



The University of
Nottingham

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Constructing a Case for ESAP: Law and the Built Environment at CELE Nottingham

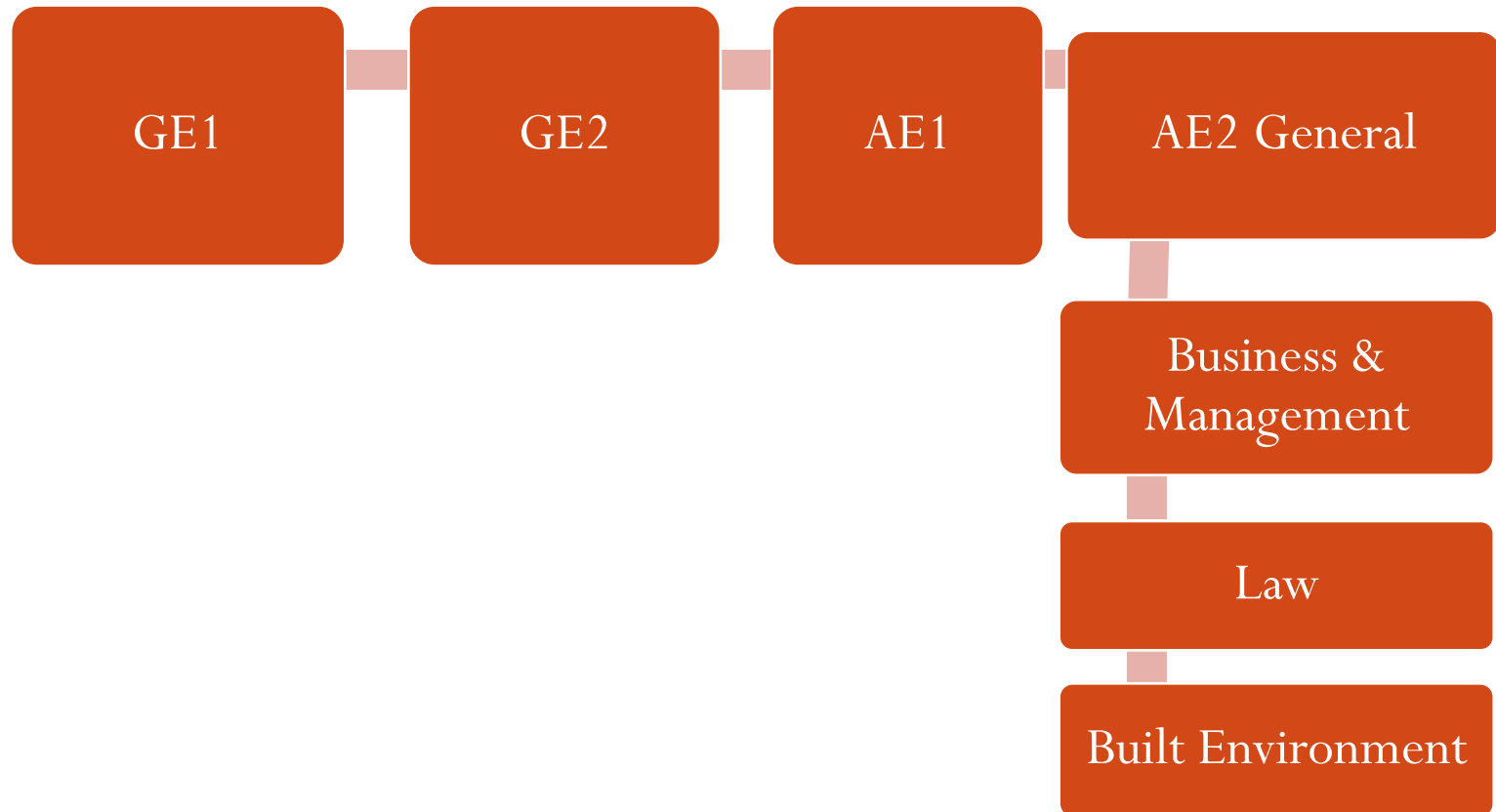
Klaus Mundt and Richard Lee



Outline

- Overview of CELE courses
- Focus on 2 preessional ESAP courses
 - The Built Environment & Law
- Materials Development
- Course Delivery
- Assessment

CELE EGAP & ESAP Professional



BE ESAP Course Materials Development

- Faculty liaison
 - Initiated (and funded) by the Department of the BE
 - Mainly 1 liaison person to coordinate
 - Questionnaire regarding course content, common student weaknesses & departmental expectations
 - Extensive e-mail communication & meetings
 - Several meetings with key persons
 - Visits to Studio Crits (filming) → work with the Media Team
- Corpus analysis of expert & student writing (structures, vocab & stylistic elements)
 - To inform developers & tutors

BE ESAP Course

Materials Development

- Writing materials
- Putting the 's' into ESAP
 - Differences in students' future courses
 - Choice of:
 - Topics
 - Activities/ Genres (e.g. 'common' academic texts, reports, proposals)
- Decision making
 - Realistic development regarding deadlines & funds
 - Pre-sessional development: three ½ tutors (2 CDs of pilot run) for 3 terms (30 weeks)
 - Adapting existing materials

Course delivery/piloting

5 week-course

What worked well:

- Highly motivated students
- Accessibility of materials/topical content
- Relevant language input
- Relevant activities & genres
- Guest lectures
- Very positive student response
- 100% intake by the department

Course delivery/piloting

What could have been better:

- Even in bespoke course, there are discrepancies in Ss needs (different sub-fields & qualifications of the discipline)
- ‘Universal’ topics = limitations in student interest
- Subject specific questions = extra prep & post-lesson work
 - Flexible tutors needed
- Only partly relevant assessment

Assessment

- ESAP vs EGAP assessment (adaptation)
- Limited relevance (format, language, skills)
- Reading & Listening: same as EGAP course
- Writing: exam-style essay
- Written project
- Speaking: (relatively) formal presentation

- Practicality occasionally overrides relevance
 - Usually conscious decision based on time pressure and funding
 - Department was consulted and participated in decisions

All in All

Was it worth it?

Outline

- Noticeable adaptations to the preessional law syllabus
- The problem essay
- Pros and cons of BE & Law preessional

Rationale

- Heads of LLM programmes perceived a need
- General preessional didn't cover some of the subject specific literacy skills required on the LLM

Student Profile

- All plan to do PG LLM mainly at UoN
- Entry level for preessional Law IELTS 6
- Exit level overall 6.5 (W7 R6.5 L6 S6)

Essay Writing Adaptations

- Discursive essays + legal problem essays
- The writer considers a hypothetical legal problem where he/she has to provide solutions and describe potential liability of various parties
- Common to Law programmes
- Tests students legal reasoning skills and knowledge of case law/statutes etc

Academic reading

- Focus on reading case law and statutes which form the basis for discussions and background materials for essay writing
- Focus on identifying the key parts of case law. For example:
- the ratio decidendi - the part of the judgement which is delivered at the end of a case which explains the reasons for the decision. Often many judicial opinions do not contain clear examples.
- A focus on improving reading speeds over the programme due to the sheer amount of case law they read on the LLM.

Referencing

- Oscola (Oxford University Standard for Citation of Legal Authorities)
- Basically a footnote system with the added complexity of citing and referencing case law and statutes.

<http://www.law.ox.ac.uk/publications/oscola.php>

Academic listening

- Guest lectures from the School of Law covering key concepts, e.g. reading case law, judicial precedent, answering problem essays etc
- Helps fill in the knowledge gap and allows students to form an early relationship with academics from the school of law

Online tools

- Online research tools

Introductory talks by law librarian on online search tools for Law, e.g. Westlaw and LexisNexis

- Key research tool for their project submitted at the end of the preessional

<http://www.westlaw.co.uk/>

<http://www.lexisnexis.com/uk/legal/>

- We incorporate online learning tools they'll use on their LLM including WebCt

Course book

- Bradney, A., Cownie, F., Masson, J., Neal, A. & Newell, D. (2010). *How to Study Law* (5TH ed.). London: Sweet & Maxwell.
- Provides additional support for both tutors and students – covers key study skills and outlines the core areas of common law, e.g. Court systems, case law and judicial precedent.

The Problem essay

- The writer is tasked with considering the legal issues raised by a legal problem/question and applying the law to a given set of facts.
- Usually involves providing advice to one or more imaginary party.
- Language reflects this with a high level of modality and conditionality.
- The advice often focuses on potential liability of each party involved ; therefore, reference to case law and statutes is frequent.

Language of the problem essay

Modal verbs and conditionals are frequent

- X may have committed grievous bodily harm
- X could (also) be charged with theft/burglary
- If it can be shown that X intended to..... he could be charged with...

Referring to the relevant law:

- This is contrary to s 15 Theft Act 1968.
- On the basis of *R v Gomez*,...
- ...;see *R v Gomez*
- ..under s3 Theft Act 1978 ...

Structure

- A brief introduction identifying the relevant area of law and any major legislation or cases that will be relevant. No purpose statement.
- In the main body the writer identifies relevant legal issues and identifies relevant legislation and/or case law to address these issues.
- A conclusion is often not included

Typical problem essay question used in final assessment

- M was the owner and occupier of a farm with several hectares of land. He lived alone. He claimed he was woken up on the night of the 20th August when he heard a window being broken in the downstairs study. He went to investigate, taking a 12-bore Winchester pump action shotgun. He disturbed B and F who were wearing gloves and carrying holdall bags and taking M's possessions. At some point, without warning, M fired his gun; B was shot in the lower back and legs and F was shot in both legs. Although both managed to exit the farmhouse, B collapsed and died a short distance from the property.
- Advise the various parties of their criminal liability.

Model response to question.

Introduction

It **seems** that the main crimes involved in this case are murder, intent to do bodily harm, theft, burglary and damaging property. The case relates to house owner M, and two intruders, named B and F.

Model response to question

- In regard to B and F's responsibility, only F's liability will be presented because B is deceased. However, **if B had lived, he could have been charged** with the same offences as F. First of all, when F entered M's farmhouse he **possibly** damaged M's property. **If the damage can be proven, he could be convicted of damaging property** according to the Criminal Damage Act of 1971. In addition, F **could be** guilty of burglary on the basis of the Theft Act 1968. This liability **could** be based on the facts that he had entered M's farmhouse as a trespasser, without lawful excuse to do so. F **may** also be charged with theft under the Theft Act 1968, where a person dishonestly appropriates things belonging to others. Another charge that F **could be** responsible for is going equipped for stealing. **If the Police could find F's articles used by him to enter M's house, he could be guilty of a crime** contrary to the Theft Act 1968.

- We don't worry too much about their legal reasoning skills.
- We focus on language, e.g. citing the law, use of conditional sentences, modality, structure etc

Help with building a workable syllabus

- Faculty liaison is a good starting point
- Legal skills adviser in School of Law
- Published study skills materials focusing on Law are quite widespread:

Bradney, A., Cownie, F., Masson, J., Neal, A. & Newell, D. (2010). *How to Study Law* (5TH ed.). London: Sweet & Maxwell.

Powell, D. & Teare, E. (2010). *Writing for Law*. London: Palgrave Macmillan

Helps in identifying appropriate reading/writing/speaking skills unique to the Law.

Pros

- Provides support for the teaching of subject specific literacy skills often overlooked by subject specialists.
- Motivation
- Authenticity
- Relevancy

Cons

- Both programmes are tested with the same exam materials as general programmes. Therefore, a tension exists between providing test validity across preessional programmes and providing ESAP programmes with relevant skills and language to prepare them for their faculty programmes.
- EAP tutors may 'lack control' over specialist content, however, close cooperation with BE and Law departments generally fills in the knowledge gaps where required.