

**LEGAL WRITING IN ESP CLASSROOM  
FOR POSTGRADUATE STUDENTS**  
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The written word is one of the most important tools in legal profession. The words in legal writing are used to advocate, inform persuade and instruct so mastering writing skills is essential to success.

The post-graduate students mastering law are inevitably involved into the global communication of legal professionals. They have to read authentic materials and write essays and articles, comments for professional journals, participate in correspondence with other professionals in the field, present the results of their research at professional conferences and meetings. As future professionals they will face the necessity to draft personal legal documents like wills and trusts; and public legal documents like notices and instructions, take part in exchange of business letters. Such texts written skillfully show the analytical power, linguistic ability and the writer's power of expression.

The experience shows that getting started is the most difficult task in writing. With the help of brain-storming, we make it less painful for the students. In the brain-storming stage, the student starts thinking about the topic given. This may be done as a whole-class activity or in groups so that students benefit from each other as well. The teacher writes on the board every idea that comes from the students, without eliminating any. Writing process in the classroom begins with the brainstorming to identify the topic, context, length of the text, and the audience. Every word in legal writing should be tailored to the needs of the reader. Documents that embody the same research and message may vary greatly in content and tone based on the documents intended audience. For example, the papers submitted to a court should advocate and persuade. A memorandum to a client must analyze the issues, report the state of the law and recommend the appropriate course of actions. At this stage students can work with different documents taken from available sources analyzing the target audience of the papers and how it influences the style of the writing. Good legal paper should make a claim that is new, useful, sound, and seen by the reader to be fresh, useful, and sound. The major impact of any academic work lies in the strength of its analysis and interpretation.

The postgraduate students should be aware that one of the criteria of judging an article or other written material is how well it covers the existing literature and the context in which the work has been done. It is to their advantage to know and mention if it is possible the central works and principle trends in the area. Students at their postgraduate course already know how to use literature, make references but question of plagiarism and how to avoid it is worth mentioning. Plagiarism is defined as the copying of actual words or ideas without proper reference to the original source and with the intention of passing the work off as somebody's own. Plagiarism also covers where words have been added or taken away but the structure of the work is there and it has not been altered substantially to convey your own ideas and meaning. Plagiarism covers: copying from any written source:

books, articles, speeches, diagrams, web pages, handouts, lecture notes, transcripts; copying from other students. Even if they have worked together and have to produce separate reports or analysis those must not be identical. The discussion how to avoid plagiarism when it is necessary to use other people's work and ideas, especially taking into account that students are often new to a subject will lead to some exercises and classroom activities showing how to apply and comment the ideas of others and avoid plagiarism. When reading a work they try to read a whole section and chapter and then write down their own thoughts about what the chapter was about first without referring back then revise to realize that the word were only their own. The clear references should be written down to acknowledge the source. If the students are working as a group then try and write the final report on the topic every one's own ideas should be represented and they do not mistakenly use the same structure as the fellow students.

It is important to discuss quotations as the means to back up the legal points. These can be from textbooks but also from primary sources such as judgments. Students have to make sure the quotations are accurate and from an appropriate source; clearly presented (indented for example) and signposted; properly referenced as a footnote or at the quote itself.

After that the students can be directed at creating the title that clearly describes what the paper will be about. At the first sight, the context of the topic should be identified and understood. Students can look through the titles of articles in professional journals and identify how the main problem for target audience is reflected in the title. Authors often revise the title after they have finish writing their article so these activities can be performed at the other stage of the work.

The next stage is formulating the purpose of the writing. Starting the key sentence as "The paper is aimed..." the teacher proposes to identify the purpose of the work then discuss how to get to the point, improve and develop sentences focusing on peer-editing activities.

Organization is the key to successful legal writing. One tool most writers use to organize their thoughts is an outline. It helps to put each idea or thought into a logical order before getting to far into writing full sentences. The advantage of using an outline is that students can see upfront whether the way the information is organized makes sense. The activities for the class can include some research as homework and then creating the outline, identifying the subjects, prioritizing them depending on how specific the piece of information is, filling in the details.

Writing the first paragraph means giving an introductory note on the topic. A strong introduction will get the reader's attention set the tone for the rest of the paper. The introductory note can be initiated by the opening sentences like: "Law X is unconstitutional because ..."; "The legislature ought to enact the following statute: ..."; "Properly interpreted, this statute means ..."; "This law is likely to have the following side effects ..."; "Courts have interpreted the statute in the following ways ...". Introductory paragraph should be informative, catchy and attractive so that the reader get hooked by the paragraph and start reading the essay. Students should practice writing first paragraphs using the prompts given by the teacher or working with the results of their own research.

The writing will succeed if the roadmap for it is created and there are visual clues to guide the reader. After introducing the subject in an introductory paragraph, the transitional phrases (“moreover,” “furthermore,” “however,” “in addition,”) between each paragraph will lead the possible reader and the exercises on using those phrases would be helpful. Each paragraph should be introduced with a topic sentence and headings and subheadings used to break up blocks of text. Each paragraph should be limited to one topic and sum up the message with a concluding sentence or paragraph. Organizational structure guides the reader through the text and promotes readability.

The authors on affective writing advise to use clear, precise language and avoid legalese – specialized legal phrases and jargon – which can make the writing abstract, stilted and archaic if to include words such as “aforementioned”, “herewith”, “heretofore” and “wherein”. Unnecessary legalese and other jargon is better to avoid in favor of the professional but simple. For example, instead of “I am in receipt of your correspondence,” “I received your letter” is clearer and more succinct.

The appropriate legal terms should be used. Students should be aware that certain words will have different definitions in law than the normal usage. Again there are resources such as legal dictionaries and words and phrases defined that will help. Action words make your legal prose more powerful, dynamic and vivid. Verbs bring prose to life. Here are a few examples: Weak: The defendant was not truthful. Better: The defendant lied. Weak: The witness quickly came into the courtroom. Better: The witness bolted into the courtroom. Weak: The judge was very angry. Better: The judge was enraged.

There are three ways of giving feedback to the students in ESP classroom: self-editing; peer-editing; teacher editing. All three can contribute greatly and improve the writing and develop students’ writing skills.

Writing should be edited ruthlessly, omitting unnecessary words and rewriting for clarity. Careful proofreading is particularly important in legal writing. Spelling, punctuation or grammatical errors in a document submitted to the court, opposing counsel or a client can undermine the credibility of a person as a legal professional.

### References

1. Eugene Volokh. *Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers, and Getting on Law Review*, Second Edition (University Casebook Series) <http://www2.law.ucla.edu/volokh/writing/>
2. Sally Kane. *Seven Ways To Improve Your Legal Writing Skills* <http://legalcareers.about.com/od/practicetips/tp/practicetips.htm>

## ***METHODS OF TEACHING ENGLISH AT TRANSLATION DEPARTMENTS***

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Nowadays more and more the interpreter’s services become necessary and popular. But it is also becomes clear that if you know two languages it still doesn’t mean that you can interpret. Thus, teaching English at translation departments at