

The use of legal cases as a way to enhance law students' cognitive and communicative competences in the English classes

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ABSTRACT

This paper shows the results of a descriptive case study in language teaching, carried out in a Colombian private university. Its main aim was to encourage sixteen students from legal English 1 and 2, ninth, and tenth semesters, to analyze legal cases within the communicative approach, by motivating their cognitive competence development (making inferences, reasoning, considering different alternatives, building meanings and critical thinking). Data were gathered through researchers' journals, an unstructured questionnaire and the students' oral and written production. Results showed how the use of legal cases made students improve their English communication skills and their knowledge of their own field of study, which are all relevant aspects in their training as future lawyers.

Keywords: English teaching, legal cases, EFL, ESP, communicative and cognitive competences.

RESUMEN

Este artículo muestra los resultados de un estudio de caso descriptivo en la enseñanza de idiomas llevado a cabo en una universidad colombiana privada. Su principal objetivo fue alentar a los estudiantes de inglés legal 1 y 2, noveno y décimo semestres de derecho para analizar casos legales dentro del enfoque comunicativo, motivando el desarrollo de la competencia cognitiva (hacer inferencias, razonar, considerar diferentes alternativas, construir significados y pensamiento crítico). Los datos se recopilaban a través del diario de los investigadores, un cuestionario no estructurado y la producción oral y escrita de los estudiantes. Los resultados mostraron cómo el uso de casos legales hizo que los estudiantes mejoraran sus habilidades comunicativas en inglés y expandieran conocimiento de su propio campo de estudio; todos estos son aspectos relevantes en la formación como futuros abogados.

Palabras clave: enseñanza de inglés, casos legales, EFL, ESP, competencias comunicativa y cognitiva.

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Introduction

Nowadays students need to develop different competences not only in their own field of study but also in areas that help them maximize their learning opportunities related to their field of study; thus, developing communicative competence in English as a Foreign Language helps students interact with speakers of other cultural backgrounds and have access to a great variety of information from different sources.

Law students require the development of some specific qualities that make of them great lawyers. They are required to be in constant communication in oral or written way; besides, they need to be good listeners to understand and analyze daily life situations; in this sense; this research procedures seek to strengthen students' communication skills in English through the use of legal cases; it was carried out with last semester law students because the case analysis needed some background in legal issues as well as in the English language.

Data was gathered using three sources: students' questionnaires, students' artifacts (students' written and oral production) and researchers' journals. This study was guided by the following *main research question*: can undergraduate law students' communicative and cognitive competences be enhanced through the use of legal cases in an ESP (English for Specific Purposes) context? *specific questions*: How do law students analyze legal cases in English within their communicative competence? Furthermore, in what way do legal cases promote students' cognitive competence through the analysis of legal case studies in English? Additionally, findings show the way English teachers implemented different strategies that contributed to improving students' use of English when analyzing legal cases in Legal English courses. Hence, students were able to interpret, argue, discuss and propose solutions to real situations based on legal issues; at the same time, this project presents academic arguments and analyses related to English teaching and learning processes in an ESP class.

Statement of the problem

In order to increase students' proficiency in the English language, focusing on legal aspects, the Santo Tomás University offers different courses as follows: five general English courses (from first to fifth semester), two reading comprehension courses (in sixth and seventh semesters), and two legal English courses (in ninth and tenth semesters); thus, while the first courses are General English ones, the later courses are ESP based on students' specific and professional needs and interests.

As teachers of legal English for some years, we have observed how difficult it is for law students to communicate their thoughts and argue in their major using English as a foreign language. In order to improve teaching strategies and students' knowledge acquisition, we decided to use research procedures in order to encourage students to develop their cognitive and communicative competences which include interpreting legal issues, providing arguments in their analysis, and critical thinking.

In this way, we designed a diagnostic activity in which students watched the movie “Philadelphia”, which discusses homosexuality and homophobia from a legal perspective. Students had to identify and analyze the arguments (see Appendix 1) of the different parties (Andrew Becker and the law firm). Next, they analyzed the decision of the court based on the evidence of the case. Only few students were able to recognize and explain the main arguments of the parties in English. Most of the students could not express their ideas because they just used single words, incomplete sentences and their discourse lacked coherence. This research project was designed and implemented to find a solution to this problem, i.e. to satisfy the students’ learning needs in their field of study and language improvement.

English classes with legal topics have been a challenge for teachers and students alike. Teachers have to confront legal themes that include national and international standards, legal procedures, legal cases and legislation, among others; on the other hand, students must be able to read, understand, analyze, discuss, and argue about legal aspects in the English language; it is easy for neither party, but it is also an opportunity for both to do collaborative work and to explore methodologies in favor of effective learning.

Theoretical framework

The current study is supported by the following theoretical foundations: the use of legal cases in law students’ training, the use of legal cases in an ESP class, the development of students’ cognitive competence, and the communicative approach to teaching EFL.

The use of legal case in law students’ training

For some time, L1 lectures or law professors (most of them lawyers) have been using legal cases in order to teach and evaluate their students; most of this material is taken from real cases or adaptations they have made for teaching. Ariffin (2014) states that law students require to get experience in subject knowledge and language competence; besides, reading legal cases is of great importance due to the complexity of the legal language students need to acquire. Hence, legal cases give students the opportunity to analyze them in detail and also get knowledge and experience in their own field of study; it has potential to be effective since students bring previous knowledge to class and also receive the guidance of teachers. Sources??

When law faculties include legal cases in their syllabuses, they focus on preparing students to solve real life problems. Katz & O’Neill (2009) argue that legal cases allow one to work with legal rules, cases and arguments; this academic exercise introduces students to legal practice. Thus, role playing in L1 classes allow students to have different views on the cases as well as facilitate their analysis and argumentative skills through the performance of roles as attorneys, counselors, lawyers, advocates, solicitors, judges, clients, criminals, among others.

A legal case provides material that includes a brief background of the topic, an explanation of the context and details about particular situations; for instance, Greene and Thomson (2011) proposed case studies on human rights as part of the contents of the law program: “Case studies on human rights were developed by Liberty Victoria to help students to understand the diversity of civil liberties and human rights, the value of such liberties and rights, and the ways in which they are protected under the Commonwealth Constitution” (p. 2). Similarly, Applegate (2000) asserted that “All court cases are potential case studies. It is often overlooked by reformers of teaching methods that cases are often the best case studies” (p. 221). Using legal cases, therefore, is considered to be meaningful for teaching because they provide students with a great source of factual and policy material; additionally, they enable checking regulatory disputes from different participants, in real contexts.

The use of legal cases in an ESP class

Teaching English in Law programs (Legal English) requires specific strategies and materials to motivate students’ knowledge and foster language improvement. Hence, the use of legal cases for teaching, or the use of ESP materials, have many advantages for students; they are mainly represented in the motivation students gain because the topics are inherent to their profession; students can acquire knowledge and analyze it from different perspectives as future lawyers. Arias (2014) points out that reading about topics related to students’ degrees makes them gain knowledge of their own interest and feel empathy for the class. Furthermore, Jabeen (2012) argues that the use of legal cases to teach English helps law students step into their practical profession with more confidence. Thus, legal cases are relevant ESP materials and should be included in English classes as part of daily activities.

Moreover, there are some important aspects to take into account while working with legal cases in English; students require knowledge of general English because they need to understand and explain legal issues; this material usually contains complex structures students must comprehend and use in real life contexts or in English classes; Berardo (2006) states: “Authentic materials should be the kind of material that students will need and want to be able to read when traveling, studying abroad, or using the language in other contexts outside the classroom” (p. 62). Thus, these kinds of texts enable students to interact with real language and real situations of language use rather than the form.

Keeping in mind that globalization involves the management of knowledge around the world; it implies not only that people can access information coming from varied sources but also that teachers implement it in their classes. Even though law is a field that changes from one country to another, there are international laws that are necessary for countries’ relationships. Regarding this, Green (2011) argues: “With the recent increased pace of globalization, and the resulting profound changes in the kinds of connections that exist between nations and peoples in different parts of the world, English has become even more of a world language” (p. 6). Thus, students who use legal language in English have the

advantage to understand a variety of contexts and communicate their own thinking with no language barriers.

The development of students' cognitive competence

Cognitive competence involves the capacity to think and take decisions according to the rules that govern society; it also involves knowledge acquisition, because it is important in decisions making, problem solving and learning procedures. Winterton, Delamare and Stringfellow (2006) assert: "The cognitive competence is the ability to think and act in an insightful and problem-solving way". (p. 54); additionally, Sun & Hui (2012) argue that cognitive competence is related to the ability to internalize, self-regulate, construct knowledge and make sense of the surrounding environment; in this logic, this competence is inherent to people's lives and helps them develop skills that let them proceed in community. Therefore, its development should be emphasized in undergraduate training in general, and in law training in particular.

Cognitive competence involves *the interpretive, argumentative and propositive competences* which are considered for the development of this project, in which law students have to solve legal cases and do a complete analysis. For example, they need to understand problematic situations, investigate information related to the case, identify the processes, recognize the different parts of the cases and argue the possible solutions based on the latest legal regulation, jurisprudence and the appropriate context.

The interpretive competence is related to the ability and capacity to understand and comprehend a situation, the processes of construction and reconstruction of meanings (Vélez, 2011). It involves the ability to identify and understand fundamental ideas in different contexts such as communication, messages, pictures, texts, and others; it also includes comprehension and relations among ideas; it requires memory, comprehension and applications in problematic situations.

The *argumentative competence* is the capacity to argue, analyze, decode and give explanations about things or events (Botero, Ayala, Perdomo, Arango, Betancur, Naranjo, and Llano, 2003). It includes the justification of ideas, being able to give reasons, defend viewpoints and maintain communication among people. It involves reasoning, explaining the parts and processes, arguing the effect and drawing conclusions, giving reasons and exchanging knowledge.

The propositive competence constitutes the highest development of thought (Vélez, 2011) because it requires the synthesis of knowledge, the change of paradigms, the transformation of ideas and problem solving. It gives origin to new ideas and theories, which are transformed or changed under new patterns.

When working with legal cases and law students, their cognitive competence develops as follows: first, the interpretive competence is exercised when students understand and describe events in their context; second, the argumentative competence is used when

students are able to explain the situations with their own words; finally, the propositive competence is developed when students create their own arguments and theories based on facts. They also make use of their personal knowledge and experience when needed.

The communicative approach to teaching EFL

The communicative approach has changed language teaching; it began as a way to criticize the audio-lingual and audio-visual methodologies; however, it started to be widely applied especially in the 1990s; it proposes the creation of authentic communicative scenarios where students can practice the language through real situations. Plocková (2010) argues that due to communicative activities, students can see the relationship between their classroom tasks and the ability to communicate in the real world; she also asserted that language teaching should be thought of not only in terms of structure but also in terms of function. Thus, the main purpose of the communicative approach is to promote students' communication and involve them with their own learning process.

The communicative approach provides meaningful tools for language teaching in terms of strategies and activities, and also allows students to communicate about ESP topics which are valuable for their learning processes. Richards (2006) proposed some implications for methodologies according to the communicative approach in order to provide meaningful learning opportunities as follow:

- Make real communication the focus of language learning.
- Provide opportunities for learners to experiment and try out what they know.
- Be tolerant of learners' errors as they indicate that the learner is building up his or her communicative competence.
- Provide opportunities for learners to develop both accuracy and fluency.
- Link the different skills such as speaking, reading, and listening together, since they usually occur so in the real world.
- Let students induce or discover grammar rules. (p. 13)

In accordance with the previous statements, the communicative approach introduced important changes in language teaching; the teacher takes the role of a guide, he/she proposes the communicative situations and gives the students the opportunity to experiment and live their own experiences for practicing and learning the language. The students' role in this approach is to be the protagonists in their own learning, Ahmad & Rao (2013). The communicative competence is the goal of language, Brown (2001); however, he highlights the correct use of the language, considering the adequate use of grammar, pronunciation and intonation, and the function of the language according to the different contexts.

Methodological design

This is a Descriptive Case Study (Yazan, 2015), because it allows for the observation and detailed analysis of what happens in a particular group of students. Regarding this type of research, Baškarada (2013), among other authors, says: “case studies provide an opportunity for the researcher to gain a deep holistic view of the research problem, and may facilitate describing, understanding and explaining a research problem or situation” (p.1). Additionally, Merriam (1999) recommends this research method in education because it contributes to the understanding of a specific phenomenon, which helps the reader to extend their experience, discover new meaning or confirm what is known.

Setting and participants

This study was developed at Universidad Santo Tomás Seccional Tunja (USTA-Tunja) which has other branches in Colombia such as Bogotá, Bucaramanga, Villavicencio and Medellín. The law program has 5 basic academic English courses in the first semesters, 2 English reading courses in sixth and seventh semesters and 2 Legal English courses (Legal 1 and Legal 2) in the ninth and tenth semesters; for the development of this study, two Legal English groups were taken into account due to the purpose of this research. Data was collected only from 14 students who were randomly chosen, 6 men and 8 women; they were young adults with similar socioeconomic conditions who showed basic command of the English language.

Instruments

Students’ artifacts (students’ production, Appendix 4)

The implementation of artifacts is a way to gather the students’ English production in the completion of the different activities; these allow the researchers to have evidence of students’ work, learning problems, difficulties and advances; Le Compte & Preissle (1994) say that artifacts are things people make and do during a research process; thus, they can be represented in written and in oral performance, in specific contexts.

Journal

This study implements the researchers’ journal (Appendix 7) in order to record the relevant events during the different activities in the classroom. It was completed through a written format and was focused on observing and recording the students’ communicative skills and their legal knowledge and practice; Burns (1999) states that journals provide detailed descriptions and interpretations of specific events such as students’ reactions, attitudes, feelings, progress, likes and dislikes, among others.

Unstructured Questionnaire

The unstructured questionnaire (Appendix 2) is used in this study in order to collect data related to the students' opinions about the progress and development of the different activities in the English classes. It was administered orally at the end of the semester. The Office of National Statistics (2010) recommends this kind of instrument because the respondents are free to answer the questions with their own opinions. Thus, this instrument contributes a wide range of answers and arguments that help to answer the questions.

Pedagogical Intervention

This study aimed at enhancing students' cognitive and communicative skills when reading, comprehending, analyzing and proposing arguments based on legal cases under the parameters of the communicative approach, having in mind that law students need to develop these skills for working on topics in their own field of study.

The researchers constructed the project, designed and implemented four (4) workshops based on the same number of legal cases, throughout the semester; the workshops included specific activities to promote students' analysis and English use as follows:

First workshop: Students read the case "Becoming a political refugee" (Appendix 3), using different reading strategies (analyzing the function of words in the text, skimming, scanning, analysis of headings and sub-headings and oral brainstorming); then, they identified the main problem and the legal issues (documents, laws and arguments) in Beatriz' case; students focused on the conditions and laws that allow refugees to stay in USA; moreover, they analyzed the situation of refugees during Donald Trump's government and presented reasonable arguments about it. Finally, they discussed the decision of the court in the case, and presented their own argument and viewpoint about it. First, they wrote a paper draft (Appendix 4), next they presented it orally.

Second workshop: students read the case "Banning neighborhood noise" (Appendix 2), using different reading techniques (skimming, scanning, analyzing vocabulary, and oral brainstorming), in order to discuss general and specific ideas. Students described a problem among neighbors in a US neighborhood, they analyzed some legal effects and the police officers' advice; in this respect, they also compared US and Colombian's regulations; students analyzed the various positions (the neighbors and the band) as well as the court's decision; additionally, they defended their position regarding the problem, analyzed a possible penalty (pay a fine, develop social work, go to jail, etc.) and compared it with the Colombian context problems (according to the Colombian National Police Code); students analyzed the case in small groups (three people) but each student presented a final analysis face to face with the teachers. The report was made in writing and orally.

Third workshop: students watched the movie "Lincoln lawyer" (Appendix 5), in order to analyze the legal case through audiovisual materials; they analyzed the main

problem as well as the lawyer's morals and behavior, the position of lawyers in front of guilty people, the influence of wealthy people on justice, the nature of evidence and its possible manipulation; furthermore, students studied the Colombian law in similar situations. Students prepared a paper with their own viewpoints about the case and presented it orally in a round table with the whole group.

Fourth workshop: Students read and analyzed a "Contract law case" (Appendix 6) by using different reading techniques (analysis of vocabulary, cognates, making inferences), in groups of four (4); after that, each student adopted a role (district attorney, deep blue pools' lawyer, Gainsborough construction's lawyer and judge), they prepared their own script and performed the different roles in the case, constructing their own understanding and position as future lawyers; thus, the students exercised their own roles by using legal arguments and reasoning about the problem.

Feedback was a constant element during the development of the different workshops, especially when students were writing their drafts about the analysis of the cases, and also while preparing their oral presentations; feedback was given individually or in groups, according to the students' needs and difficulties.

Results

The process of data analysis was as follows: the researchers collected the students' artifacts (students' production) in order to have evidence of their English communication. The researchers' journals contained descriptions of the main events that happened in the English class such as the students' work, their attitudes, progress, difficulties, and others. The unstructured questionnaire was given to students at the end of the semester; it provides evidence of students' impressions about the development of research. After analyzing all the gathered information, it was necessary to triangulate data in order to identify similarities. Fusch, Fusch and Ness (2018), state that in qualitative research, triangulation adds depth to the collected data. After analyzing data, two categories emerged in order to answer the research questions:

First category: Students' development of the communicative skills while analyzing legal cases

During students' academic and professional life, they must develop their communication skills (listening, reading, speaking and writing) as part of their academic training; in language learning, these skills should be integrated in an effective way and addressed in order to help students meet the requirements in the gradual development of their communicative competence.

This research project implemented some specific conditions, throughout the workshops, to encourage the development of their communicative competence; the first contact students made with the law cases was through reading; thus, the use of different

reading techniques (analyzing the function of words in the text, skimming, scanning, analyzes of headings and sub-headings and oral brainstorming) helped them comprehend the information. Arias (2014) asserts: “Reading about topics related to the students’ intended career paths allowed them to gain a broad view of the world with regard to their own field of study, so they could appropriate, relevant knowledge according to their own interests” p. (113). While reading, students could understand some general aspects of the texts but they could not comprehend them fully; the researchers perceived that they had some difficulties because they did not recognize some vocabulary; thus, the first task students completed was to identify the meaning of some specialized terms and acquire it, bearing in mind that it was important to express their ideas and understand some other cases, as it was shown in the students and teachers’ opinions:

For me, the most important benefit was the acquisition of vocabulary in the law context because it was the main problem I have had for speaking in English. (Student 4, Questionnaire¹)

In fact, one of the main difficulties, we, as teachers of the university have been observing is that in the higher levels of English (legal English 1 and 2 – ninth and tenth), many students usually show lack of vocabulary and expressions, necessary to express ideas in their own field of study in English. Besides, students realized they have the legal knowledge but they do not have the necessary legal vocabulary to communicate their own thinking and understanding about different topics. (Researcher 2, journal)

In this sense, the students’ acquisition of technical vocabulary (about law), helped them gain the ability to understand the different cases and also improved their reading comprehension skills about topics of their own field of study or ESP. Authors such as Nădrag and Buzarna-Tihenea (2017) agree that everyday classroom activity has revealed students’ problems in fields like efficient reading and understanding overall meaning; therefore, it is imperative to expose students to authentic learning situations because students can make connections with the real world, and also practice the language by using authentic materials.

Working with legal cases provided appropriate input to develop students’ lexical repertoire, it motivates the development of their writing and oral communication skills; students incorporated legal terms to their opinions and judgments; it also helped them to construct longer and coherent texts that facilitated the expression of their own thinking, as seen in the following excerpt:

Fourth Workshop: Gainsborough construction lawyer:

*According to the contract on September 15th, of 2015 with the Deep Blue Pools, my client is **claiming** to do the fulfillment of that contract, because the accused didn’t do their work as my client contracted, with the specifications the agreed.... Doing*

1) Students’ written production (artifacts) is reproduced verbatim.

*application from the civil law, in our civil code, we are going to use the 1545 article to **fulfill the contract** with a **compensation** that costs \$ 312.680. (Student's written artifact)*

In the development of this research, a movie was included (Appendix 5). This was done to include audiovisual material where students could listen, watch and understand the main legal issues of the case. In general, during this activity, students were expected to develop the different aspects of the workshop and help each other to understand it better.

This study provided the necessary conditions for making students practice what they have learnt in their law course and also in their English classes within a communicative approach. Radzi, Azmin, Zolhani, & Latif (2007) state about one of their research studies: “The use of CLT (Communicative language teaching) approach enhances oral competency among students as the approach encourages students' participation, promotes confidence, prepares students for real-life communication, and develops communication strategies through the activities carried out” (p. 11). Thus, students could realize the importance of their education, make connections between previous knowledge and new one and put into practice their cognitive competence; all these elements contributed to building awareness about learning and improving their communicative skills.

Second category: Students got legal experience in arguing, justifying, and proposed viewpoints, based on the different legal cases in English

As part of their academic training, law students have to develop the cognitive competence because they must be able to identify, analyze and solve people's daily life problems, they must discuss legal issues and propose alternatives to find solutions to different situations according to the law and obtain justice; besides, they have to propose laws in favor of people's good coexistence, protect the vulnerable and defend their clients as needed, according to the norms.

This research project created specific conditions for students to develop their labor skills as lawyers as well as their English language performance through the analysis of legal cases. First, students had to interpret the case in order to adopt a legal position; for example, in the first workshop (Appendix 3: Becoming a political refugee), it was not easy for students to identify different legal issues, but through teamwork with students and teachers they were able to do it, as shown in the following:

There was an activity in which students had to identify documents², laws and arguments in Beatriz' case (annex 3). I realized that for my students it was not easy because they mixed everything, they got confused about laws and documents, and students did not go in depth with the case; about it, the teacher had to help them to

2) Legal documents and institutions related with migratory acts: The Immigration and Naturalization Service document (ISN). The Immigration and Naturalization Act, a reasonably specific information declaration and a warm statement.

identify the different aspects and also guided them to do the analysis. Finally, they were able to interpret and analyze the case. (Teacher 2, journal)

The analysis of the previous case (Appendix 3) was very interesting because it allowed students to face one of the most important problems of countries nowadays, which is migration. They analyzed the case of Beatrice, an African woman who had to study in the US because her family was threatened by the government. Thus, with the guide of the researchers, students could identify the different legal issues, they analyzed the conditions required by US to allow refugees to stay there and they studied President Donald Trump's current position on immigration; it was a real life situation that made students feel they were in contact with the real use of the language and allowed them to present personal viewpoints. Berardo (2006) recommends exposing students to real information to support teaching and make students respond to daily life contexts. Thus, this case made them face the problem of refugees from a critical view, bearing in mind the national and international legal standards, as follows:

This is a clear example about how immigrants are treated in foreign countries because they are not allowed to have equal conditions like the native people. For this reason, it is difficult for them to travel, study and progress abroad; in many cases, they are stereotyped and mistreated. Thus, all countries have to create Public policies to protect immigrants; for example, in USA, refugees can stay with the conditions to learn English, work and contribute with the economy and development of the country, and not to commit crimes against the American people; on the contrary, they are forced to return to their country of origin. (Student 9, written artifact, first workshop)

About the second case (Appendix 2. Banning neighborhood noise) students analyzed other common problems people face in cities or towns in relation to loud noises; hence, they identified the main characteristics of the problem, looked for the latest Colombian laws about this topic and formulated their own arguments. One of the researchers mentioned:

Students worked in small groups and identified the different moments and legal issues of the "Banning neighboring noise" case; they identified the problem of noise this band was generating in a neighborhood; students identified the different positions of the parts, their particular arguments, and also interpreted the final decision of the court. (Teacher 2, journal)

Additionally, about the analysis of this case (Appendix 2) one of the students wrote his own interpretation:

There was a musical group which used to play loud music in a USA neighborhood, they were named "Darrien Mann's rock and roll band". The neighbors called the police, the police officer persuaded the boys to stop playing loud music, and they had to look for another place or get a soundproof garage to practice... From my point of view, there is a real problem between the band and the neighbors, it is necessary that

they mediate and look for a right solution; in fact, if a community is affected for loud noise, they have to stop playing in favor of the peace and quiet of the neighborhood. (Student 8, written artifact)

The previous analysis shows that students were able to apply their expertise as future lawyers in order to judge and propose solutions to the case, skills related with the development of their cognitive competence, as proposed in this study. Additionally, about the same case (Appendix 2), the court ruled in favor of the neighbors and based its arguments on the Los Angeles Municipal code “noise ordinance”. According to the text, “It is against the law for any person to make any loud unnecessary and unusual noise which disturbs the peace and quiet of any neighborhood” (p. 29); about this, one of the students argued:

I agree with the decision of the court because the band was disturbing the peace of people, especially at night, when they are resting at home. Likewise, in a similar situation in Colombia, we have the National Police code, here, the offices can go into people’s houses and turn off the music when they consider necessary, the punishment is the 50% of a minimum wage. In cases like this, as a future lawyer, I think the law is clear and it was created to protect the people’s rights, people must respect each other; besides, there are spaces where bands can practice and people can go to listen to music. (Student’s written artifact)

The previous sample shows how students were able to identify the problem and the different positions of the parts. Additionally, they analyzed the decision of the court and adopted a clear position in front of it. They also used their expertise as law students to argue and to compare American and Colombian laws in order to support their arguments. This shows the relevance of legal cases in promoting students’ learning as well as in the development of abilities necessary for their own field of study, such as analyzing, arguing, explaining situations, proposing their own viewpoints. Chur (2011) states that cognitive competences are effective for teaching because they are needed to deal with daily life challenges as well as with students’ professional lives. Thus, they are crucial in today’s education.

In the development of the fourth workshop, the case was related to “Contract law” (Appendix 6). It was about a contract between two parties: Deep Blue Pools Ltd. was hired by the Gainsborough Construction to build some pools in a residential sector but the building company changed the size of the swimming pools, for which reason it was sued. In this case, students were divided into groups and each had to stage a trial; thus, students adopted different roles (District attorney, Deep Blue Pools’ lawyer, the Gainsborough Construction’s lawyer and the judge); then, based on the information students got about this case, each one argued and defended their position in front of the group. It was a meaningful activity that submerged students in their roles of future lawyers; additionally, acting out the

situation in English was a challenge for them because they needed to appropriate the necessary legal expressions to communicate with one another.

The study of legal cases allowed me to develop multiple competences at the same time, for example reading, performing specific roles as lawyer, analyzing, solving problems and arguing my opinions. (Student 14, questionnaire)

One way of empowering law students, in their role of future lawyers, is through role playing; it not only develops their communicative but also their cognitive skills. The researchers created those academic conditions, which one of them described during the development of this workshop (Appendix 6):

In workshop four, when students had to perform a role according to the case; they met in order to discuss about the different legal issues of the case, they agreed about the arguments and possible solutions; In fact, all of them were involved in their role, they helped each other in order to improve their final performance; in general, I think they did a good exercise. (Teacher 1, journal)

Taking into account that the students who participated in this study were in their last semester (tenth semester), the use of legal cases was totally appropriate in the ESP class because they took advantage of their prior knowledge in their field of study (political and economic, private, labor, and criminal law) in order to develop the different activities of the four workshops. An (2006) argues that topics related to students' degree motivate them to use their prior knowledge³ as a relevant source to defend their ideas in front of their partners. Additionally, Alhaisoni (2017) argues: "EFL teachers expressed strong agreement on the teacher's role in fostering text comprehension with the use of students' prior knowledge" (p. 38). Thus, in order to analyze each case, students always met and shared their understanding from their knowledge and perspective as lawyers; sometimes they agreed, and sometimes they disagreed and looked for additional legal information when necessary with the purpose of solving the situation and reaching an agreement.

Therefore, the analysis of the cases along this study were effective for students to develop the interpretive, argumentative and propositive competence which involve necessary skills for law students. An (2016) argues in one of his research projects: "Through this research, students gained an acquisition of knowledge and had the ability to discuss law topics using reading as the main vehicle of this process which is practice that contributes to their lives as students and as professionals" (p. 6). Additionally, the different workshops generated activities that permitted the students to be involved in the permanent study of legal aspects about national and international legal issues and laws; it also boosted their self-confidence to face the topics, and motivated their writing and speaking skills; about this one of the researchers said:

Students got familiar with the legal issues in English, having in mind that they had previous knowledge about them because it was their major, but the most important

3) In the students' questionnaire, question 5 is related with students' prior knowledge and academic experience.

was that they could use the English language as the mean of communication to analyze those aspects, in the perspective as future lawyers. (Teacher 2, journal)

Additionally, students could gain knowledge (Sun & Hui, 2012) from each topic, which is a condition of the cognitive competence. For example, in the first workshop, “Becoming a political refugee”, students identified relevant legal issues such as documents, laws and arguments, and tackled the current regulations of the American government, bearing in mind that the topic of refugees is a worldwide problem. About the second topic, “*Banning neighborhood noise*” apart from the legal issues, students investigated the local guidelines regarding the production of loud noise in houses and neighborhoods; they also reviewed the latest Colombian Police Code and its implications for the society. In the third workshop, “Lincoln lawyer” (a movie), students reflected about their personal role as lawyers and also their responsibility in front of the corruption of the institutions and the law. In the fourth workshop: “*Deep Blue Pools*”, students had to investigate and use information related to Contract law according to the national and international rules.

Furthermore, the topics and the development of the different workshops made students reflect about their own role as professionals, their responsibility with society, and the possibility to express their own analysis and perceptions when facing social problems in a communicative way.

Conclusions

The implementation of legal cases in the ESP class contributed to strengthening students’ development of communicative and cognitive competences.

This lexical development had a positive impact on their productive, both oral and written, communicative skills, as shown in the results; likewise, the students’ language exposure through the development of the different workshops made them feel self-confident to communicate their ideas in the foreign language.

To guide students to practice and improve their communicative skills, different activities were proposed, such as reading comprehension activities (analyzing the function of words in the text, skimming, scanning, analysis of headings and sub-headings and oral brainstorming), the analysis of the cases among students (in small groups or the whole group), the identification and analysis of the exhibits in the different cases, the analysis of courts decisions, the search for information when necessary in order to look for arguments to defend the different positions, among others.

The ESP class was effective because most of the time students were engrossed and interested in working on this kind of topics, they showed a positive attitude during classwork, they liked to participate with their prior knowledge and personal experience, which also motivated students’ collaborative work.

Students developed their cognitive competence while comprehending and analyzing the different cases; then, they applied their argumentative competence to argue, discuss, answer questions, debate ideas, justify statements, give reasons, and defend personal points of view; their propositive competence was evidenced when students employed legal arguments to support their analysis and proposed possible solutions, for example, in the contract law case (Appendix 6). Finally, they issued judgments according to their own viewpoints as future lawyers.

Considering the advantages of using legal cases to teach in law groups, based on this academic experience, we propose including this kind of material in the last semesters. Some difficulties are that, especially at the beginning, students struggled with the methodologies and with their lack of vocabulary to understand the cases; for further research in this field we suggest adding lists of vocabulary (presented with listening support or in a creative way) in the initial stages when they receive the input and also as a way to support their output.

References

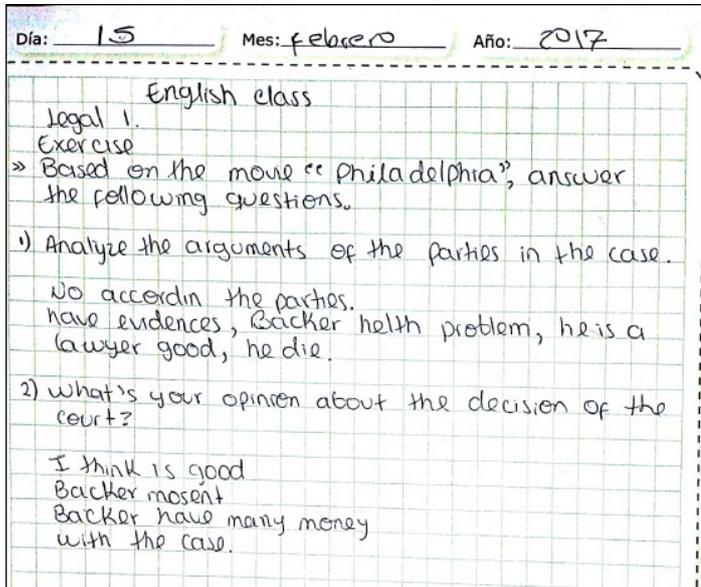
- Ahmad, S. & Rao, C. (2013). Applying communicative approach in teaching English as a foreign language: a case study of Pakistan. *Porta Linguarum*. Institute of International & Comparative Education, Northeast Normal University, China p. 187-203.
- Alhaisoni, E. (2017). Prior Knowledge in EFL Reading Comprehension: native and nonnative EFL teachers' perceptions, classroom strategies and difficulties encountered. *International Journal on Studies in English Language and Literature (IJSELL)* 5 (1), p 30 – 41.
- An, N. (2016). *Reading comprehension and communicative approach through ESP materials for students of law enforcement in Vietnam*. TESOL Conference. Applegate, J. (2000). *Using case studies for teaching administrative law*. Indian University: Maurer School of Law. Law Library. Vo 38, p. 218-227-
- Arias, G. (2014). Reading through ESP in an undergraduate law program. *Profile Issues in Teachers' Professional Development* 16(1), 105-118.
- Ariffin A. (2014). The reading of legal cases by Law undergraduates: some problems and suggestions. *Procedia – Social and Behavioral Science*. P. 109-118. Retrieved from: <https://pdf.sciencedirectassets.com>
- Başkarada, S. (2013). *Qualitative Case Study Guidelines*. Australian Government, Department of Defense. Defense Science and Technology Organization. 9(40), 1-25.
- Berardo, S. (2006). *The use of authentic materials in the teaching of Reading. The reading Matrix*. 6 (2), 1902-1927.
- Botero, A., Ayala, M., Perdomo, A., Arango, S. Betancur, S. Naranjo, I. & Llano, N. (2003). *Desarrollo de la competencia comunicativa a nivel interpretativo, argumentativo y propositivo en niños de educación preescolar* (Tesis de pregrado). Universidad de Antioquia, Medellín Colombia.

- Brown, D. (2001). *Teaching by Principles, Second Edition. An Interactive Approach to Language Pedagogy*. Longman.
- Burns, A. (1999). *Collaborative action research for English teachers*. Cambridge Language Teaching Library. USA: Cambridge University Press.
- Chur, D. (2011). *Developing Key competences in higher education*. Uni-Heidelberg. P. 54-74.
- Davis, J. (1996). *Civics: Participating in Our Democracy*. Addison-Wesley Publishing Company.
- Fusch, P. Fusch, G. & Ness, L. (2018). Denzin's Paradigm Shift. Revisiting triangulation in qualitative research. *Journal of Social Change*, 10(1), 19-32.
- Green, J. (2011). *Globalization and the Teaching and Learning of English Worldwide: and annotated Bibliography*. Massachusetts: Salem State University. p. 1-28.
- Greene, A. & Thomson, D. (2011). *Case studies on human rights*. Australia: Victoria Law Foundation.
- Jabeen, S. (2012). Move Analysis and Stylistic Analysis for Genre-based Teaching of Legal English in Pakistan. V° 2. *Language in India*
- Katz, H. & O'Neill, K. (2009). *Strategies and Techniques of Law School Teaching*. United States of America, Wolters Kluwer, law and business. Library of congress Cataloging in- Publication Data.
- Le Compte, M. & Preissle, J. (1994). Qualitative Research: What It Is, What I Isn't, and How It's Done. *Advances in Social Science Methodology*. Vo 3, p. 141-163.
- Merriam, S. (1999). *Qualitative research and case study: applications in education*. San Francisco: Jossey-Bass
- Nădrag, L. & Buzarna-Tihenea, A. (2017). The benefits of using authentic materials in the ESP classroom case study. Ovidiuos, University of Constanta.
- Office of National Statistics (2010). *RSS Ordinary Certificate in Statistics*. Module 1: Research Methods, Data Collection Methods and Questionnaire Design.
- Plocková, M. (2010). *Experiential Learning in Teaching English*. Masaryk University, Brno Faculty of Education. Department of English language and literature. Bachelor Thesis.
- Radzi, A., Azmin, A., Zolhani, N. & Latif, S. (2007). *Adopting communicative language teaching (CLT) approach to enhance oral competencies among students: teachers' attitudes and beliefs*. Kedah, Malaysia: Faculty of Communication and Modern Languages. p. 1-23.
- Richards, J. (2006). *Communicative Language Teaching Today*. New York: Cambridge University Press.
- Sun, R. & Hui, W. (2012). Cognitive competence as a positive youth development construct: a conceptual review. *The Scientific World JOURNAL*. Faculty of Education, the University of Hong Kong, Hong Kong. Academic Editor: Joav Merrick

- Vélez, M. (2011). *Enseñanza por competencias para un aprendizaje significativo en ciencias naturales*. Tesis de Maestría. Universidad Nacional de Colombia. Medellín.
- Winterton, J., Delamare, F. and Stringfellow, E. (2006). *Typology of knowledge, skills and competences: clarification of the concept and prototype*. CEDEFOP. p. 1-140. ISBN 92-896-0427-1 ISSN 1608-7089 Luxemburg.
- Yazan, B. (3015). Three Approaches to Case Study methods in Education: Yin, Merriam, and Stake. *Teaching and Learning. The Qualitative Report*. University of Alabama. 20(2), 132-151.

Appendices

Appendix 1: Students' paper



Appendix 2: Questionnaire

UNIVERSIDAD SANTO TOMAS SECCIONAL TUNJA
DEPARTAMENTO DE IDIOMAS
CUESTIONARIO

RESEARCH: Legal case studies for teaching English under the communicative approach.

OBJETIVO: Evidenciar las opiniones que los estudiantes de derecho tiene al finalizar el semestre, respecto a su desempeño con el manejo del Inglés y el trabajo realizado con estudios de casos legales.

1. ¿El trabajo con casos legales, le permitió a Usted desarrollar habilidades para entender las ideas principales y secundarias de un texto?

SI	NO

De qué manera? _____

2. Los ejercicios de comprensión lectora de casos legales, le permitieron a Usted desarrollar la capacidad de entender y relacionar las ideas presentes en los textos?

SI	NO

De qué manera? _____

3. Cuáles de las siguientes habilidades desarrollaste MAS, durante el trabajo con casos y de qué manera?

HABILIDAD	✓
Argumentar	
Justificar	
Dar razón de	
Analizar desde diferentes puntos de vista	
Razonar	
Explicar partes y procesos	

4. Crees que el trabajo con casos motivó tu capacidad de expresar tus propios argumentos o teorías con base en los hechos?

SI	NO

De qué manera? _____

5. Crees que tu conocimiento y experiencia previa, contribuyó en tu trabajo al desarrollar los diferentes talleres sobre casos?

SI	NO

De qué manera? _____

6. Explica cuáles tu opinión sobre el trabajo con estudios de casos legales, como material central, dentro de la materia de inglés legal, de acuerdo a la experiencia que tuviste a lo largo de este semestre.

Appendix 3: First workshop

“Becoming a political refugee”, taken from Davis (1996, p. 558-559)

UNIVERSIDAD SANTO TOMAS SECCIONAL TUNJA
DEPARTAMENTO DE IDIOMAS
FIRST WORKSHOP

RESEARCH: Legal case studies for teaching English under the communicative competence.

Objective: To encourage law students to analyze legal case studies in English under the communicative competence.

1. Apply different reading strategies (skimming, scanning, analyzes of images, headings and sub-headings, brainstorming about the main topic, etc.) in order to understand the case: “BECOMING A POLITICAL REFUGEE”
2. Identify the relevant legal issues (documents, laws and arguments) in Beatrice’s case.
3. What law did Beatrice depend on to allow her to remain in the United States? What is it about?
4. Why does the law say that an alien requesting refugee status must provide “reasonably specific information” showing a real threat of personal harm?
5. Do you think the INS should always make it difficult for an alien to remain in the United States as a refugee, as it did in Beatrice’s case and in the current government (Donald Trump)? Support your answers.
6. Do a personal analysis about the case and also the decision of the court. Considering your background as a law student.

Appendix 4: student’s papers, draft

Nombre: Hany Dayana Garcia dillon
Codigo: 2114347

Day Month Year

The case is based on the conflict between Beatrice and the Government of Ghana, taking into account that Beatrice is an african citizen who is going to study to the United States and for lack of documentation conflicts if she can stay in the United States or if on the contrary she should be deported to her native country.

The conflict rests on the fact that Beatrice's family is politically persecuted for which reason they demand their deportation.

In my opinion, I think so, the USA is a independent state and many people are trying to get into this country just to have a quality life different to the quality life that they have in the native country.

for this is necessary that the united States of America use law that limits the reason for a alien remain in the

Appendix 5: Lincoln lawyer workshop

**UNIVERSIDAD SANTO TOMAS SECCIONAL TUNJA
DEPARTAMENTO DE IDIOMAS
THIRD WORKSHOP**

RESEARCH: Legal case studies for teaching English under the communicative competence.

Objective: To encourage law students to analyze legal case studies in English under the communicative competence.

1. Watch the movie "Lincoln lawyer - El inocente," in order to analyze a legal case through audiovisual materials.
2. After watching and understanding the movie, students analyze the following aspects (individual work):
 - Analyze Mick Haller's moral and behavioral to face his job as a lawyer of guilty people.
 - Analyze how the real estate moguls (Louis Roulet's family) are involved in criminal activities and their attitudes in front of the law. Identify the proofs and the possible manipulation of them during the case.
 - Self-analysis: As a future lawyer, what do you consider are the most relevant aspects to have in mind when you decide to defend a guilty person?
 - Bearing in mind different cases about murder or attempted murder happened in Colombia, where poison people finally are recognized like innocents. What do you think of the Colombian Law? Does it take into account money or moral aspects? Support your answers going in deep with this issue.

Appendix 6: Contract law case

CASE ANALYSIS: By pairs, according to the case bellow, answer the following aspects:

1. Identify the legal issues of the case.
2. Take a position in the case, list the strengths arguments and documents that would help you to support the case.
3. Propose a negotiation from the side you chose in number 2. Report the results of the negotiation.

Two years ago, Alex and Leslie Ballentine decided to sell their company, Solaris Energy (America), Inc., by public offering. A statutory registration statement (a carefully prepared set of documents, including a prospectus) was filed with the US Securities and Exchange Commission. However, the public sale did not go ahead, and the company was sold privately to Cordeaux Gabelle, Inc.. The purchase price included a payment reflecting an estimated increase in the company's net worth from the end of the previous financial year. Because hard financial data was unavailable, the contract stated that if a year-end audit and financial statements showed a difference between the estimated and actual increased value, the amount paid would be increased or decreased by the appropriate amount to reflect the actual value.

An audit completed six months after the sale revealed that the value of the company had been overestimated by approximately \$1.2m. The buyers were therefore entitled to recover an adjustment. However, Cordeaux Gabelle has been advised that it may be entitled to a remedy under 12a (2) of the Securities Act 1933, which gives buyers an express right of rescission against sellers who make material misstatements or omissions 'by means of a prospectus'. They have also been advised that an alternative remedy may be available under section 11 of the act.

Cordeaux Gabelle is claiming damages of \$14.6m. The Ballentines argue that section 11 is only relevant in the case of a public offering. They also argue that a contract between a private buyer and seller is not a 'prospectus' as the term is used in section 12(a)(2) of the Securities Act, therefore section 12(a)(2) also only applies to public offerings, and not to private sales.

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Appendix 7: Researchers' journal format

RESEARCH PROJECT: Legal case studies for teaching English under the communicative approach. Instrument: researchers' journal Population: Legal English 1 & 2	
COGNITIVE COMPETENCE Check the skill (s) students are developing through this workshop the most.	
Interpretative	
Argumentative	
Propositive	
CASE N° _____ : _____ DATE: _____	
Describe difficulties, weaknesses, strengths, facts, issues, legal vocabulary and expressions acquisitions and use, group work, individual work, oral performance, written performance, problem solving abilities.	
English communicative approach	Legal Knowledge and practice