CHAPTER 1

An ESP Program for Students of Law
Christine Feak and Susan Reinhart

INTRODUCTION

Presessional programs can be particularly valuable to nonnative English speakers entering rigorous graduate programs, such as those leading to a master of business or law, because the curricula of such programs tend to be regimented, leaving little opportunity to take supplemental language courses during the regular academic year. Though presessional English for academic purposes (EAP) programs and business English programs are well established throughout the United States, very few programs address the special needs of incoming law students. At present, the most institutions can do for students who are interested in presessional language study is to funnel them into existing EAP programs, most of which, in part because of their broad scope, are ill-equipped to address the very specific linguistic and cultural demands of law school.

In this chapter, we describe an ESP program developed at the University of Michigan, in the United States, for nonnative speakers of English who have been accepted into a competitive U.S. law school, usually in the master of law (LLM) program. We discuss the evolving framework and curriculum of the program, considerations in designing the program, the utilization of discoursal research, and directions for future research, and we offer advice for the implementation of similar programs elsewhere.

CONTEXT

The 6½-week English for Legal Studies (ELS) program is offered each summer alongside the English for Business Studies program and the EAP program at the English Language Institute of the University of Michigan. The youngest and the smallest of the three programs, ELS was begun in 1995.

Before 1995, law students interested in attending or required to attend a presessional language program at the university were placed into the EAP program. The number of law students in the EAP program was small (on average, 2–4 of 30 students); nevertheless, each year at least some law students in the EAP program were there to satisfy law school language requirements. These students were attractive to the law school but were potentially risky admissions because of their low scores on the Test of English as a Foreign Language (TOEFL)—meaning 570–600 on
the paper-based test (230–253 on the computer-based test). A follow-up investigation on these law students, however, revealed that the EAP program was not adequately preparing them for their law programs, particularly in terms of reading and writing. Despite their high level of proficiency in English and their better-than-average success in the EAP program, students reported having difficulty managing legal case reading, writing seminar papers, and participating in seminar classes.

The Study of Law in the United States

The nature of the difficulties faced by our students and, most likely, by other nonnative-English-speaking law students becomes clearer with a general understanding of the study of law in the United States. Law school in the United States is a graduate program that generally requires 3 years of full-time study. Successful completion leads to a doctor of jurisprudence (JD) degree. JD students take approximately 85 credits of course work, including required core courses, electives, a writing and research class, and a senior research seminar. The LLM program, which nearly all of our students take, differs from the JD in length and curricular flexibility. It consists primarily of courses and seminars, which JD students may also attend, and affords students an opportunity to pursue individual research. Students in this program may freely select courses and seminars according to their interests, totaling 24 credits over the academic year. To obtain a degree, however, LLM students must generally complete a lengthy research paper on a topic of their choice as part of a seminar or a supervised independent research project.

Whereas British law school classes use textbooks that are “similar in format to . . . textbooks in other disciplines” (Howe, 1990, p. 8), U.S. law school courses other than legal writing or research classes generally do not use textbooks. For each core course, a law student has one basic text, called a casebook, which is a primary teaching tool “containing texts of leading appellate court decisions that in common law tradition often serve as precedent in a particular field of law, such as contracts or torts, sometimes together with commentary and other features that might be useful for class discussion and further understanding of a subject” (Black, 1991, p. 148).

A typical casebook contains an introduction to a short series of cases, the cases themselves, and a series of notes and questions for the cases. The cases are often abridged so as to highlight one or several points of law. In some courses, such as those in criminal or tax law, the casebook is accompanied by a book of statutes or regulations. Unlike most U.S. university textbooks, which highlight important information and suggest what students should learn, a casebook does not indicate what exactly is to be learned. Students must figure out on their own the main point or issue illuminated by the case and the aspects of the case relevant to the issue. Through this process, students develop cognitive skills and strategies for dealing with cases in ways that experienced legal professionals do—one of the key objectives of law school. In addition, after reading and understanding the cases, students are expected to have acquired knowledge of an entire area of law.

Thus, in law schools, students spend the vast majority of their time reading cases. During a year-long course, for example, it is not uncommon for students to read 125 cases ranging in length from 2 to 20 pages, along with a series of notecases, which are summaries of related cases. Although the amount of reading may actually be less than in other disciplines, for new students the time required to read even the
shortest case is substantial because of the newness of the content and genre, the density of information, and the frequent use of common words with uncommon meanings.

Generally, law professors in the United States use a modified Socratic method in the classroom and devote much less time to lectures than professors in other disciplines do. Consequently, students may be randomly or systematically called on in class, expected to brief (i.e., discuss and analyze) a case or part of a case, and sometimes asked to defend a position or critique the court’s reasoning. Students are expected to actively participate in class from the start.

First-year classes are large compared with most graduate school classes (sometimes having as many as 100 students), so a student may be called on only a few times during a semester. Because students generally do not know when they will be called on, they must always be prepared to speak when asked. Better students, however, try to volunteer often because they want to appear eager and establish their presence among the others. Seminars, consisting of 15–25 students, place even greater pressure on students to participate, along with an additional burden of presenting personal research. Seminars also often require students to produce a major research paper following academic legal writing conventions, which students are assumed to know. Thus, seminars can be linguistically challenging for nonnative English speakers.

The ESP Program
Given this understanding of the linguistic demands faced by international students in an LLM program, the ELI decided to design an ESP course specifically for law, a goal we felt could be realized because one of our regular EAP instructors had just completed a law degree. Before fully developing our ESP program, we first offered a pilot program in 1994 as part of the EAP program, focusing mainly on case reading for a small group of law students. The response to this trial was overwhelmingly positive. In their evaluations, the students said that they wanted more time to develop their case-reading skills and more instruction in writing. Thus, we determined that developing a more specialized curriculum for law would be both feasible and desirable.

One of our first activities before designing the ESP program was to search for other ESP programs in the United States that focused on law. Unsurprisingly, we found very few programs that focused on legal English and none that centered only on English for academic legal purposes (EALP). For the programs offering course work in legal English, the teaching of EALP seemed to be secondary to other goals, such as teaching general EAP or providing an introduction to U.S. law, often to students ranging from legal assistants and secretaries to lawyers. Thus, the need for an intensive program devoted entirely to EALP seemed to extend beyond our own university.

DESCRIPTION
The program provides approximately 18 hours of instruction each week in the form of classes, movies, individual appointments, a workshop, and law-related field trips. Enrollment in the program is limited to 15 students per year, a limit imposed to allow
students to receive individual attention from the instructors and to promote interaction among the participants.

Admissions
Because our institute is a service unit at the University of Michigan, all students admitted to the university's law school are guaranteed admission to our program. Non-University of Michigan students are admitted if they have the requisite TOEFL score and will attend an LLM program at a comparably ranked law school. This requirement exists because the law school stresses that, for the program to receive its support, all students should be more or less similar in terms of legal background and language ability. Generally, the number of applicants to the program matches the number of places available. However, should the number of qualified applicants increase beyond the program's current capacity, a second class could be added.

Student Profile
The ESP students come from many different countries and represent a broad spectrum of legal, cultural, and political viewpoints, which greatly enriches the knowledge and widens the perspectives of everyone. Over the years, Asian students (from Japan, Korea, Taiwan, and Thailand) have constituted the largest group of students (40%), and the remaining 60% have come from such diverse countries as Argentina, Armenia, Azerbaijan, Belarus, Brazil, Chad, Chile, Costa Rica, Ethiopia, Italy, Mexico, Peru, and Russia. Students in the program have all graduated from an undergraduate law program and have worked an average of 4½ years in the field. Thus, they come into the program with strong legal backgrounds. These legal professionals have been employed in various capacities, including attorney in a law firm, corporate lawyer, public prosecutor, judge, professor of law, and lawyer in a government ministry. They have come to the United States to further their legal education, usually in an LLM program but sometimes to pursue research as visiting scholars. Although the average TOEFL score of the students is high (604 on the paper-based or 250 on the computer-based test), they have entered our program because their funding agency, the law school they will attend, or they themselves are concerned about their ability to meet the linguistic challenges of law school.

To learn more about our students' language abilities, before the program begins we ask them to complete a questionnaire, part of which is a language skills inventory or self-assessment. Table 1 shows how students have responded since 1995 to questions about their weakest and strongest skills in English. As is often the case with international students, our group was quick to point out perceived deficits in language ability, with roughly equal numbers citing speaking, listening, and writing as their weakest skills. There was more agreement, however, in evaluating their strongest skill, which slightly more than two thirds believed was reading. Although we agree that many students have difficulties with speaking, listening, and writing, we would also argue that, contrary to their self-assessment, reading is in fact one of their weakest skills, given their lack of experience in reading U.S. legal cases and the demanding nature of such reading, which we describe below.
Program Objectives

The general objective of the ESP program is to prepare international students during the summer for law school in the fall. Its primary aim is to familiarize students with law school culture along with the language and academic skills needed to succeed in a rigorous LLM program.

Working from our general understanding of law school culture, described in the Context section; interviews with recent law school graduates and former students; evaluations of law school texts; and the analyses of homework assignments, examinations, and videotapes of law school classes, we identified eight competencies important to our program, some of which have been identified by Harris (1992) as well:

1. ability to handle cases, including briefing (both orally and in writing) as well as applying legal principles to the facts of a case
2. knowledge of the U.S. court system and understanding of common law and precedent
3. familiarity with legal resources (e.g., a law library) and finding legal material
4. use of electronic legal databases (e.g., Westlaw and LexisNexis)
5. ability to write academic legal documents (e.g., memos, briefs, and syntheses) and understand legal footnoting procedures
6. ability to carry out and present legal research
7. proficiency in comprehending and taking part in legal dialogues
8. awareness of classroom expectations, including class participation and exam taking

Using these competencies as a guide, we designed four interrelated courses (Processing Legal Materials, Academic Legal Writing, Interactive Listening and Speaking, and Researching Legal Issues) and an 8-hour workshop (Languages of the Law) for our annual summer ESP program.

Table 1. ELS Students' Assessment of Their Language Skills, 1995–1998 (%, N = 41)

<table>
<thead>
<tr>
<th>Skill</th>
<th>Weakest</th>
<th>Strongest</th>
</tr>
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<tbody>
<tr>
<td>Speaking</td>
<td>33</td>
<td>10</td>
</tr>
<tr>
<td>Listening</td>
<td>33</td>
<td>10</td>
</tr>
<tr>
<td>Reading</td>
<td>0</td>
<td>69</td>
</tr>
<tr>
<td>Writing</td>
<td>33</td>
<td>10</td>
</tr>
<tr>
<td>No skill</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>All skills</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>
Classes

Processing Legal Materials

Processing Legal Materials meets 5 hours per week and covers three main areas: case reading and discussion, legal terms and legal processes, and exam taking. The main goal of this class is to help students learn strategies for reading legal texts, primarily cases that deal with U.S. common or judge-made law, along with some cases in statutory and constitutional law. The cases come from common areas of law: contracts, torts, criminal law, and patent law. Although legal cases pose the greatest challenge for us in terms of teaching, they are essential to an EALP program because cases are the foundation of most law school classes. Given this emphasis on cases, this course, unlike the others in our program, has always been taught by an EAP instructor who also is a lawyer and can therefore make expert reading strategies explicit.

General academic reading strategies do not necessarily translate into good case reading strategies because of the distinctive characteristics of a case or court opinion, such as its structure. Our first task, then, involves helping students become aware of the parts of a case and understand the ways in which these various parts are related. Generally a case contains the following elements:

- the relevant facts
- the history of the case in the court system (procedural facts)
- the legal issue
- the rules or legal principles
- the holding or decision of the court
- the reasoning (rationale) of the court
- the dissent

Students also learn to extract other information about a case, such as the publisher, the court, the court date, the judge who wrote the opinion, and the vote of the court. Such contextual information is often relevant to a full understanding of a particular case.

In addition to learning to read individual cases, students become aware of the importance of making connections among a series of related cases in a particular area of law, because it is a series of cases written over time that shape a legal principle. In view of this, another goal of the course is to develop strategies that are useful for finding common legal threads among cases, drawing conclusions, and then anticipating how the threads may continue. Finally, students learn strategies for critiquing a court's opinion and for applying a court's analysis to hypothetical situations.

In designing materials for this class that help foster expert reading skills, we drew on Lundeberg's (1987) study contrasting novice and expert legal readers. Table 2 provides a partial summary of the key differences instrumental in our materials development. Although to a novice reader the law may at first appear to consist of a series of rules that can be mechanically applied to a given situation, it is in fact a creative analytical process carried out by the court. Thus, memorizing definitions and statutes will not lead to an understanding of any given law. To understand a law, students must first understand the process by which the court
applies existing principles from other relevant cases to the facts in the current case in order to arrive at a reasoned decision. In other words, the students learn to understand the thinking of the court—the cognitive processes that underlie its decision.

**Academic Legal Writing**

Before entering our ESP program, most of our students have done little writing in English either for professional or for academic purposes. They are generally unfamiliar with legal academic genres and subgenres as well as with the general characteristics of academic writing. Thus, the first of the program’s writing courses, Academic Legal Writing, has several goals:

- help students gain experience writing in English
- familiarize students with the basics of good academic writing in general
- provide students practice with typical academic legal writing tasks, such as preparing a written brief of a case, synthesizing multiple cases, and drafting an office memorandum

This class meets 5 hours per week, with additional time for individual appointments to discuss written work. The first two writing tasks in the class, briefing and synthesizing, give students additional guidance in understanding the structure of legal cases. This instruction overlaps with Processing Legal Materials because sorting out the various components of a case can be conceptually difficult. By working on both oral and written briefs and syntheses, we feel, the students gain

<table>
<thead>
<tr>
<th>Experts</th>
<th>Novices</th>
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<tbody>
<tr>
<td>1. are knowledgeable about the text type and thus the structure and the analytical strategies in reading a case.</td>
<td>1. are not knowledgeable about the text type.</td>
</tr>
<tr>
<td>2. go to the end of the opinion to find the holding (decision) of the court because this guides their reading of a case.</td>
<td>2. generally do not find or know the holding until after they have read the entire case.</td>
</tr>
<tr>
<td>3. synthesize information as they read a case—they merge the relevant facts, issues, rule and rationale into a cohesive whole.</td>
<td>3. “tend to focus more narrowly on one element of the case, demonstrating less connectedness in their discussion of the case” (p. 414).</td>
</tr>
<tr>
<td>4. show a sophisticated understanding of the creative process of judicial decision making. They generally evaluate the judge’s decision.</td>
<td>4. often assume that legal decisions are somewhat mechanical and thus evaluation of the judge’s decision is unnecessary.</td>
</tr>
<tr>
<td>5. make themselves aware of the court and date.</td>
<td>5. tend to ignore the court and date.</td>
</tr>
<tr>
<td>6. infer hypothetical fact patterns and their possible legal outcomes.</td>
<td>6. do not infer hypothetical fact patterns.</td>
</tr>
</tbody>
</table>

**Table 2. Differences Between Expert and Novice Readers of Legal Cases (Based on Lundberg, 1987)**
a solid understanding of the cognitive and language skills they need to handle briefing tasks. Whereas briefing is primarily concerned with identifying the relevant parts of the case, synthesizing, in which students look carefully for similarities and differences in a series of cases, is one process by which students learn to deal with cases based on similar facts but resulting in different outcomes. Both briefing and synthesizing are important because they often create the foundation for the writing of more complex documents, such as memoranda and legal research papers.

We use the property case Conti v. ASPCA (1974; see Figure 1) to help students begin to identify the important elements of a case. This case works quite well as a first one because the court clearly states—uncharacteristically—the issues in the case (Paragraph 6) and its use of established principles of property law (Paragraphs 11–16) to arrive at its holding or decision. Moreover, the facts presented in Paragraphs 1–5 are straightforward. By working on the preparation of their briefs and syntheses through the use of sample texts, students become familiar with some of the characteristics of academic writing, such as hedging and qualification, complex relative clauses with prepositions, -ing clauses of result, and midposition adverbs.

The final task in Academic Legal Writing, writing a memorandum to a senior law partner, draws on the skills acquired in writing the brief and the synthesis. The memorandum is an objective, exploratory discussion of a hypothetical legal problem that requires students to read a number of cases and other documents relevant to the problem and extract from them the aspects that apply to the new problem. In other words, the students must “analyze the legal principles that govern the issues raised by the problem and apply those principles to the facts of a case” (Shapo, Walter, & Fajans, 1991, p. 69). In this task, the students evaluate the strengths and weaknesses of a potential case and recommend a course of action using the cases and documents they have read as support.

**Researching Legal Issues**

Researching Legal Issues meets 3 hours per week and requires 2 or more hours per week of research time. This course provides a general, hands-on introduction to the process of legal research, culminating in the production of a 7- to 10-page research paper on a topic of the students’ own choosing. In this course, students receive professional training in the use of Westlaw, a computer-based legal research service that provides on-line access to a database of legal information. In addition, students become acquainted with the law library and its resources through library exercises, a series of research tasks that involve finding cases, locating treatises, and exploring special collections. The other main project in this class is helping students become familiar with the discourse conventions of published academic legal writing, which also apply to the writing of papers for law seminars. Having some familiarity with the characteristics of legal research paper writing can help give nonnative-English-speaking students an edge on their native-speaking counterparts at the beginning of a new term and throughout the law program, as research writing for seminars is rarely taught in law schools.

One of the main challenges in developing this class has been the paucity of existing materials. Although research paper writing is required of all JD students, most of the widely used legal writing textbooks focus only on professional writing in the workplace, devoting no attention to research papers. In addition, published
Conti v. ASPCA  
77 Misc.2d 61, 353 N.Y.S.2d 288

MARTIN RODELL, Judge.

1 Chester is a parrot. He is fourteen inches tall, with a green coat, yellow head and an orange streak on his wings. Red splashes cover his left shoulder. Chester is a show parrot, used by the defendant ASPCA in various educational exhibitions presented to groups of children.

2 On June 28, 1973, during an exhibition in Kings Point, New York, Chester flew the coop and found refuge in the tallest tree he could find. For seven hours the defendant sought to retrieve Chester. Ladders proved to be too short. Offers of food were steadfastly ignored. With the approach of darkness, search efforts were discontinued. A return to the area on the next morning revealed that Chester was gone.

3 On July 5th, 1973 the plaintiff, who resides in Belle Harbor, Queens County, had occasion to see a green-hued parrot with a yellow head and red splashes seated in his backyard. His offer of food was eagerly accepted by the bird. This was repeated on three occasions each day for a period of two weeks. This display of human kindness was rewarded by the parrot's finally entering the plaintiff's home, where he was placed in a cage.

4 The next day, the plaintiff phoned the defendant ASPCA and requested advice as to the care of a parrot he had found. Thereupon the defendant sent two representatives to the plaintiff's home. Upon examination, they claimed that it was the missing parrot, Chester, and removed it from the plaintiff's home.

5 Upon refusal of the defendant ASPCA to return the bird, the plaintiff now brings this action in replevin [recovery of property].

6 The issues presented to the Court are twofold: One, is the parrot in question truly Chester, the missing bird? Two, if it is in fact Chester, who is entitled to its ownership?

7 The plaintiff presented witnesses who testified that a parrot similar to the one in question was seen in the neighborhood prior to July 5, 1973. He further contended that a parrot could not fly the distance between Kings Point and Belle Harbor in so short a period of time, and therefore the bird in question was not in fact Chester.

8 The representatives of the defendant ASPCA were categorical in their testimony that the parrot was indeed Chester, that he was unique because of his size, color and habits. They claimed that Chester said “hello” and could dangle by his legs. During the entire trial the Court had the parrot under close scrutiny, but at no time did it exhibit any of these characteristics. The Court called upon the parrot to indicate by name or other mannerism an affinity to either of the claimed owners. Alas, the parrot stood mute.

9 Upon all the credible evidence the Court does find as a fact that the parrot in question is indeed Chester and is the same parrot which escaped from the possession of the ASPCA on June 28, 1973.

10 The Court must now deal with the plaintiff's position, that the ownership of the defendant was a qualified one and upon the parrot's escape, ownership passed to the first individual who captured it and placed it under his control.

Continued on page 16
research on legal writing largely investigates such issues as the nature of legal writing, the process by which professional legal writing is done, the plain English movement, methodology, and writing in the law firm (Rideout, 1991), which gives little guidance for teaching EALP writing. Moreover, investigation of research papers in other fields usually does not apply because legal research papers have some distinctive characteristics. The lack of existing materials and relevant research has compelled us to do our own discourse analyses, which, in turn, has enabled us to prepare appropriate materials. All of the materials for this course are based on
research done in-house on published student legal research papers known as law review notes (Feak, Reinhart, & Sinsheimer, 2000). One important finding of this work is that the widely known create-a-research-space (CARS) model (Swales, 1990) for research paper introductions in the sciences could not be imposed on legal research papers. Instead, a modified version of the model for legal research paper introductions, shown in Table 3, seemed more appropriate. As can perhaps be inferred from the table, students need a general understanding of problem-solution texts as well as knowledge of how to attract a readership, introduce a legal problem, and construct a road map that both reflects their purposes and facilitates selective reading (Feak et al., 2000). The move-step analysis presented in the table has led to the development of teaching materials for problem-solution texts, metadiscourse, qualification of claims, reporting verbs, and the language used to introduce a legal problem.

**Interactive Speaking and Listening**

Processing Legal Materials includes opportunities for students to participate in oral case discussion and analysis; Interactive Speaking and Listening, which meets 5 hours per week, focuses on formal oral presentation. This emphasis allows the instructor to work one-on-one with students on aspects of their spoken language. The curriculum is patterned after our EAP academic speaking class so that an EAP instructor with little legal background can teach it. The main goals of the speaking portion of the course are to increase students’ awareness and accurate use of (a) different speech types, (b) linking words and organizational signposts, (c) visuals, and (d) legal vocabulary.

### TABLE 3. MOVES IN LAW REVIEW NOTE INTRODUCTIONS

<table>
<thead>
<tr>
<th>Move</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prefacing move</td>
<td>Prepare the reader for the discussion by providing pre-text material such as an epigraph, picture, photograph, or cartoon, which may or may not be vital for the understanding of the note</td>
</tr>
<tr>
<td>Move 1</td>
<td>Establish a research territory</td>
</tr>
<tr>
<td>a. by introducing the topic in a general way with some form of opener and showing that the general research area is important or problematic (obligatory)</td>
<td></td>
</tr>
<tr>
<td>Move 2</td>
<td>Establish a legal problem or issue (the niche)</td>
</tr>
<tr>
<td>a. by providing some background for the legal problem (obligatory)</td>
<td></td>
</tr>
<tr>
<td>b. by indicating, either explicitly or implicitly, a weakness or problem in the law (obligatory)</td>
<td></td>
</tr>
<tr>
<td>Move 3*</td>
<td>Address the legal problem and state the nature of the argument (occupy the niche)</td>
</tr>
<tr>
<td>a. by outlining purposes or summarizing the present research (obligatory)</td>
<td></td>
</tr>
<tr>
<td>b. by indicating the structure of the Note through a roadmap or overview (obligatory)</td>
<td></td>
</tr>
</tbody>
</table>

Source: Based on Feak et al. (2000, p. 203).

*Moves 3a and 3b may be reversed.*
The listening component of this class is like a traditional EAP listening class except that listening materials have a legal focus. Using videotapes from the law school, students gain experience in understanding first-day lectures (including professors' expectations and other practical course matters), regular law lectures and discussions, and in-class briefings. These videos of actual law school classes are valuable because they expose students to the different teaching styles of the professors, demonstrate the demands placed on law students, and reveal the challenges of note taking in classes where discussion, as opposed to lecturing, is commonplace. In Processing Legal Materials, students read the cases discussed in videotaped classes so that they can follow the tapes more easily. By watching the law class videos and observing the sometimes lengthy questioning of students, along with the nature of those questions, the students become familiar with the law school class environment. In addition, students learn to recognize the shift from talk about assigned cases to discussions of hypothetical cases and pending cases. Finally, the students have an opportunity to compare their own discussion of a case with that of the native speakers on the videotape.

**Evaluation**

Because most students elect to take the ESP program on their own, we do not award grades. Students in general are hardworking and highly motivated, so there is no need to give grades as an incentive. We give considerable feedback, however, so that the students know their strengths and weaknesses. In the writing-focused classes, students meet individually with the instructor to review the written comments on each paper. Students are videotaped when (and sometimes before) they give presentations and again receive individual feedback. This individualized feedback is often cited as one of the most valuable aspects of our program.

Students have an opportunity to evaluate the program and teaching staff at the end of the summer session. Through multiple-choice and open-ended questions, students give both feedback and recommendations for change, which we take into consideration when we begin working on the program for the next summer. Changes that have been implemented as a result of student feedback include reading more cases in business law and changing the research topic of the research class from a comparative legal issue to any legal issue that the students are interested in investigating. Overall, response to the program has been extremely positive and encouraging. In fact, many students recommend the program to colleagues who will be entering an LLM program in the future.

**DISTINGUISHING FEATURES**

**Focus on Authentic Academic Legal English**

The ESP program acknowledges the need for presessional instruction for students undertaking degree programs that demand full-time study and allow little time for supplemental language instruction. What sets us apart from other ESP programs, however, is our emphasis on academic legal English. Because of this focus, all the reading materials are authentic, and all the writing tasks are similar to those assigned in a typical LLM program. Thus, students gain experience with the kinds of tasks they will eventually face. Additionally, our small classes allow opportunities for
frequent one-on-one instruction, which is not always feasible in programs with large classes.

**Legal Expert as Instructor**

The fact that two ESP classes are taught by an EAP instructor who is also a lawyer is a critical feature of the program. As an insider to the field, the instructor not only can shed light on the law school community from firsthand experience but also has the content knowledge to discuss the cases and guide student reading. Most of all, the instructor can model the thinking processes that should underlie the reading of cases. Having a lawyer/EAP instructor teaching two key courses, we feel, increases the program’s legitimacy in the eyes of the students and their sponsors and has proved to be a major factor in the program’s success.

**Effective Use of Specially Tailored Materials**

Because nearly all of our materials are produced in-house, based on our own research, the materials precisely fit the goals of the program. In addition, because we develop our own materials, we are aware of how we might use these materials in more than one class. For instance, some cases chosen for Processing Legal Materials are also discussed in the videotaped law classes that the students watch in Interactive Speaking and Listening. Similarly, students may read cases in Processing Legal Materials that they will need to write about in Academic Legal Writing. This overlap gives students considerable exposure to and practice with legal materials and the strategies required to deal with them.

**Workshop in Languages of the Law**

Another distinctive element of the program is the 8-hour, 2-day workshop, Languages of the Law, which takes place about two thirds of the way through the program. The workshop, conducted by two linguists who teach only these 2 days, takes the place of the normal schedule of classes. Whereas the regular courses primarily take a skills approach to the teaching of academic legal English, the workshop aims to sharpen students’ awareness of the character of legal discourse by exploring the linguistic features of legal English and examining the ways these features combine in different types of legal discourse, such as briefs, court opinions, and statutes. A main goal of the workshop is to allow students to investigate more deeply the written genres they have been working with in terms of purpose and conventions as well as their linguistic features (Fredrickson, 1998). The workshop includes discussions of syntax and vocabulary, which the students find extremely helpful because they are still trying to sort out the differences between legal and general English.

Although there has been little systematic investigation of legal language (Danet, 1985), the workshop includes description of some of its distinctive characteristics. For instance, students learn about terms of art (e.g., *certiorari*), the use of Latin and French (e.g., the Latin *amicus curiae* and the French *voire dire*), common words with uncommon meanings (e.g., *said* defendant was seen leaving the premises), archaic expressions (e.g., *herewith*), and doublets (e.g., *cease and desist*). Workshop presenters discuss “the degree of appropriateness of choosing these lexical items in writing for a range of audiences” (Fredrickson, 1998, p. 23).
An unanticipated benefit of the workshop is that it gives students a welcome break from the usual routine. Students find time to reflect on their learning up to that point and to spend additional time preparing their research papers. For us, the break provides much-needed time to prepare new materials based on needs revealed during the first 4 weeks of the program.

**Law Class Visits**
Visits to law school classes are another distinguishing feature of the program. After arranging a visit with a professor and before the visit takes place, we have the students read the cases to be discussed in the class to be visited. By reading the cases ahead of time, the students can follow the class discussion and can see the aspects of the cases that they should have paid attention to while reading. The visits are often a humbling experience for even the best of students because of the fast pace of the class, the nature of the questions (which cannot be answered by just finding the right place in the case), the digressions, and the discussion of hypothetical or additional real cases the students have not read.

**Films and Field Trips**
Because we are committed to extending students’ use of English beyond the classroom, the program includes an extracurricular component. The arranging of extracurricular activities is not unique to our program, but the kinds of activities arranged are. Activities have included a weekly series of feature-length films on law-related topics, such as *Philadelphia*, *Dead Man Walking*, and *My Cousin Vinnie*; field trips to a state prison; and a half-day visit to U.S. federal court.

After each film screening, the special activities coordinator leads a discussion, which gives students an opportunity to practice their English in a setting that is less formal than the law school classroom. The prison visit is led by a prison official, who takes us to all the main prison areas; students meet with inmates and talk about their situation. Discussions after the visit are interesting and lively as students compare the prison they have just visited with prisons in their own countries. Finally, our courtroom visits have been an exceptional learning experience because the judges are usually as interested in our group as we are in the court proceedings. Our group has regularly been invited into the judges’ chambers to discuss aspects of the case being heard or talk about an element of the U.S. legal system, such as juries.

**PRACTICAL IDEAS**

**Obtain Necessary Support**
Given the highly specific nature of EALP, establishing such a program poses a number of challenges. The small number of nonnative-English-speaking students studying law (as compared to students entering other fields) means that an EALP program will likely be much smaller than a general EAP program or a business English program and, therefore, may be less profitable. The backing of our institute and the willingness to offer the program even if it was not profitable during its early years has allowed us to nurture it without worrying that the program might be canceled and our efforts wasted.
Select Appropriate Staff

Staffing is also more difficult for our program than for an EAP program because at least the reading course must center on legal cases, which are best handled by a dual professional—an ESP teacher and lawyer. A challenge for most EAP instructors in teaching EALP is that the academic skills that they are generally familiar with, such as presenting clear, concise arguments, participating in class, and reading with a critical eye, take on some unfamiliar characteristics, shaped as they are by the legal discourse community (Feak et al., 2000). Furthermore, because few commercially produced materials are aimed at nonnative-English-speaking lawyers, most program materials must be generated in-house, requiring ongoing research.

Although an EAP instructor with no prior experience in this area may be able to adapt some tried-and-true EAP materials, successful adaptation is dependent on the instructor's having some familiarity with the conventions of academic legal discourse in particular and the legal system in general. Information on the legal system is widely available; however, with the exception of some investigations of case reading (Lundeberg, 1987), little discoursal research has been done in the area of academic legal English. The little research available has traditionally focused on professional settings (Bhatia, 1993; Fredrickson, 1995; O'Barr, 1982). The relationship of this research to the teaching of EALP, however, has been tenuous. As Harris (1992) states, the law school has “largely remained on the margins of EAP work in universities” (p. 19).

Select Appropriate Content

A major challenge for us has been determining whether the content of some of our classes is appropriate. For example, although we have offered a successful presentations skills class with legal content, we realize that we need to undertake further research on legal academic speaking to determine whether the speaking portion of the program should emphasize presentation skills or some other oral skills.

Develop Suitable Materials

Materials development is an ongoing concern for us. Although there is no shortage of legal cases, finding cases that allow us to work on specific reading strategies and to demonstrate ways in which students should be reading is difficult. Developing materials for the writing-focused classes is a challenge because of the time-consuming nature of the discoursal work that needs to be done. In addition, developing materials for the listening component has been somewhat difficult because few law school lectures are taped. Of course, the workshop presenters face the same challenge as the other instructors in that there is a dearth of materials; thus, one area to which they would like to devote more of their energies is the development of more language tasks that give students practice in the language skills they will need in and after law school—a somewhat important consideration for us because many of our students stay in the United States for internships after completing their law degrees. Further materials development, however, is dependent on our continued research of academic legal genres and general legal English corpora.
Modify an Existing Program If a Specialized Program Is Not Feasible

Despite the challenges, designing courses for incoming law students is still possible. If a full-time EALP program is not feasible, one approach to meeting the needs of nonnative-English-speaking law students would be to modify an existing EAP program to include academic legal reading and writing while maintaining the EAP focus of the other courses being offered, such as speaking or listening. In fact, we did precisely that in creating the pilot program before developing the full program. Our pilot program focused primarily on case reading and was very enthusiastically received by the small number of students who participated. Although such a modified program will not expose students to as many of the skills and as much legal language as a full program will, it may still give learners a good opportunity to hone the linguistic skills needed for law school.

CONCLUSION

Although we have encountered a number of unforeseen obstacles in developing our EALP program, centering primarily on our relationship with different parts of the law school, staffing, and materials development, each year we move forward. In addition to full support from our department, we have the backing and cooperation of the law school, in particular the assistant dean of student affairs, as we continue to develop the ESP program.

Although student response immediately after the program has been consistently positive, we have also been especially pleased to learn that after one semester of law school, students feel even more strongly that our program helped them make the transition to the law school environment. Students have reported feeling sufficiently equipped to handle the demands they face. In addition, they continue to offer valuable suggestions for improving the program, such as devoting less time to comparative legal issues because their primary interest is U.S. law.

Each year, we review our curriculum, add new cases, try to find guest lecturers with expertise in the areas of law of interest to our students, and add new materials that emerge from our ongoing research. Nevertheless, we believe the basic framework is sound. Questions remain, however, as to whether we have identified the most important language skills and strategies that nonnative-English-speaking law school students need. Specifically, the lack of informed research in academic legal English continues to pose challenges in curriculum and materials development. Clearly, much work remains to be done.

CONTRIBUTORS

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