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THE PROBLEM OF TEACHING LEGALESE TO RUSSIAN LAW STUDENTS

One of the reasons which motivate law students of Russia to get ILEC is that English is an international legal language, thus, for lawyers specialising in international law ILEC is a way to their professional success.

In Europe and the United States some Universities and colleges accept ILEC as a vital requirement for admission to preparatory courses (IFY in the UK) or to some of the courses for students and graduates of law departments. For instance, with B2 Pass you get a possibility to do the Bachelor's program in Richmond, the American International University in London. In other institutions, such as, for example, Bourneville College, B2 level will allow you to be admitted to the Foundation course. Queen Mary University in London offers admission to Master's programs to those who got ILEC with C1 Pass. A number of European governmental (bodies) organisations and international associations of lawyers provide internships, grants for participating in seminars, trainings, conferences on the condition that one has got ILEC.

The exam levels are progressive steps towards reaching the standard of legal English required by employers both in the Russian Federation and abroad.

Nowadays Russian students are quite aware of the importance of getting a competitive advantage in terms of having sufficient competence in legal English, which may be considered as such by the employers when time comes to find a job.

The biggest challenge when preparing for the ILEC examination, both for teachers and students, is legal writing. There are several reasons for that.

First of all the secondary school curriculum focuses on building up oral speech skills as the main goal and only then take care of the rest of the skills (listening, reading, writing).

Foreign languages teachers also feel the lack of the necessary level of competence of writing memos and business letters, since they were never taught how to do it when they were students.

In law, where the language needs to be used with great precision, these challenges are particularly apparent. This article identifies some strategies for improving teaching and learning in this area.

Taking into consideration the coming reform of the curriculum at universities in the Russian Federation, including the HSE, the pressure increases for foreign languages departments to be efficient in their teaching. So to submit to a new quality standards regime, methodologists need to rethink some of the teaching and learning strategies that have been adopted in classrooms.

A law student of the HSE whose mother tongue is not English enrolling in a law course will be led by the teacher through the various units included in the textbook on Legal English (ILEC by Amy Krois-Linder and Translegal. Cambridge University Press) in the form of assignments and tutorials and will usually sit a final state examination in English.

From a law student's perspective, a great part of this preparation process is an exploration exercise and the indicator of whether they have learned and retained any knowledge and information rests in the grade received for doing a 'screen test' after every unit and the final grade in the state exam. Some students choose to take the ILEC exam in case they need a certificate; so far it is not obligatory to have one. In this case they register at the language exam Centre for taking the international paper (ILEC).

In our perspective, competence-based learning in any course should be emphasised. As there is an increasing demand for practical legal skills in English by the legal profession, the importance of competence-based teaching for law schools also grows.

It is clear that as universities begin to focus on competence-based learning, the role of universities will house on preparing adaptable graduates suited for the real world.

Thornton, an American author, realises this notion of adapting and modernising learning when he states that "the role of universities is to serve the state through the market" [1].

One cannot but agree that competence-based learning should now be considered as a critical learning objective at all institutions of the Russian Federation. This is particularly the case for the teaching of law students, as the legal profession tends to expect graduates to have acquired particular competences.

A Russian student's ability to understand and use English for legal writing is very

much dictated by his/her competence to read, speak and write general English in the first place. So to be able to begin the preparation course for the ILEC exam one must have at least intermediate level in general English. However, most students that enroll in such courses have various levels (from beginners to upper-intermediate).

Another difficulty is that, foreign language teachers are not specialists in law and they can only rely on the amount of the information, definitions and comments given by the authors of the ILEC course in the teacher's book. The teachers feel the need to gain more information and they have to apply to different sources on their own. But it requires a lot of extra time and effort. We consider specialised training or instruction should be introduced by the University that would give the teachers an opportunity to become exposed to tried and proven techniques of teaching legal writing and become more efficient in preparing students for the ILEC exam.

The present situation at the HSE for law students concerning English offers them two options when finishing the course of English at the University:

1. To sit for the ILEC exam and obtain the certificate of two possible levels (upper-intermediate – B1 or advanced – C1)
2. To take the regular state exam at the University (the format of this exam is very much the same as in ILEC).

The passing grades in case of the state exam are 4-10 (out of 10). In case of ILEC the grades are converted in the following way:- for B1 level one gets 8-9 and for C1 or C1 with merits – 9-10. Thus, it is easier to get a pass at the University without having to apply to the exam centre.

But the situation is changing now and very soon all the students of the HSE will have to get a certificate in English either ILEC or IELTS, BEC or TOEFL, FCE or CAE or any other international certificate which will confirm the level of competence of the student in English according to the common European scale.

The requirements of ILEC

According to the Guidelines for Teachers the requirements of the ILEC [2] concerning writing skills are as follows:

1. Writing a concise and clear formal letter covering five specific content points (120-180 words) This part tests the candidate's ability to produce a letter in response to an input text. The range of functions in the task may include evaluating, expressing opinions, hypothesising, justifying, persuading, prioritising, summarising, comparing and contrasting as well as advising, apologising, correcting, describing, explaining, recommending and suggesting. The usual conventions of letter writing, i.e. opening salutation, paragraphing and closing phrasing, are required.

Task format

The input is made up of a letter and accompanying notes, a number of which will require the candidate to address law related issues relevant to the context of the task. It is very important that candidates cover the function(s) specified in the rubric so that the target reader is fully informed.

Candidates need to adopt an appropriate style, layout and register for the task: the overall aim of the task being to have a positive effect on the target reader. Listing information in simple sentences is not enough: organisation and cohesion, clear layout, balance, appropriate register, control and accuracy of language are all impor-

tant features of task achievement. Evidence of range of language is also required.

2. Writing a clear and well-structured memorandum developing four specific content points: presenting and developing arguments, expressing and supporting opinions, evaluating ideas, describing, recommending, persuading 200-250 words. The range of functions in the task may include presenting and developing arguments, expressing and supporting opinions, evaluating ideas, describing, summarising, recommending, persuading, explaining, apologising, reassuring, complaining, etc.

Task format

The writing task in Part 2 has a context, a purpose for writing and a target reader specified. Attention to every element in the rubric is essential for effective task achievement and candidates will be expected to develop law-related topics and discuss law related issues in a non-technical way in their answers. The time allowed for the Writing paper is 1 hour 15 minutes for both parts.

Proposals for teachers

When preparing students for the examination, it is important to make sure they are familiar with the paper and the range of task types and topics. Students will need guidance on the particular features of each task type and the appropriate style and tone.

Thus, at the end of an ILEC preparation course, the learners should be able to understand and use legal concepts and terminology in English which will help them write clear, well-structured letters and memoranda in a range of legal contexts.

Part 1 of the Test of Writing carries 40% of the total marks available and Part 2 carries 60% of the total marks available. It stands to reason that one should allocate time carefully as they need to spend more time planning and writing the Part 2 task.

Speaking about the current situation, the challenge lies in the fact that the practical reality is that a teacher has limited time and space in which to teach the required skills especially in legal writing. A teacher introduces the exercise with the added hope that students will pick up the 'hints' and do well, which is often far from the reality, as many students require a high level of motivation. And only those who plan to get an ILEC are really motivated but more often than not even the motivated ones lack time being distracted by preparation for core subjects which are, of course, a priority for law students.

And there is a need to consider the fact that tips for teachers provided by Guidelines and other sources (by Translegal, for example) do not focus on such phenomenon as language interference both as a disadvantage and as another challenge in teaching and learning process. It should be mentioned that the issue of language interference is directly related to the place attributed to the mother tongue in the foreign language teaching system.

Contemporary practice of foreign language teaching proves that with methods ignoring the mother tongue good results cannot be expected. At the HSE (Nizhny Novgorod branch) legal writing skills instruction is integrated into the course of English at the Law Department as determined by the course coordinator who is responsible for designing it.

The component on legal writing skills includes: research essays, case notes, memos and letters.

Integrating legal writing assessments into the course demands only a relatively low level of design and planning. For example, a teacher setting a problem-solving

exercise will state as one of the marking criteria the ability to write concisely and express a legal analysis of the problem by outlining the issues, the facts, the relevant law and application of the law to the facts in resolving the problem. If a student is able to do this, then marks are awarded for good legal writing as well as ability in legal analysis. Thus, integrating legal writing into the course enables writing skills to be taught in a context [3].

Since competence in legal writing cannot be achieved overnight or through a single major assignment [3], apart from the integrative course we would suggest organising classes in legal writing skills specialising in writing memos and letters (the two required for ILEC).

Overcoming the difficulties of teaching and learning legal writing skills is a constant, but realising that there are always solutions to be found and strategies to be used to overcome those difficulties allows us to hope that teaching and learning writing skills can be done effectively.

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ЗАДАЧИ ИНОЯЗЫЧНОЙ ПОДГОТОВКИ ИТ-СПЕЦИАЛИСТОВ В УСЛОВИЯХ ОРИЕНТАЦИИ ВЫСШЕГО ПРОФЕССИОНАЛЬНОГО ОБРАЗОВАНИЯ НА КОМПЕТЕНТНОСТНУЮ МОДЕЛЬ ОБУЧЕНИЯ

В современном динамично развивающемся обществе в условиях информатизации успешность человека, работающего в той или иной сфере, зависит не от аттестата/диплома/сертификата и даже не от знаний, полученных однажды. На передний план выдвигается умение и стремление применять их практически в процессе профессиональной деятельности. В связи с ускорением темпов протекания процессов в экономической, политической, социальной и технологической сфере, значительно возросла необходимость в постоянном повышении профессиональной квалификации. За короткие сроки многократно возрастает объем информации, особенно в сфере информационных технологий (ИТ), и от специалиста требуется не только знание предметной области, но и умение вести поиск и отбор данных, способность

принимать решения самостоятельно и максимально эффективно использовать полученные знания и приобретенные умения в профессиональной деятельности.

Подготовка специалиста технического профиля должна быть, таким образом, быть направленной на развитие креативности, самостоятельности и других личностных качеств, необходимых для эффективной деятельности. Умение себя организовать, умение мыслить системно, аналитический склад ума (наличие навыков анализа и структурирования информации), умение быстро реагировать и переключаться между задачами, внимательность, усидчивость, ответственность, способность работать в команде, исполнительность, уравновешенность, стрессоустойчивость, стремление к профессиональному росту, креативность, широкий кругозор и общая эрудиция, грамотная письменная речь, умение работать с информацией (сбор, документирование) – далеко не полный список общих требований к кандидату на вакантную должность в сфере ИТ.

Соответственно, старая парадигма обучения «знания, умения, навыки» уже не отражает сути образования, необходимого человеку в XXI веке и наука начинает мыслить категориями «компетенция» и «компетентность», оценивая их как результат образования, а не знания как таковые. Как отмечает Ю.Г. Татур, «компетентность, включая и когнитивную, и этическую, и социальную составляющие, характеризуется более высоким уровнем интегрированности» [4;5] и лучше подходит для описания результатов образования.

В научной литературе термины «компетенция» и «компетентность» часто используются взаимозаменяемо, и разными учеными обосновывался тот или иной подход. Так, И.А. Зимней в 2004 году были рассмотрены оба понятия, и «компетенция» представлена как «образ, сценарий, фрейм, правило», а «компетентность» как «актуализация, реализация этой потенции личностью» с обязательной включенностью в процесс притязаний, эмоционально-волевой регуляции, ценностно-смыслового отношения и т.п.; «компетентность всегда есть актуальное проявление компетенции». [1;34] выделяет пять компонентов, входящих в состав компетентности:

- 1) готовность к проявлению личностного свойства в деятельности;
- 2) знание средств, способов, программ выполнения действий, составляющих содержание компетентности;
- 3) опыт реализации знаний, умений;
- 4) ценностно-смысловое отношение, личностная значимость компетентности;
- 5) эмоционально-волевая регуляция проявления компетентности.

Таким образом, понятие «компетентность» включает в себя помимо когнитивно-знаниевого мотивационный, регуляторный, аксиологический, поведенческий аспекты.

В условиях глобализации владение иностранными языками (ИЯ) становится неотъемлемой составляющей профессиональной компетенции студента ИТ-направления, поскольку, с учетом специфики работы, большинство ИТ-специалистов либо работает в компаниях, занимающихся оффшорным программированием и практически ежедневно имеет дело с ИЯ, либо возможность зарубежных командировок требует уверенного владения ИЯ, либо определенные аспекты ИЯ необходимы в ежедневной работе.