje. Taigi, teisės dėstytojai turėtų sukurti esminę kurso medžiagos dalį, o kalbų dėstytojai turėtų vystyti studentų komunikacinius gebėjimus. Šio tyrimo tikslas yra ištirti naujo pasirenkamo kurso „Anglų kalba klientų konsultavimui“ kūrimo ir taikymo praktiką ir patirtį. Šis kursas gali būti laikomas DKIM teisinės anglų kalbos kurso pavyzdžiu, o jo struktūra galima remti kuriant panašius dėstomų dalykų planus.

**Pagrindinės sąvokos:** DKIM, teisinė anglų kalba, profesiniai komunikaciniai gebėjimai, aukštasis išsilavinimas.