

## ENHANCEMENT OF LEGAL WRITING AND ADVOCACY SKILLS THROUGH ESP FOR LAW STUDENTS

M. Ramesh and I. Ajit

---

*English for Specific Purpose* has had a strong research tradition since 1960s. It discusses absolute and variable characteristics of ESP. In this present scenario, students of law need a specific set of language skills for their success in the field of education and in the working places (courts to be specific). Students are unable to make use of the perfect words for their specific tasks due to lack of training and practice. The objectives of the present study are to rectify this defect, enable the students to pick and choose apt words and phrases, and learn some sort of specific vocabulary. The main purpose of this paper is to deal with enhancement of Specific Vocabulary and Trial Advocacy Skills for Law students through ESP with the help of texts like *The Merchant of Venice* and *Presumed Innocent*. The researcher will attempt to find out whether students can enhance a specific set of language skills and argumentation skills through reading of these texts. This paper aims at making the law students aware of the need for improving their language skills and advocacy skills through English for Specific Purpose.

**Keywords:** Specific Set of Words, Cross-Examination, Attorney, homicide, and Argumentation Skills, etc...

### INTRODUCTION

*“Reading maketh a full man; conference a ready man; and writing an exact man.”*

— Francis Bacon

In the present scenario, students of law need a specific set of language skills for their success in the field of education and in the working places like courts, firms, and organizations. So they need to enhance their vocabularies and advocacy skills. This paper will attempt to point out that for the students of law, with the help of texts like *presumed Innocent*, *the merchant of Venice* and *Billy Budd* can improve their vocabularies related to law field and legal writing skills.

### Importance of legal writing for law students

In the present situation, writing skills are inevitable in every field. Since writings can be interpreted according to the readers' convenience, each word in a written document must be taken on a serious note before putting it on paper. When we take the law field to consideration, it would not be a surprise for anybody to understand the crucial importance of legal writing. Because misinterpreting a legal writing won't just leave away with multiple meanings but can potentially make an innocent person behind bars or even worse when it is related to a country's policy.

---

\* School of Social Sciences and Languages, VIT University – Chennai Campus, India, E-mail: ramesh.cmrk@gmail.com, iajit63@gmail.com

So it is evident that every law student must have exceptional writing skills for his/her successful legal career.

### **Advocacy skills through literary works**

Reading triggers a persons' creativity and imagination as it is agreed by many literature scholars and as well as neurologists. When a law student gets exposed to novels which deal with crime investigation and interesting courtroom scenes, the student can also acquire some advocacy skills. It happens because reading makes the reader to imagine things in the way he/she feels. It helps the reader to take things to their subconscious mind without any external influence. So the researcher encourages the students to read the novels which have many trial scenes in its major plot.

### **RESEARCH QUESTIONS**

1. Do the selected works enhance legal writing skills?
2. What is the difference in the completeness of technical word meaning acquired from selected works?
3. How the court room situations improve the argumentation and critical analysis skills?

### **METHODOLOGY**

#### **Participants**

The participants in this study were the first year undergraduate students at the Law School in Chennai. In order to achieve the objectives framed for this study, 60 students were selected as the sample by adopting purposive sampling method. In interpretation and discussion part researcher select only eight students.

#### **Materials**

The materials in the study used were a set of literary works which could help the sample to attain Specific Words (here, Legal Words) and Legal Skills.

1. *Presumed innocent* by Scott Turow.
2. *The merchant of venice* by William Faulkner.

#### **Procedure**

The study consisted of a pre-test and a post-test. The participants were tested individually. At the beginning, the participants were told that the study focused on specific words and legal writing skills. It was also explained to them that they would practice the court scene contained in the content portion of the literary texts.

### **Pre-test**

The participants first completed a pre-test which assessed their knowledge of the target skills through a questionnaire. It consisted of thirty close-ended questions and two open-ended questions. In this session, the participants were given vocabulary tests to find out or match the meanings of a few words and phrases related to legal terminology and also to explain a few more terms of art. They were also asked to give their opinion about the court room situations related to these items.

In order to test the comprehension of the specific vocabulary items pertaining to legal glossary, the questionnaire has been administered.

### **Post-test**

The post-test was conducted after teaching the literary works to the students. Then the questionnaire was provided to the participants. The data from both the pre- and post-test are then presented together and interpreted.

## **INSTRUCTIONAL SEQUENCE**

The researcher taught the literary texts in three weeks. The texts were taught in such a manner as to lay emphasis on the legal glossary contained in the literary texts so that the participants learnt specific words and legal writing skills properly.

### **In the first week**

#### 1. The Trial Scene from *The Merchant of Venice* by William Shakespeare

In this drama Shakespeare used the court scene very clearly. When the researcher taught this scene, the law students learnt the Critical Analytical, Argumentation skills and the researcher gave role play activity to the participants.

Antonio loaned a sum of money from the Jewish merchant Shylock. But Antonio had to go through a bad time and couldn't repay the money on the mentioned deadline in the bond that they have made between them. When the case went to the court Antonio almost had to lose his life since the bond asked for a pound of flesh from his chest. In the end Antonio's friend Portia entered into the court and saved his life by using her argumentation skills.

### **In the Second week**

#### 2. *Presumed innocent* by Scott Turow

In this novel, the participants learnt some specific words like *prosecutor, victim, and homicide and testify* etc...

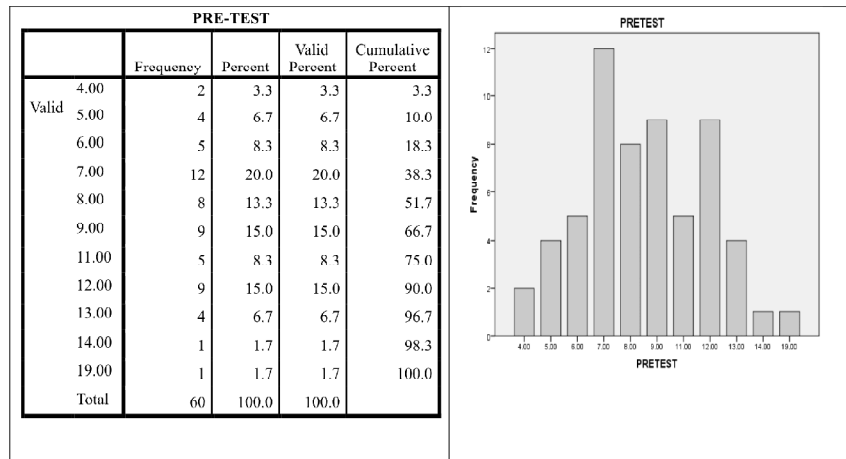
In this novel Scott Turow used the court scene very clearly. When the researcher taught this novel, they gave lots of information about legal writing.

Rozat Sabich is a well talented attorney who is very loyal to his boss Raymond Horgan. Sabich is assigned with a case of a woman named Carolyn Polhemus, who is raped and murdered in her apartment. When he tries to solve the case it becomes a shock to him that the woman’s murder has evidences which link towards Sabich himself. After many twists and turns it is revealed that the murdered is Sabich’s wife Barbara.

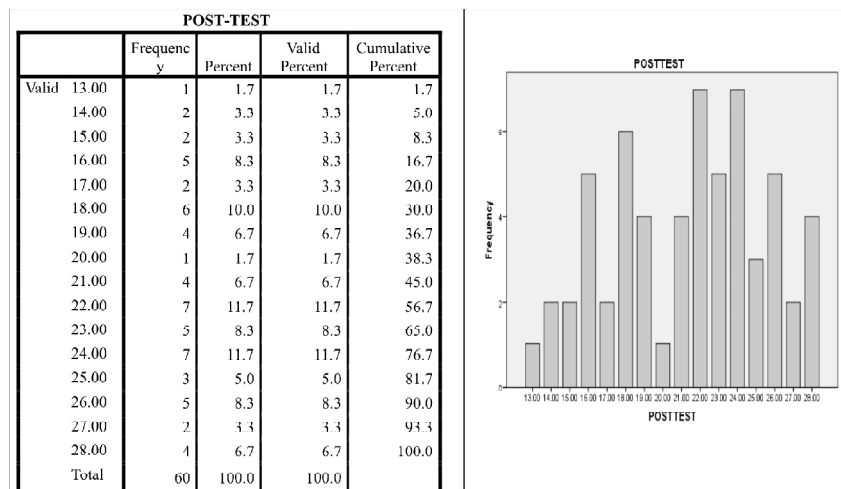
**DATA ANALYSIS**

Frequency Table and Bar Chart:

X axis – Mark of the students, Y axis –Number of the students



X axis – Mark of the students, Y axis –Number of the students



## **DISCUSSION AND RESULT**

### **Closed-ended Questions**

In this paper, a total number of 60 participants attended the Pre-test and the Post-test. It consisted of 15 close-ended questions and 1 open-ended question. The data from both parts of the test were presented together. In the close-ended questions, Pre-test minimum mark was 4 and maximum mark was 19. In the Post-test, minimum mark was 13 and maximum mark was 28. In the close-ended questions, the participants were able to enhance their understanding of specific words.

### **Open-ended Questions**

In the open-ended questions, a court room task was provided to the students and they have to write their own judgment with reference to that task. Prior to the

Post-test, the researcher taught the participants the literary texts. He then provided some court room situations based on which the students wrote their views very clearly. With the help of these texts, the participants were supposed to enhance their critical analytical and argumentation skills properly.

### **Interpretation**

Researcher gave the courtroom situation through a well prepared questionnaire which was an abstract form of some critically acclaimed works from literature. When the students answered the questions, the researcher analyzed the students' critical analytical and argumentation skills based on their answers.

### **Court Room Situation**

The man gets some amount from a crooked man as debt out of compulsion. As they were business rivals, that crooked. The crooked man created a bond that would be a threat to his life if he failed to return the money. Due to unforeseen circumstances, the innocent man couldn't return the money, so the crooked man wanted to take 1 pound of flesh from the innocent man body as part of the bond. The case moves to the court. Act as a lawyer for the innocent man and frame arguments and also act as a judge how will you give a verdict for this case.

### **Sample-1: Sumedhasrinath**

1. The man took some amount of money from the crooked man and due to some emergencies he could not repay the money. During this tenure the crooked man formed a bond which stated that if the man fails to pay the money the flesh of his body will be removed. As a lawyer I would like to state that the contract is void ab initio. The consent of the man was not free and is out of force. Second of all the consideration in the contract is vague. So the contract did not exist, the case is ruled in favor of the innocent man.

### **DISCUSSION**

The analysis of the text clearly states the critical point of view expressed, in cases such as the student's point on witty argument and the subject of contractual worth. Thus the reading of the student's text reflects the arguments stated quite aptly in few points such as the case of void ab initio.

#### **Sample-2: Lathika**

The crooked man want to be punished because the man cannot able to return the money in due date. So the crooked man went to the court. As per the agreement the man wanted to give a pound of flesh to the crooked man. So the lawyer of the man litigates to the crooked man that takes a pound of flesh without the loss of blood in his body. So the crooked man shocked and argues that it is not possible so I will give some more days to return the money back.

#### **Discussion**

After considering the analysis, it is quiet evident that the, court played by the rules of the agreement. The writing shows the critical analysis of the plot by reflecting an extra mile on the obvious scenario. Though the analysis subtly favors the innocent man, the technicality of the written agreement is thus well played with. Technical skill could have been explored more.

#### **Sample-3: Sriram**

The crooked man said in the bond that he wants one pound of flesh. So as per the bond he is allowed o cut out a pound of flesh and not even a single drop of blood should be split.

#### **Discussion**

Considering the arguments thus presented, the critical evaluation of the given study is as per the written law of justice. The points stated are met with the word of the law, devoid of any argument otherwise. Its only when one reads between the line, does one understands the technicality of it, which is reflected the writing.

#### **Sample-4: Joseph**

Cooked man – Mr.Justice as per contract, he is bond to give one pound of flesh.

Justice – how this one pound of flesh is helpful. If it is kept in place of money he taken?

Cooked man – then no one will dare to do such things is future.

Justice – as per my opinion, this contract is ab initio void. So there is no relevance in fulfilling the promise. Secondly the promise kept is not proportional and the return which you ask is old no use. So this cash is disgarding the contract,

In order to the innocent man to pay a reasonable amount of money within the stipulated time given by court and if not given. He will be put in jail.

**Discussion**

Considering the analysis of the text a critical evaluation of the given case study is reflected. The student is able to argue that the price demanded and the equivalent of it amounting to flesh is indeed a breach of consent and defiantly not Monterey non returns. Points that make it a case of mutual agreement could have been substantiated more. A continued level of argument reflects when, one party in the said case is refuting and becomes a question of justice from an ab initio void.

**Sample-5: Dogra**

Firstly the contract will be proceed as illegal, has any one cannot ask to take one pound of flesh from any person. I will prove the contract illegal and prove my client innocent. As the judge will consider that the contract is illegal. I will charge both of them fine. So that no one signs the contract as such. I will ask the innocent man to pay the money back by giving him some time.

**Discussion**

Evidences of critical thinking is reflected in this writing when the student presents a case that a man is known to abide by his words, if not the contractual agreement. As this contract had intentions unworthy of humanitarian outcome and does not intent to state the obvious rage, the reading and conclusion points of the student couldthus be dealt with as a stepping stone of rules of monetary agreement.

**Sample-6:Praveen**

There is wrongful act on both parties the innocent man should have returned the money within the due date. Then crooked man should have not created a bond in this way. So the innocent man should repay the money to the crooked man and should pay the fine to the court. And even the crooked man should pay a sum amount to court and then court warns the crooked man for this sort of activities. Then court releases both of them and collects fine from them.

As my client is an innocent man and also a illiterate so with this advantage the crooked man have cheated my client with this type of bond. And he is also a poor man and the time limit for payment is also very less. So I request the court to extend the time period for repayment of the debts.

**Discussion**

A well-argued point of view, as presented in the points thus provided. The agreement which the student stated was made at the spur of a moment where both the parties were vulnerable; evidence does suggest that both these business men were reluctant

to bring the reputation down, then help in the need of the hour. As this was based highly as a matter of challenge than as a business deal, a critical analysis of the case study is reflected.

**Sample-7: Surya**

The lawyer asks to the crooked man whether he gave money to the innocent man with a compulsion. The crooked man replies yes he gave money to me. Then lawyer concludes this is not a legal deal which the crooked man created a bond which is against the law. The judge made a judgment that the innocent man is made to pay the amount within three months and gave a warning to the crooked man.

**Discussion**

Reading the argument made by the paralegal, it is evident that the person has used critical analysis skill very well. The analysis doesn't go vaguely and it stays straight to the point. Going through the further sentences, it has become obvious that the paralegal rightly points out that given case study the agreement can be vetoed, because the law does not entertain devious personal outcomes. A new agreement with the law as a witness can be formed to extend the given time period is another point which reflects the student's critical point of view.

**Sample-8: Kanishkar**

The bond between the two persons says that he can take a pound of flesh. But that crooked man should not waste his blood. He can take a pound of flesh without bleeding. It is due to that it is not mentioned in bond. The judge says that the case is dismissed.

**Discussion**

Evidences of critical thinking is reflected in this writing when the student presents a case that a man is known to abide by his words, if not the contractual agreement. So cut the pound of flesh without blood shield. This Sample uses the critical thinking very clearly.

**RESULTS**

A paired samples test comparing the pre-test with the post-test was administered. In the post-test, all the participants scored marks which were higher than the pre-test. So this literary works were perceived to be very helpful for law students to enhance their skills.

**CONCLUSION**

The purpose of the study isto enhance the legal writing, critical analysis and argumentation skills for law students. The afore-mentioned texts are essential for



the students to enhance their skills and also they attained some knowledge for their specific field. It is learnt from the analysis of the data that the process would help the English learners to enhance the repertoire of specific terms pertaining to legal use in particular and improve their advocacy skills in general. The students have learned the essential legal proceedings like Contractual Agreement, Breach of Consent and the phrases like Void Ab Initio, Conflict between liberty and equality through the prescribed literary texts.

### **References**

- Dudley-Evans, Tony (1998). *Developments in English for Specific Purposes: A Multi-disciplinary Approach*. Cambridge University Press. (Forthcoming).
- Hutchinson, Tom & Waters, Alan (1987). *English for Specific Purposes: A Learner-centered Approach*. Cambridge University Press.
- Johns, Ann M., Dudley-Evans, and Tony (1991). *English for Specific Purposes: International in Scope, Specific in Purpose*. TESOL Quarterly 25:2, 297-314.
- Strevens, P. (1988). *ESP After Twenty Years: A Re-appraisal*. In M. Tickoo (Ed.), *ESP: State of the Art* (1-13). SEAMEO Regional Language Centre.
- Harmer, Jeremy. *The Practice of English Language Teaching*. London: Longman, 1991.
- Krashen, S. (1982). *Principles and Practice in Second Language Acquisition*. Oxford: Pergamon.
- Mackay, R., & Mountford, A. (Eds.). (1978). *English for Specific Purposes: A Case Study Approach*. London: Longman.
- All Wright, D. *Observation in the Language Classroom*. London: Longman, 1988.
- Banergee, A.K., *Modern Teaching of English*. Aaviskar Publishers.
- Johns, A. M. & Dudley-Evans, T. (1991). *English for Specific Purposes: International in Scope, Specific in Purpose*. TESOL Quarterly 25:2, 297-314.

### **Legal writing.**

**(1 x 5 = 5)**

I. Choose the correct meaning of words:

- 1) Convicted  
a) Condemn b) Absolve c) Honest d) Acquit
- 2) Verdict  
a) Judgment b) Information c) Permission d) Arrangement
- 3) Alleged  
a) Illegal but not yet proved b) Proved by proper evidence c) Arrested d) Punish brutally.
- 4) Homicide  
a) Punishment b) Evidence c) slaughter d) Revolt
- 5) Execution  
a) Non-fulfillment b) Reward c) Punishment d) Encouragement

**(1 x 5 = 5)**

II. Write the British English equivalents of the following expressions used in American English:

- a) Tire
- b) Sidewalk
- c) Apartment
- d) Fall
- e) Traveler

(3 x 2 =6)

III. What do you mean by the following foreign terms?

- a) De jure -
- b) ab initio -
- c) Mensrea -

(1 x 5 = 5)

IV. How would you cite a statute in a legal document?

Section Number / Order Number / Rule Number, Name of the statute, year.

(2 x 2 =4)

V. What are Doublets and triplets? Give one example to each of these terms.

- 1. prescribe, proscribe.

(1 x 5 =5)

VI. How can we avoid sexist language in legal drafting? Give three instances with appropriate examples.

### COURT SCENE

(2 items)

1. **As a Law Student read the following court scene and writes your own judgment according to the situation:** John is working as an assistant under the renowned attorney Peter in Mumbai. Stella, one of the colleagues of John is murdered after a cruel sexual assault in her own apartment. When John tries to solve the murder mystery; it becomes a shock to him that all the evidences are against him as the murderer. Because nobody has any knowledge of the affair that he has had with Stella months ago. Sadly John doesn't realize that his caring wife Cathy is also very possessive. Even though John has nothing to do with the murder, the proofs and circumstances are more than enough to put him on the stake.
2. **As a Law Student read the following court scene and writes your own Critical analysis and Argument according to the situation:** The man gets some amount from a crooked man as debit out of compulsion. As they were business rivals, that crooked. The crooked man created a bond that would be a threat to his life if he failed to return the money. Due to unforeseen circumstances, the innocent man couldn't return the money, so the crooked man wanted to take 1 pound of flesh from the innocent man body as part of the bond. The case moves to the court. Act as a lawyer for the innocent man and frame arguments and also act as a judge how will you give a verdict for this case.