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Case study – an in-sessional Legal English Course for Erasmus students

Profile of Erasmus legal English students at Leicester University

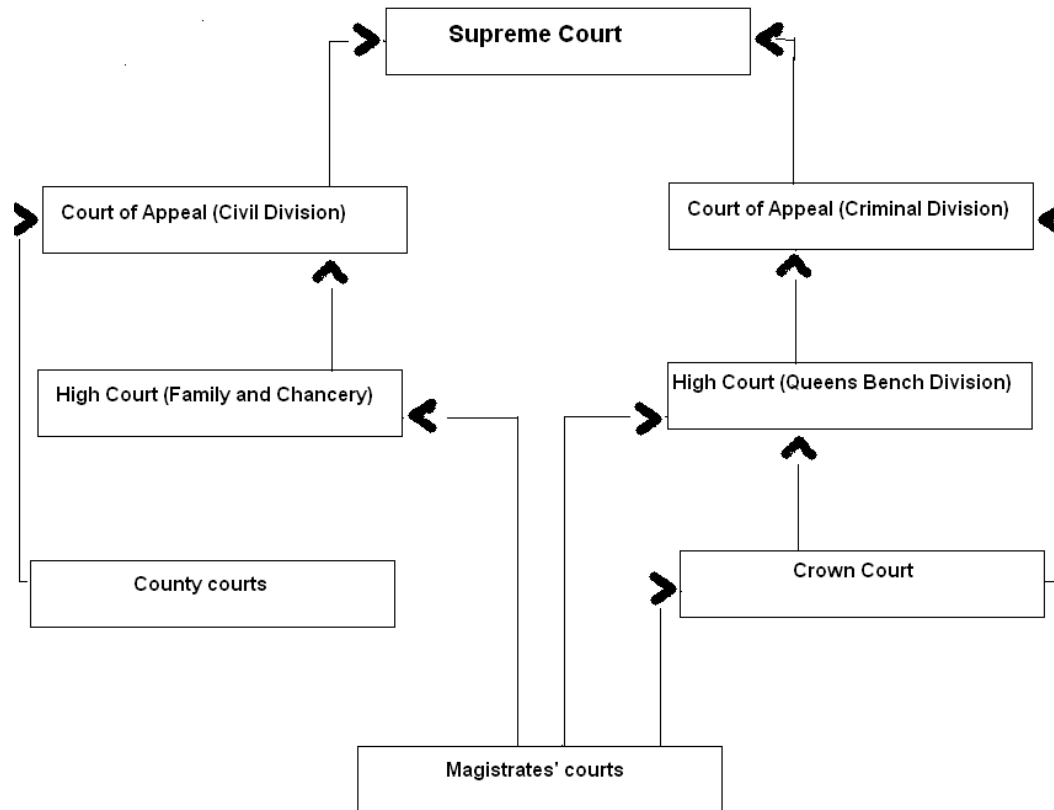
1. Mixed linguistic ability
2. Mixed legal subject knowledge
3. Variable study skills
4. Variable motivation for taking their law credit modules
5. Variable motivation for attending the weekly 'non' credit legal English support classes

Implications of this student profile for lesson planning

Selecting a legal case that has the potential to correspond to some concepts in:

- Contract Law
- Constitutional and Administrative Law
- Employment Law
- Human Rights Law
- International Law
- Tort

The English legal System



Making the most of a core case: Radmacher v Granatino UKSC

JUDGEMENT

Radmacher (formerly Granatino) v *Granatino*

*Judgement given on 20 October 2010
before*

*Lord Phillips, President
Lord Rodger
Lord Walker
Lady Hale
Lord Brown
Lord Mance
Lord Collins
Lord Kerr*

Questions underlining the design of integrated classroom tasks

Creating classroom activities based on Radmacher v Granatino

1. Does each activity involve re-negotiating the balance between hard and soft law?
2. Does each activity facilitate bridging teacher competencies in EFL, EAP, ESP?
3. Does the continuum of classroom tasks mean matching topical legal issues with overt language input, and developing legal skills?

**How high or
how low?**

**Creating a
two hour
lesson plan
based on
Radmacher
v Granatino**



Lessons learned from Radmacher v Granatino



Jerome Bruner's *10 features of narrative*

1 Narrative diachronicity

- Timescale for events in a story, see background context to the Radmacher's pre-nuptial agreement

2 Particularity

- The particular circumstances of the Radmachers' marriage

3 Intentional state entailment

- (We can assume the Radmachers intended their pre-nuptial agreement to last

4 Hermeneutic composability

- How the 9 judges in the UK Supreme Court distinguished between what was expressed in the pre-nuptial agreement and what it could mean – how do the team of supreme court judges justify their different readings of the circumstances and wording of Radmacher texts?

Jerome Bruner's 10 features of narrative ctd.

5 Canonicity and breach

- Bruner's claim that stories are about what happened, why it is worth telling, what innovations they suggest - we can link this to the legal concept of *precedent*, i.e. the impact of a Supreme Court judgment on English Common Law

6 Referentiality

- Bruner, 'The distinction between narrative fiction and narrative truth is nowhere nearly as obvious as common sense and usage would have us believe.'
How does *Radmacher* invoke cultural concepts of common sense?

7 Genericness

- Bruner argues that we can speak of genre as a property of text and as a way of comprehending narrative

Jerome Bruner's 10 features of narrative ctd.

8 formativeness

- Bruner states that, 'a story's **tellability** as a form of discourse rests on a breach of conventional expectation, a breach pre-supposes a norm. But in the case of *Radmacher* we had no norm for ascertaining the validity of overseas, prenuptial agreements in English Law.

9 Context sensitivity and negotiability

- Bruner argues that we take the teller's intentions into account and do so in terms of our background knowledge and presuppositions about the teller's background knowledge. The different judges' views within the *Radmacher* text extend the potential for applying its legal reasoning to further disputes concerning marriage breakdown.

10 Narrative accrual

- Consider intextextual elements in the **Radmacher case** and what legal knowledge we need to decode them. Follow up on this internal referencing system within the case genre.

Radmacher v Granatino

Creating
language and
skills activities
based on this
case



Tasks based on narrative aspects of the case

Using the diagram of the judicial system

- Ways of reading the diagram
low to high,
high to low
 - Contrasting the
civil and criminal jurisdictions of the courts

Tasks based on language or discourse functions in the case

- Compare and contrast
- Cause and effect
- Defining
- Exemplification
- Expressing opinions
- Narrative

Tasks aimed at noticing the different registers in the text

- Reformulating 'spoken' statements in the case
- Checking the accuracy of paraphrases and reformulations in media accounts of different aspects of Radmacher v Granatino

Addressing the learning demands of the students' legal assessments

- 1 What kind of speaking and writing assessments do the Erasmus law students have to do over one or two semesters?
- 2 What is the relevance of *narrative* as a text, a discourse function, and a writing skill to their legal learning?
- 3 Why consider the cultural assumptions of the 'common man', and 'common sense' as an area for further classroom development?
- 4 So 'how low can you go' without compromising higher level thinking?

Assessing the sample classroom activities

SOME CONCLUSIONS

- Topicality v teacher preparation time
- Combining published legal English resources with the task of creating in-house (ELTU, Leicester legal materials)
- Transferable options- the potential of using tasks again; is there a template of an Erasmus legal English student!

References

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- Chartrand M , C. Millar, E. Wiltshire *English for Contract and Company Law*
(3rd edn Sweet & Maxwell 2009)
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OSCOLA 4th edition 2010 Faculty of Law , University of Oxford
www.law.ox.ac.uk/oscola

English cases and statutes

- *MacLeod v MacLeod* [2010] UKSC 64
- Matrimonial Causes Act 1973
- *Radmacher (formerly Granatino) v Granatino* [2010] UKSC 42 *On appeal from: 2009 EWCA Civ 649*
- Human Rights Act 1998

Thank you for your attention
Any questions?
