



## TEACHING LEGAL ENGLISH TRANSLATION BY THE CASE METHOD IN RUSSIAN-ENGLISH LANGUAGE PAIR

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### Abstract

**Purpose of the study:** The study aims to find parallels between legal translation practice and training by analyzing the case study methods' capabilities and limitations in academic institutions. It presents a comparative research of various situations of professional communication and legal documents employed as learning tools for the case study method in a classroom environment.

**Methodology:** The primary methods used in this research are case study method, analysis of ESP teaching materials, methods of comparative linguistics, descriptive statistics, and translation studies. The study rests on the use of translation techniques in Russian-English translation of case briefs that is why the author used algorithm-based machine translation software and grammar analysis software for in-depth analysis of legal documents.

**Main Findings:** Regular exercise following the suggested patterns of language training based on comparative legal case studies improves the relative translation competence and students' readiness for written and oral 'on-the-spot' translation in Russian-English language pair. It develops professional cross-cultural communication skills at the end of the final semester of Legal English training.

**Applications of this study:** The results of the research, including the suggested exercise patterns for implementing the case study method in teaching Russian-English translation, may be used as Legal English learning tools. Besides, some results of the research may contribute to the improvement of output quality of machine translation systems and the development of legal tech software.

**Novelty of this study:** The article presents a case study method used in legal translation training and task design for advanced levels of Legal English. The secondary goal is to find teaching methods that may enhance the learning motivation of Legal English students by realistic scenarios of business simulation games. The novelty aspect is the practical use of adjustable frames in task design.

**Keywords:** *Legal English, Translation, Case Method, TESOL, Teaching, English for Specific Purposes (ESP).*

### INTRODUCTION

The study aims to find parallels between legal translation practice and training by analyzing the case study methods' capabilities and limitations in academic institutions. It also presents a comparative research of various professional communication situations and legal documents as learning tools for the case study method in a classroom environment. The author presents a classification of sample testing and assessment tasks in legal translation training and offers insights into their design at B2-C2 levels of ESOL language skills. At this level of language proficiency relatively simple 'fill in the gaps,' 'word-formation' or 'translate the sentences' exercises should give place to tasks on client negotiation, case analysis, and drafting. This article is not supposed merely to present a theory of case study method used in legal translation training, but also offer the task patterns for the advanced level of Legal English studies. Thus, the secondary goal of this research was to find teaching methods that may enhance the learning motivation of Legal English students by designing scenarios of realistic business simulation games.

Legal English ([Mellinkoff, 2014](#)) as an ESP is the basis of a lawyer's professional intercultural communication skill because English is predominantly the language of international legal practice, both contentious and non-contentious. Translation skills lay the foundation for the professional communication competency of non-native speakers of English. It is essential for a legal practitioner today to use clear, accurate English in everyday legal and business situations. Legal English has become a lingua franca of international commercial arbitration.

Like most methods of teaching English to speakers of other languages, the case study method works in three stages: background knowledge accumulation, legal translation training and the advanced step of applying the skill of legal translation in case analysis and drafting.

In addition to the general language skills of listening, speaking, reading and the use of English for specific purposes in producing legal documents, three additional capabilities are developed by the case study method: 1) Awareness of the standard communication situations, which are common in the professional practice of law (court hearing, client negotiating, contract drafting). 2) The skill of direct and reverse translation of authentic Legal English to solve professional communication tasks 3) The knowledge of collocations, phrases, and chunks used by lawyers of a relevant jurisdiction.

### The use of authentic legal documents for legal translation training – linguistic aspects

Legal English syntax is the most challenging aspect of legal translation in Russian-English language pair because of reverse world order, formal linking words, multiword prepositional structures, synonymic chains, ellipsis, and legal formulae. Therefore, this research's primary objective is to inquire into the use of legal documents as a learning tool in the case study method. There are six types of authentic legal documents in the practice of law, that may be of use in legal translation training process:

- a) Regulations (statutes, laws, acts, and bylaws). The practice of translation of authentic regulations requires the implementation of various translation shifts and techniques. Acts, statutes, and bylaws in Common law jurisdictions contain many synonym strings, examples of complex syntax (ellipsis, inversion), parenthetical and linking words, multiword prepositional structures, and other difficulties of translation. From the methodological point of view, the translation of legal acts should refer to the final stages of legal translation training. The most appropriate way to include this type of legal document in legal translation training is interpretation and construction exercises, as well as a written explanation of Legal English clauses in general English.
- b) Contracts. Various types of agreements are the most popular legal documents in Commercial law practice (purchase and sale, supply, agency, lease, license, pledge). Training in contract translation begins with the study of the theory of contract law (form, type, parties, elements of a contract, legal capacity, common law and equitable remedies), the structure of the contract, standard contract provisions (boilerplate clauses), legal formulae and conventional syntactic structures. Model contracts, redrafted to meet the requirements of the Plain English Movement, allow for the creation of tasks and exercises on contract translation from the earlier stage of Legal English training.
- c) Court documents (claim forms, particulars of claim, petitions, judgments, subpoenas, injunctions, court orders, settlement agreements) should be included in the training materials on civil and criminal proceedings at the later stages of legal translation training. The language of court documents is highly formalized, contains legal formulae and standard structures, legal terminology. Moreover, there are court documents in England and Wales that are either not used in the Russian Federation (affidavit, injunction) or have a different procedural purpose (subpoena, pleading). Two documents may correspond to one (claim form/particulars of claim); there are also many false cognates (court officer), archaic words (hereinafter), and other lexical issues.
- d) Memoranda or legal advice for a client. Memos following the facts of the case are the least formalized of all legal documents. However, they require extensive background knowledge of the law and thus are more suitable for the later legal translation training stages.
- e) Corporate documents (business correspondence, constitutional documents, powers of attorney, shareholder agreements, partnership agreements). Training in translation of corporate documents encompasses such cases as 'Setting up a partnership or a company in a foreign jurisdiction,' 'Preparation for an AGM.' Templates of Memos & Arts for case design are available in the current legislation and the online legal reference systems.
- f) Remedies. Training in court documents containing various forms of remedies implies the understanding of the following elements: structure of a common-law judgment (facts of the case, ratio decidendi, obiter dictum), types of damages, equitable remedies. The case method is the most efficient way of studying judicial remedies. Students translate and analyze the case in a law clinic, offering their solutions to a client. Then their solution is compared to the real court judgment. It enables students to see their mistakes and inconsistencies in legal translation.

### LITERATURE REVIEW

Historically, the two crucial criteria of a high-quality translation were equivalence and adequacy ([Catford, 1965](#)). In the ESP field, these criteria retain their importance. However, there are many other particular theoretical and practical implications discussed in the literature on legal translation. There was also a definite need to integrate specialist knowledge with language for professional communication ([Goodrich, 1987](#)) ([Bhatia, 1989](#)). This integration took the form of frames or educational scenarios ([Abelson, 1992](#)).

Legal translation is a language mediation ([Garzone & Viezzi, 2002](#)) that creates an equivalent and adequate replacement of the source legal document in the target language. Such work requires cooperation between lawyers and linguists. Ideally, a qualified ESP teacher should possess both competence in law and a substantial linguistics expertise. In practice, it rarely happens.

Legal English equates with 'English language education to enable L2 law professionals to operate in academic and professional contexts requiring the use of English' ([Northcott, 2009](#)). It is a well-established practice that professional lawyers prefer more focused courses on specific branches of law with a limited number of teaching hours ([Baffy, 2017](#)), while students follow class schedules, covering all significant aspects of Common law, legal disciplines and the linguistic difficulties of legal translation. Course design methodology is a topic of ongoing debate in Legal English studies ([Sierocka, 2016](#)).

On the one hand, lawyers who are often focused specialists view language as a tool, not an object of study, which may be a problem for the ESP practitioner. Legal English for practicing lawyers is 'the language for getting things done,' not an area of academic interest ([Harding, 2007](#)). Legal translation is also widely used in forensics linguistics ([Gibbons, 2008](#)) as a form of evidence gathering, which is practical, not theoretical.

On the other hand, linguists and specialists in natural language processing tend to view Legal English as a source of language material ([Long, 1991](#)), not as an instrument of modern legal practice. Some authors believe that 'the legal language, especially legal terminology, sometimes is almost a language museum' ([Mattila, 2006](#)). This 'museum' in reality is an ever-changing professional environment, which requires an in-depth understanding of legal institutes, as well as fundamental knowledge of the language of the law ([Prahbu, 1987](#)).

Recent developments in the literature on the subject discuss how to implement the legal profession's social aspects in the process of education to make cross-cultural communication more accessible for students of common law ([Medrea, 2012](#)) ([Rubtsova, 2019](#)).

This paper aims to combine both aspects of teaching Legal English (linguistic and legal) using the task-based approach ([Hismanoglu, 2011](#)). Task-Based Language Teaching (TBLT) is an educational framework for teaching second or foreign languages ([Alenezi, 2020](#)). [Crookes \(1986\)](#) defined a task in TBLT as 'a piece of work or an activity, usually with a specified objective, undertaken as part of an educational course or at work.' Interestingly, both TBLT and legal English as an ESP were extensively researched in the same period, and primarily, in the common law jurisdictions (1980-2010). With rare exceptions ([Badinter, 2014](#)), lawyers of continental law countries (e.g., France) rarely wrote on the topic of legal English translation, working more on comparative law studies ([David, 1968](#)).

In contemporary Legal English courses, there are examples of the integration of legal translation tasks in the educational process ([Hu, 2019](#)). The case study method ([Bilova, 2019](#)) is the best way to train such professional situations as client interviews, case briefs, memo drafting, business correspondence with clients and client negotiation techniques, translation of legal articles and periodicals, contract and memo drafting ([Candlin & Bhatia, 2002](#)), analysis of judgments ([Cheng, 2010](#)). These documents and situations are valid teaching materials and learning tools ([Bhatia, 1997](#)), ([Goo, 2015](#)).

Most programs present Legal English in the form of the lecture and seminar (course) system ([Widdowson, 1990](#)). The learning tools and teaching manuals usually cover several branches of law ([Atkins & Mason, 2008](#); [Brown & Rice, 2007](#); [Krois-Lindner, 2011](#)). However, there are textbooks ([Mckay 2005](#)), where a specific type of legal document (statute and regulations, contract, court documents, memos, corporate documents) or case materials ([Harting, 2017](#)) are at the center of the course ([Haigh, 2004](#); [Nolfi, 2009](#)).

One of the modern methods is teaching legal translations when drafting different legal documents according to the given case conditions ([Northcott, 2013](#)). The organizational form of this method is a classroom seminar on legal translation ([Cao, 2014](#)). The researchers have analyzed various approaches ([Cook, 2014](#)) to teaching through the drafting of legal texts and their use in case scenarios. Undoubtedly, drafting and writing are essential parts of the case method.

Elements of the case method are an integral part of the TOLES Higher/Advanced certificate materials. TOLES is a highly professional examination of legal English and legal translation offered by the Law Society of England and Wales. It is recognized in the United Kingdom and most of the Commonwealth states. The TOLES examination, developed by the Law Society of England and Wales, is not part of the CEFR, as its result is relevant only to English for specific purposes and does not reflect the general level of English.

At the same time, TOLES Higher/Advanced materials are of interest for this study, as they contain innovative methods of forming lexical, grammatical, and linguistic competences in the field of legal translation for non-native English speakers (for example, the practice of producing a model legal document according to the facts of a case). For example, in TOLES Advanced, the task 'Write your explanation of each clause in the contract' is a case on legal advice deeply rooted in the professional skills of a solicitor ([Williams, 2005](#)). Testing is a proven method of ESP knowledge assessment ([Davies, 2001](#)).

The author presents a classification of tasks ([Willis, 2005](#)) in legal translation training and offers insights into the design of such tasks at B2-C2 levels of language proficiency (CEFR). However, for the successful integration of the following tasks in the teaching process, it is highly recommended to use them as learning tools in B2+ groups with intermediate background knowledge of the fundamentals of law. At the same time, it should be noted, that teaching Legal English is possible not only in single-level, but also in multilevel classes ([Inesa, 2019](#)).

## METHODOLOGY

The author (as a lecturer) collected a body of data from case-based Legal English training over three years (2017-2020), producing a text corpus comprising 1500 pages of students' written translations, tasks completed during seminars, and lecturer's field notes. Given that very little research has been done into Legal English translation in Russian-English language pair, the author concluded that this data might be of potential interest. All groups were of B2+-C1 level of language proficiency; the total number of respondents was 104.

The author monthly assessed the translation skills of law students at the Russian State University of Justice in Moscow (an institution of higher education affiliated with the Supreme Court of Russia) until they completed two semesters of a Legal English ESP course. The research data shows the progress of students' translating competence formation at the end of the two semesters of Legal English training, which included using the case study method. The purpose of the pilot training and experimental testing of the control groups was to research the hypothesis that the case study method accelerates the formation of the legal translation skills.

The question answered in first step of the experiment: does the suggested method contribute to the formation of legal translation skills?

The collected data were processed by the descriptive statistics method (Excel) (Richards, 2009). The methodological experiment's idea was to compare the progress of two groups of students of Russian-English legal translation. Group A underwent case-based training based on the suggested methodology in the first semester, while Group B studied the same case scenarios in the second semester (see Table 1).

The primary methods used in this research are the case study method itself, the analysis of ESP/ESOL teaching materials (Thornbury, 2017), the methods of comparative linguistics and translation studies. The author focused on using translation techniques and translation shifts in Russian-English translation of case materials. Algorithm-based machine translation ('Linguee') and grammar analysis ('Grammarly') software facilitated in-depth and surface structure analysis of authentic documents in Legal English. Group A demonstrated a relatively better reading and the use of Legal English, text analysis skills, and knowledge of translation shifts (30-40% fewer mistakes in control tasks).

The case study method of teaching legal translation involved reproducing in classroom training a typical situation (a frame) of professional cross-cultural communication in a foreign language. In finding the optimal solution for a relevant case, the students were simultaneously developing the foreign language competency elements. The rules of a business simulation game and the distribution of roles were in strict accordance with legal practice and current legislation of a relevant jurisdiction (e.g., Russia or England and Wales). Post-game discussion allowed for an in-depth analysis of all potential case outcomes.

However, the collection of raw data was not the final goal of the research. The effectiveness of the case study method has already been proven many times since the invention of business simulation games at the Harvard University. In this research the case-based training was used as a method of ESP training.

The underlying idea was to create sample tasks on legal English translation, which might apply to all relevant jurisdictions (See Table 2). The games in the methodological experiment followed the suggested training scenarios, where the lecturer acted as a game master and moderator, and students acted as legal practitioners in different situations of professional cross-cultural communication. Legal English was taught ad hoc through reference to the literature on translating legal terminology (Hutchison, 1987).

The method of analysis of the teaching materials on legal translation revealed four groups of case-based tasks:

- 1) Case briefing exercises based on authentic legal documents.
- 2) Practice of translation of authentic case law documents.
- 3) Video learning tools for business simulation games (e.g., moot courts).
- 4) Audio materials for listening exercises (court proceedings, negotiations, exercises for understanding the text, activities for the practice of consecutive translation).

Using the comparative law methods, the author highlights the guidelines for case study task design, allowing students to develop communicative legal translation skills gradually (Tiersma, 1999):

- 1) Strict authenticity of legal documents used in case materials;
- 2) Structure preservation principle (Edmonds, 1970) and frame organization of learning tools (Fillmore, 1985);
- 3) Use of legal terms of art prevalent in the source language.

The content of the case-based legal translation tasks should take into account modern methodological advances in translation theory and linguistics. At the core of the suggested methodology is mastering the basic translation techniques (Harvey, 2002) and procedures. From the standpoint of translation theory (Newmark, 1982), the crucial translation techniques (Edmonds, 1970) for the case study method materials are:

- (a) Transference (transliteration) is a translating technique to translate non-equivalent legal terms of art (e.g., covenant, freehold, leasehold, leasehold).
- (b) Sentence fragmentation and integration.
- (c) Simplification of archaic and complicated expressions in Legalese. The exercises on simplifying the legal style make it possible to develop a valuable subskill of intuitive translation.



- (d) Antonymic translation. A shift used to translate negative syntactic constructions ('no, without, no, in no event, notwithstanding').
- (e) Descriptive translations. As a general rule, descriptive translations are only appropriate if the legal term describing the different legal reality is inequivalent or due to the context cannot be adequately translated to the target language (for example, such English terms as 'law of equity,' 'floating charge,' 'small claims track').
- (f) Ellipsis and word omissions to reduce redundant or irrelevant information. The optimal solution may be word compensation (i.e., loss of meaning in one part of a sentence is compensated in another part).
- (g) Bridging techniques require background legal knowledge. Proper use of bridging techniques implies a linguistic and comparative legal research of a specific communicative situation (jurisdiction, branch of law, document structure). For example, 'a deed' - a contract under seal - in common law practice does not fully coincide with the 'notarised form' of written contracts in Russia). Bridging techniques are extensively used in legal translation to produce functional equivalents.

## MAIN FINDINGS

### Frames in legal translation training through case method

The novelty aspect is the practical use of adjustable frames in task design (see Table 2 below). The case study method for legal translation involves reproducing and roleplaying in a classroom setting a typical situation of professional communication. Theoretically, it relates to the frame theory (Fillmore, 1985). The basic idea of frame semantics is that one cannot understand the meaning of a single word (a legal term) without access to all the essential knowledge related to it (e.g., a branch of law). Frame theory was implemented into the theory of teaching by Abelson (1992), who suggested the 'training (learning) scenarios.' In the context of legal translation training, a frame is a conceptualized presentation of challenging course content. It represents a situation of professional communication in the field of law.

According to the frame semantics theory, a frame consists of a name and several units (slots). The frame has a homogenous structure, which integrates the various aspects of a situation:

#### THE FRAME NAME

Name of the 1st slot: the value of the 1st slot

Name of the 2nd slot: the value of the 2nd slot

...

Name of the N-th slot: N-th slot value.

At the top level is a frame containing the most general information true for all other frames. Historically, the branches of law have a hierarchical structure, a significant methodological advantage for task design. The slots of a frame for legal translation training may contain the information necessary in legal practice to work on a specific professional situation (court hearing, contract negotiation, negotiations with the client, drafting of a memo) or translation of a standard document. The formal structure of law sources and institutions in most jurisdictions makes legal documents suitable for building frames for the legal training purposes. For example, a framework that organizes the concepts of the UK civil procedure:

#### FRAME: UK CIVIL PROCEDURE

Documents: The Civil Procedure Rules, a claim form, particulars of claim

Institutes: small claims track, multi-track, fast track, county courts, the High Court

Participants: claimant, defendant, justice, appellant.

There are two ways to integrate a case into the learning process: (a) document drafting following the given facts of the case (case analysis) and (b) business simulation games in various branches of law. These types of interactive tasks allow trainees to explore key legal frames within a task-based approach to TESOL.

In legal translation studies, a frame can also organize coherent lexical and semantic groups by word frequency. Such groups of terms cataloged on a 'simple-to-complex' basis can be both an indispensable teaching material and a learning tool.

A lecturer conducts a business simulation game in Legal English based on frame modeling following a pre-designed training scenario. Ideally, the teacher has legal and linguistic competency, which is necessary to explain and mark the written communication and legal translation tasks. The purpose of a business simulation game is to find the optimal solution to a case within the framework of the jurisdiction of the target language of legal translation. The rules of the business simulation game encompass legislation of the relevant jurisdiction. There are two roles in the scenario: the

moderator and the participants, who usually represent a lawyer and a client. In practice, the most effective form of a business game is a situational analysis in small groups (in classroom or via distance learning tools).

Examples of case-based business simulation games in the field of law may include different situations of professional cross-cultural communication (see Table 1):

**Table 1:** Basic case scenarios for Legal English training

Case scenario	Background knowledge in law	Practical skills of a lawyer
1. Client interview	Basic interviewing techniques (Five Ws and How) and understanding of the applicable legislation.	Oral and written business communication skills. Case briefing. Drafting of a formal letter.
2. Contract negotiation	Contract law (form, type, parties, elements of a contract; legal capacity; remedies; structure of a contract).	Drafting of terms and conditions; boilerplate clauses. Correct use of the legal formulae, standard syntactic structures, and legal terms.
3. Trial	Civil and criminal proceedings. Legal professions.	Skill of drafting claims, appeals, and other documents used in legal proceedings.
4. Memo drafting	In-depth knowledge of various branches of law in the jurisdiction of the target language	Memo drafting in the target language; the correct use of the legal formulae, standard syntactic structures, and legal terms.
5. Judgment drafting	Students understand the judiciary and the structure of a judgment.	Proficiency in Legal English writing. The correct use of grammar and syntactic patterns in Legalese.

Summarising the above, we can conclude that a business simulation game is a convenient interactive tool for teaching legal translation. Students may complete the tasks with or without a time limit. At the beginning of training, students should translate the facts of a case or conduct a simple lawyer-client interview. At later stages, students start to brief authentic case materials, draft simple contracts, and analyze the language features and difficulties of translation. They also start to review the evidence and make suggestions about the probable outcome of the case. Advanced levels of Legal English expertise relate to the ad hoc drafting of legal documents. This skill may be achieved only at C1-C2 levels of general English proficiency.

## DISCUSSION AND ANALYSIS

Legal translation skill assessment is a necessary element of an effective teaching program system (Davies, 2001). However, objective and quick evaluation has always been a challenging issue in TESOL. Evaluation of language skills in an ESP such as Legal English is different from the assessment of general English due to the need to test both linguistic and legal expertise. However, the level of general English competency has a significant impact on the development of legal translation skills and overall progress in all components of Legal English (speaking, listening, use of English, and drafting). Students with a relatively higher IELTS (Clapham, 1996) statistically scored significantly higher in tasks related to their professional background knowledge. Most of the testing materials in ESP include excerpts from authentic legal documents and case law (Bajcic, 2017).

Douglas (1985) offered a universal model of the structure of a testing material, which includes six sections: the purpose of testing, number and content of tasks, answer procedures, duration of tasks, expected answer, and a scale of criteria for the correct answer. A uniform structure of standard tasks for assessment and a transparent scoring system facilitates the impartial assessment of knowledge and skills and simplifies the digitalization of assessment materials. The TOLES testing system and modern teaching materials on Legal English use this approach (McKay, 2005).

In this research twenty task patterns from the simple to the more complicated ones were designed to illustrate the various approaches to assessment task design in Legal English. All task patterns can also be case scenario ideas and discussion starters in a classroom environment. The primary purpose of the tasks (see Table 2) is to pitch ideas to lecturers and help advanced students understand how Legal English usage can be tailored to achieve maximum effectiveness in different professional communication situations. In short, the task design shows how to find and teach simple solutions to complex legal problems.

**Table 2:** Sample tasks for Legal English training

Task patterns	Examples of answers	Subskills
1) Give English definitions of all the legal terms used in the case brief. Explain its use in the legal context.	Consideration. An act, forbearance, or promise by one party to a contract constitutes the price for which the promise of the other party is bought. Consideration is essential to the validity of any contract other than one made by deed.	Legal terms
2) Give a short explanation of the meaning of	A limited liability partnership (LLP) is a	Legal terms,

	each of the legal abbreviations in a Listening task.	partnership in which some or all partners (depending on the jurisdiction) have limited liabilities.	Listening.
3)	Choose a Legal word or a preposition which best fits each space in the case.	Serve upon/on means to give or send somebody an official document, especially one that orders them to appear at court. For example, 'the court served a summons upon the company.'	Legal terms, Grammar
4)	Give a Legal English alternative to the underlined term or collocation in general English.	Detriment. Harm or damage. For example, 'the company has acted to its detriment in agreeing to a variation of the original contract.'	Legal terms, syntax
5)	Give a modern Legal English equivalent of an archaic legal term.	Hereinabove means 'previously in this document or matter.' For example, 'the products hereinabove described.'	Legal terms
6)	Give a short explanation of the meaning of each of the Latin expressions in a Listening task.	Caveat emptor (Latin): the buyer is responsible for checking the quality of goods before purchasing them (literally, 'let the buyer beware').	Legal terms, writing.
7)	Reword the clause/paragraph using plain English equivalents	We renewed the contract for further successive periods of two years. The contract will continue indefinitely in two-year periods following the end of the first two-year period.	Syntax, Research
8)	Draft a follow-up email after a client interview	A formal letter based on the facts of the case	Listening, Drafting
9)	Analyze evidence in a case/prepare a fundamental case analysis and suggest to a Client a particular course of action	Legal opinion on the potential outcome of the case, formal letter	Speaking, Drafting
10)	Advising Party A on X law risks	Legal opinion	Speaking, Drafting
11)	Role-play the interview with X following the facts of the case	Case notes	Speaking
12)	Give a brief definition of each of the legal formulae in the case. Provide a plain English alternative.	Except as expressly provided in this Agreement. Unless there is a clear statement to the contrary in some part of the contract,	Legal terms, syntax
12)	Review the following X contract law case and prepare the documents for a meeting with a client / for a trial	A memorandum on the case study	Drafting, Research
14)	Draft an X agreement for Party A in case Y	An agency agreement for Party A	Drafting
15)	Making a legal career as an X in the jurisdiction Y	A short description of significant steps in a legal career	Research, Speaking
16)	Draft a memo on recent developments in X law	A memorandum on amendments to a branch of law in a jurisdiction	Drafting, Syntax
17)	Answer in writing the following questions concerning company formation, based on the case information.	A short explanation of a company formation process in a relevant jurisdiction	Drafting
18)	Provide a sample checklist for the drafting of a legal document X following a case brief	A sample checklist	Drafting
19)	List the documents typically required to form a company.	Draft of Mems & Arts using the templates and case materials	Drafting
20)	Consider language and grammar appropriate to a court document.	A court document (particulars of claim, judgment, injunction)	Syntax, Grammar, Drafting

ILEC and TOLES task designs were the benchmark for the research; however, this study suggests more detailed wordings of the case-based task descriptions. Legal English and legal translation should not be taught not as a purely theoretical discipline (Northcott, & Brown 2006). The most effective approach is to present the learning material as a series of case-based workshops. Moreover, the training course routines, such as weekly exercises or rote learning of

legal formulae, are viewed as the forms of preliminary practice for hands-on case studies. Sometimes this can be achieved only by the partnership between teachers of English for legal purposes and legal specialists ([Northcott, 2008](#)).

There are three stages of teaching through drafting legal documents following the given facts of the case. At the initial stage, students may draft documents in a foreign language necessary for a lawyer's daily work (a letter to a client, a brief description of the case, a model contract). At the higher stage, students may draft documents in ESP containing legal terms of art and syntactic difficulties of translation (agreements, memoranda, and court documents). At the advanced stage, the student should be able to write an essay on a legal topic, draft a full memorandum, or even judgments.

The drafting of a foreign legal document is not a simple 'fill in the gaps' exercise following the standard template in a relevant jurisdiction. Students are required to construe and creatively adapt its contents to the facts of the case ([Liuliene, 2012](#)). At the same time, at the early stage of learning ESP, the texts of templates and boilerplate clauses are a necessary reference material.

In drafting legal documents, an author and a translator should produce a model document, which precisely meets the expectations of a professional user of Legal English (usually a barrister or a solicitor in a Common law jurisdiction).

Constant practice of producing standard documents teaches the students to use such language means, as legal formulae, multiword prepositional structures, legal jargon and complex syntax structures ([Sārcēvič, 1997](#)). At the same time, students learn how to use professional services automation, legal tech, and translation memory software to improve the quality of their translation and drafting.

A case-based legal translation training system should also contain a chapter on modern machine translation technologies and automated translation software (TRADOS, Memsource). In practice, machine translation technologies facilitate the drafting of a legal document in a foreign language. The draft then needs further processing and editing. The use of machine translation in Legal English is still quite narrow and limited to the translation of short contracts, simple boilerplate clauses, case briefs, and essential court documents (subpoenas, notices). 'Interpretation is a human enterprise that cannot be carried out algorithmically by an expert system on a computer' ([Scalia, 2012](#)).

There are many software instruments of legal translation, including multilingual legal reference systems, algorithmic search for optimal translation solutions, computer tools for contextual analysis of legal texts ('Reverso'). Some of them are handy additional tools of TESOL ([Shane, 2006](#)).

## CONCLUSION

The regular use of the suggested case tasks improves the translation competence and students' readiness for written and oral 'on-the-spot' translation in Russian-English language pair. The tasks may also help develop professional cross-cultural communication skills in the final semesters of Legal English training. Such a task-based approach enables the students to optimize academic and professional effectiveness, offering a valuable source for their academic and professional development. Some of the tasks are also suitable for the assessment of Legal English knowledge.

The results of this research, including the suggested exercise patterns for implementing the case study method in teaching Russian-English translation, may be used as learning tools in teaching materials on Legal English. Besides, some conclusions of the research may also contribute to the improvement of output quality of machine translation systems and the development of legal tech software. The results of the study:

- 1) Analysis of teaching materials in Legal English courses reveals that the case-based legal translation training method helps accelerate the development of 'on-the-spot' legal translation skills in Russian-English language pairs.
- 2) There are two ways to integrate a case into the learning process: (a) document drafting following the given facts of the case (case analysis) and (b) business simulation games in various branches of law. These types of interactive tasks allow trainees to explore key legal frames within a task-based approach to TESOL.
- 3) The content of control tasks to assess the students' progress in translation skills should be based on authentic sources and contain a frame of a relevant communicative and translation task.

Anglo-American law has always prone to a broader interpretation of legal texts, while continental legal systems usually have stricter rules of construction. Therefore, professional background knowledge building, comparative law expertise, and machine translation software are essential elements of a quality legal translation training course.

Nowadays, most large translation agencies specializing in legal translation use automated translation software based on the 'translation memory' technology. Future translators of legal documents must be skilled in creating and using translation memory databases, as this technology allows multiple translators to translate a lengthy text and access a single terminology database (usually, a cloud one). Such a database covers the vocabulary of a single document, a group of materials, or an entire translation project to overcome ambiguity and inconsistency in translators' decisions.



## LIMITATION AND STUDY FORWARD

While conducting the pilot study, the number of participants implementing the suggested tasks should have been a minimum of 200. However, after the final data collection and analysis, there were only 104 volunteer participants at the Russian State University of Justice (a tertiary education institution specializing in law, situated in Moscow and affiliated to the Supreme Court of Russia). Therefore, the study found the limitation of response biases. It may be the result of differences in background knowledge and language proficiency of the program's participants. Future researchers should choose more than one tertiary education institution to distribute and collect the assessment (control) tasks.

The method of case-based scenarios and producing legal documents following the facts of the case is also not without its limitations. Firstly, the entry requirements for the effective use of the case study method are relatively high. Students of legal translation by the case study method should demonstrate: (a) background knowledge of the branches of common law; (b) understanding of legal document templates; (c) General English proficiency at the level not lower than B2 (Upper Intermediate) according to CEFR.

Modern teaching materials on Legal English (Cambridge, TOLES) provide the following types of exercises for producing texts:

- (a) Ad-hoc document drafting.
- (b) Editorial and stylistic correction of a document ('find and correct the mistakes' exercises).
- (c) Redrafting general English text in ESP (Legalese).

It is sometimes impossible to produce correct equivalents of two legal concepts in unrelated languages (e.g., in Russian-English language pair). Moreover, non-equivalent lexis is the norm rather than the exception in the practice of legal translation between the two unrelated jurisdictions (for instance, a common-law and a continental law jurisdiction). Finally, domestication increases the risk of mistakes in bridging inference. The translation strategy should always involve certain legal documents' peculiarities, requirements, structure, form, and punctuation.

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## REFERENCES

1. Abelson, R.P., Lalljee M., Lamb R. (1992) The role of event prototypes in categorization and explanation. *European Review of Social Psychology* 3(1), 153-182. <https://doi.org/10.1080/14792779243000050>
2. Alenezi, A. (2020). Task-based approach in teaching translation: a case study in Jouf University. *Higher Education Studies*, 10(2), 189-196. <https://doi.org/10.5539/hes.v10n2p189>
3. Badinter, R. (2014). *Anglo-American Legal English concepts and terminology*. EFB.
4. Baffy, M. (2017). Shifting frames to construct a legal English class. *Journal of English for Academic Purposes*, 25, 58-70. <https://dx.doi.org/10.1016/j.jeap.2016.11.003>
5. Bajcic, M. (2017). *New insights into the semantics of legal concepts and the legal dictionary*. John Benjamins BV <https://doi.org/10.1075/tlrp.17>
6. Bilova, S. (2016). Case briefs in Legal English classes. *Studies in logic, grammar and rhetoric*, 45(58) 2016, 7-20. <https://doi.org/10.1515/slgr-2016-0012>
7. Brown, G.D., and Rice, S. (2007). *Professional English in use* Cambridge University Press.
8. Butler E. W. (2001). *Russian-English legal dictionary*. Moscow: Zertsalo.
9. Candlin, C., Bhatia, V. K., & Jensen, C. (2002). Developing legal writing materials for English second language learners: problems and perspectives. *English for Specific Purposes*, 21, 299–320. [https://doi.org/10.1016/S0889-4906\(01\)00029-1](https://doi.org/10.1016/S0889-4906(01)00029-1)
10. Cao, D. (2010). *Legal translation. Translating legal language. The Routledge Handbook of Forensic Linguistics*. Routledge.
11. Catford JC (1965). *A linguistic theory of translation*. Oxford: Oxford University Press.
12. Cheng, L. (2010) A semiotic interpretation of genre: court judgments as an example. *Semiotica*, 182, 89-113. <https://doi.org/10.1515/semi.2010.053>
13. Cook, G. (2010). *Translation in language teaching*. Oxford: Oxford University Press.
14. Crookes, G. (1986a). *Task classification: A cross-disciplinary review*. Technical Report No. 4. Honolulu: Center for Second Language Classroom Research, Social Science Research Institute, University of Hawai'i at Manoa.
15. Davies, A. (2001). The logic of testing languages for specific purposes. *Language Testing*, 18, 133–147. <https://doi.org/10.1177/026553220101800202>
16. Day, J. Krois-Lindner, A. (2011). *International legal English*. Cambridge: Cambridge University Press.

17. David R., Brierley J.E.C. (1968). *Major legal systems in the world today*. London: Stevens & Sons. <https://doi.org/10.2307/824894>
18. Douglas, D. & Selinker, L. (1985). Principles for language tests within the ‘discourse domains’ theory of interlanguage: research, test construction, and interpretation. *Language Testing*, 2, 205-226. <https://doi.org/10.1177/026553228500200208>
19. Edmonds, J. E. (1970). *Root and structure-preserving transformations*. Indiana University Linguistics Club.
20. Garzone, G. and M. Viezzi (Eds.) (2002): *Interpreting in the 21st century: challenges and opportunities*. In *Selected papers from the 1st Forlì Conference on Interpreting Studies* (pp. 227-229). John Benjamins Publishing Company. <https://doi.org/10.1075/target.16.2.18gil>
21. Clapham, C., Alderson J. (1996). *Language test construction and evaluation*. Cambridge University Press.
22. Fillmore C.J. (1985). Frames and the semantics of understanding. *Quaderni di semantica*, 2, 222—254.
23. Gibbons, J. and Turell, M. T. (eds.) (2008). *Dimensions of forensic linguistics*. John Benjamins. <https://doi.org/10.1558/ijssl.v16i1.185>
24. Giltrow, J. Stein, D. (2017). *The pragmatic turn in law. Inference and interpretation in legal discourse*. Berlin: Walter de Gruyter & Co.
25. Goodrich, P. (1987). *Legal discourse*. London: Macmillan.
26. Goo, J. (2015). Second language acquisition and task-based language teaching. Mike Long. Malden, MA: Wiley-Blackwell, 2015. 430-439. *Studies in Second Language Acquisition*. 37. 1-2. [es in Second Language Acquisition. 37. 1-2. https://doi.org/10.1017/S0272263115000200](https://doi.org/10.1017/S0272263115000200)
27. Haigh, R. (2004). *Legal English*. New York: Cavendish Publishing Limited.
28. Harding, K. (2007). *English for specific purposes* Oxford: Oxford University Press.
29. Harting A.J. (2018). Connecting language and disciplinary knowledge in English for specific purposes: case studies in law. *International Journal of Speech-Language and the Law*, 25(2), 257-263. <https://doi.org/10.1558/ijssl.37650>
30. Harvey, M. (2002). What is so special about legal translation? *Meta*, 47, 177–185. <https://doi.org/10.7202/008007ar>
31. Hismanoglu, M., Hismanoglu, S. (2011). Task-based language teaching: What every EFL teacher should do. *Procedia - Social and Behavioral Sciences*. 15. 46-52. <https://doi.org/10.1016/j.sbspro.2011.03.049>
32. Hu, Weifeng. (2019). On legal English translation from the perspective of legal linguistics. *Review of Educational Theory*. 2-6. <https://doi.org/10.30564/ret.v2i3.870>
33. Hutchinson, T. (1987). *English for Specific Purposes*. Cambridge: Cambridge University Press.
34. Inesa, T. (2019). Teaching Legal English in multilevel classes. *The European Journal of Education and Applied Psychology*. 15-22. <https://doi.org/10.29013/EJEAP-19-3-15-22>
35. Jaaskelainen, R. (1999). *Tapping the process: an explorative study of cognitive and affective factors involved in translating*. University of Joensuu Publications in Humanities.
36. Liuolienė, A., Metiūnienė R. Legal English and adapted legal texts. *Santalka*, 20(1), 56-64. <https://doi.org/10.3846/cpe.2012.06>
37. Long, M. H. (1991). Focus on form: a design feature in language teaching methodology. In de Bot, K., Ginsberg, R. B., & Kramsch, C. (Eds.), *Foreign language research in cross-cultural perspectives*, 39–52. Amsterdam, the Netherlands: Benjamins. <http://dx.doi.org/10.1075/sibil.2.07lon>
38. Mason, C. Atkins, R. (2007). *The lawyer's English language coursebook*. Stamford: Global Legal English.
39. Mattila, H. (2006). Legal language: history. In K. Brown (ed.), *Encyclopedia of Language and Linguistics*. 8 – 1. Oxford: Elsevier.
40. Medrea, N. (2012). Cross-cultural communication: a challenge to English for legal purposes. *Procedia - Social and Behavioral Sciences*, 46, 5475 – 5479. <https://10.1016/j.sbspro.2012.06.460>
41. Mellinkoff, D. (2004). *The language of the law*. Eugene, Or: Resource Publications, an imprint of Wipf and Stock Publishers.
42. Newmark P. (1982) *Approaches to translation*. Oxford: Pergamon Press.
43. Nolfi, E. A. (2009). *Legal terminology explained*. Boston: McGraw Hill.
44. Northcott, J. (2008). Language education for law professionals. In J. Gibbons, & M. T. Turell (Eds.), *Dimensions of forensic linguistics*, 28-46. John Benjamins. <https://doi.org/10.1075/aals.5.04nor>
45. Northcott, J. (2009). Teaching legal English: contexts and cases. In D. Belcher (Ed.), *English for specific purposes in theory and practice*, (pp. 165-185). University of Michigan Press.
46. Northcott, J. (2013). Legal English. In B. Paltridge, & S. Starfield (Eds.), *The Handbook of English for specific purposes* (pp. 213-226). Wiley-Blackwell. <https://doi.org/10.1002/9781118339855.ch11>
47. Northcott, J., and Brown, G. D. (2006). Legal translator training: partnership between teachers of English for legal purposes and legal specialists. *English for Specific Purposes*, 25, 358–375.
48. Prabhu, N. S. (1987). *Second language pedagogy*. Oxford University Press.
49. Richards, K. (2009). Trends in qualitative research in language teaching since 2000. *Language Teaching*, 42(2), 147-180. <https://doi.org/10.1017/S0261444808005612>



50. Rubtsova, A. (2019). Socio-linguistic innovations in education: productive implementation of intercultural communication. *IOP Conference Series: Materials Science and Engineering*, 497, 012059. <https://doi.org/10.1088/1757-899X/497/1/012059>
51. Särčević, S. (1997). *New approach to legal translation*. Kluwer Law International.
52. Scalia, A., Garner, B.A. (2012). *Reading law: the interpretation of legal texts*, Thomson West.
53. Schane, S. A. (2006). *Language and the law*. London: Continuum. <https://doi.org/10.1017/S004740450808069X>
54. Sierocka, H. (2016). Action research in designing and implementing courses of English for legal purposes. *Studies in logic, grammar and rhetoric*, 45(58), 225-251. <https://doi.org/10.1515/slgr-2016-0026>
55. Thornbury, S. (2017). *30 Language teaching methods*. Cambridge University Press.
56. Tiersma, P. (1999). *Legal language*. University of Chicago Press.
57. Venuti, Lawrence (1995). *The translator's invisibility*. Routledge. <https://doi.org/10.5195/jffp.1997.390>
58. Widdowson, H. G. (1990). *Aspects of language teaching*. Oxford University Press. <https://doi.org/10.18172/cif.2434>
59. Williams, C. (2005). *Tradition and change in legal English: verbal constructions in prescriptive texts*. Peter Lang. <https://doi.org/10.1016/j.pragma.2006.09.009>
60. William R., Mckay H. (2005). *Legal English: how to understand & master the language of law*, Pearson Longman.
61. Willis, J., Edwards, C. (2005). *Teachers exploring tasks in English language teaching*. Palgrave.