

## Teaching and Assessment of Writing Skills with the Students of the Faculty of Law

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**Abstract.** Our teaching activity was constantly oriented towards developing speaking and writing skills that are so important for the legal professions. To develop writing skills they practised writing essays and standardized business letters, which favour concision, coherence and efficiency in communication. Since writing skills are so important in the legal careers, the current paper reveals the teaching methodology used to improve writing skills with the students of the Faculty of Law. Our observations and commentaries are based on significant types of teaching activities and assessment. We would like to analyse the writing section of the Specialized Language Proficiency Test for the admission to the Bachelor’s Degree Exam, to check the efficiency of the study strategies in relation with the practical requirements of the future professional life. Students opted either for an essay or a letter. The essays were well structured; reasoning was most of the time clear, while in case of letters, in spite of their good content, the standardized form was seldom respected. It seems that students do not pay too much attention to the layout of a formal letter, being unaware of the cultural and social importance of writing properly a letter. Our English for Legal Purposes Practical Course aims to develop harmoniously all four language skills, in a specific professional context. Nevertheless, taking into consideration their future professional needs, we should focus more on communication skills that may help them both with their present legal studies and their future legal careers.

**Keywords:** assessment, writing skills, legal profession, essay, business letter

### INTRODUCTION

The English for Legal Purposes Practical Course taught to the students of the Faculty of Law aims at developing language skills to be used in a professional context. Teaching staff has to adapt constantly their teaching methods towards developing practical skills needed in the legal carriers, namely excellent legal writing and speaking skills. Students’ and teachers’ efforts are finally tested at the end of the language study program, when students have to take their Specialized Language Proficiency Test.

Different studies point out the importance of choosing the suitable methods for teaching writing, followed by adequate exercises to develop this skill.

There are numerous actions and measures initiated by the foreign languages policy makers and the teaching staff meant to improve the quality of teaching and learning specialized foreign languages with the students of “Babes – Bolyai” University in Cluj-Napoca. This assertion evidently has at least some facets that have to be considered in our theoretical approach, as well as in our research and teaching practice. Our endeavours are based on the following considerations:

1) The foreign language knowledge at academic level has increased considerably due to the domestic professional needs and the perspective of social and professional integration in Europe and in the international working environment.

2) The level of foreign language knowledge acquired formally or informally during the school period is unfortunately decreasing, students presenting some communication deficiencies and making elementary errors.

3) The 1<sup>st</sup> year students have a reduced awareness of their foreign language abilities, they encounter difficulties in adapting to the academic studies and there is also pressure exercised by the specialty subjects that diminishes the quality and the efficiency of our work in the classroom and of individual learning efforts.

4) The lack of equipment for independent learning (e-learning) is still maintained, this situation being in contradiction with the skills and availability that the present young people have in using IT & C. According to our findings, the average level of foreign language knowledge is slowly decreasing from B1 to A2- Basic user with many of the students attending the different faculties of “Babes – Bolyai” University.

In spite of the teaching staff’s efforts to improve the level of teaching and to homogenize the groups, their endeavours are actually not reflected in the efficiency and quality of learning, many students being unable to meet the requirements for B2, considered to be the minimum level for studying specialized foreign languages for academic and professional communication.

At the end of their study programme all students from “Babes – Bolyai” University have to take their Language Proficiency Certificate in order to apply for a Bachelor’s Degree. This Language Proficiency examination is administered by the Department of Specialized Languages. One written test plus an oral examination will determine the level of the four skills developed and practiced by students during their specialized language courses. The four skills to be assessed are obviously: reading, writing, speaking and listening. The levels set are equivalent to those recommended by the Common European Framework of Reference for Languages in 2004. The minimum level accepted and recommended for the Bachelor’s Degree is B1 with all four language skills and B2 for admission to a national or international Master’s Degree.

The purpose of the paper: Our paper is actually a case study on the results of the Specialized Language Proficiency Test for access to the Bachelor’s Degree with the students of the Faculty of Law, administered and assessed in April 2013. Our attention is focused on the results of the writing section of the test and also on the teaching activities performed in the classroom to develop professional writing skills. We are also interested in the effectiveness of teaching, revealing the strengths and weaknesses in writing that became evident after the assessment of the writing section of this test.

## MATERIAL AND METHODS

For the analysis we used the Language Proficiency Test, as devised by the lecturers teaching English for Legal Purposes at the Faculty of Law. We used actually all the tests belonging to the students of the Faculty of Law, made available to us to analyze different aspects regarding the writing section. We were interested especially in writing because we consider writing as being extremely important for the legal professions.

The test was designed according to the objectives and principles of the Practical Course and the descriptors of communicative proficiency of the Common European Framework of Reference for Languages: Learning, Teaching, and Assessment (CEFR) level B2.

Our analysis, observations and reflections were directed towards the following aspects:

- quantification of the students’ choice regarding the two types of genre suggested by us for the writing section: essay or business letter;
- statistic evaluation of the test results;

- highlight of the positive aspects regarding the structure of the essay, the layout of the letter; remarks on the reasoning and other aspects such as creativity, use of standardized vocabulary and phrases;
- highlight of other positive aspects revealed by tests according to the indicators described in the EU document mentioned above;
- psycho-pedagogical considerations regarding the students' options for the types of genre assessed;
- presentation of a retrospective analysis concerning teaching writing skills in the Legal English classes.

## RESULTS AND DISCUSSIONS

A total number of 305 students of the Faculty of Law were enrolled for the Bachelor's Degree Examination in the session of June 2013. Out of these, 127 students got their language certificate from different other language assessment institutions (Cambridge, TOEFEL, IELTS etc.), acknowledged by our university. The remaining 178 students were assessed by our Department of Specialized Foreign Languages and the certificates were issued by the secretariat of the subordinated faculties. Out of 178 certificates 24 were issued for other languages (French and German) and 154 for English.

However, some observations should be made: the European document (CEFR) is targeted towards improving and balancing the communication skills of the member countries, regarding the different languages spoken in the European Union. Therefore, under the slogan "Language Learning for European Citizenship", the efforts are directed towards teaching, learning and language assessment in order to obtain a European language passport that may enable the user to communicate on general and professional level and turn into "a competent and experienced user".

It is essential to remember that, although the descriptors of communicative proficiency for the six recommended levels are valid for all European Union languages and in all Union member countries, "the Council encourages all those concerned with the organization of language learning to base their work on the needs, motivation, characteristics and resources of learners. The Council also supports methods of learning and teaching which help young people and indeed older learners to build up the attitudes, knowledge and skills they need to become more independent in thought and action, and also more responsible and cooperative in relation to other people. In this way the work contributes to the promotion of democratic citizenship." (CEFR/CE, 2001)

Thus, we understand the need for the adjustment of the language ability test to the level of training and the professional goals of foreign languages learners.

Level B2 calls, as we know, an advanced and independent user, proving habitual understanding, ability to converse, express opinions and sustain consistent arguments.

Specialized languages require even more such skills. The regular checks and examinations done before the proficiency language test for the admission to a Bachelor's degree, the exercises and projects conducted during the years of study, the activities of evaluation and self-evaluation have all developed strategies for individual study and the awareness of the need for knowledge related to the future professional requirements.

The proficiency test for access to the Bachelor's Degree is therefore a true moment of confirmation of the joint efforts made by the students and teaching staff. They prove the stability of the language acquired and the certainty that the languages are deeply immersed in training and that they will support and ensure success in career.

We designed this test to have a clear view of our teaching efforts made during the years of study and at the same time to help students understand that efficient use of language is an essential element, a key to social and professional communication.

We will present, as follows, the test structure used at the Faculty of Law. The four language skills were assessed in two stages, first a written test and then an oral examination.

Stage 1 consisting of a written test was meant to verify the following skills: Listening-comprehension - 20 minutes, Reading comprehension - 35 minutes and Writing – 35 minutes.

Stage 2 covered the oral examination - Speaking, 10 to 15 minutes, and consisted of conversation and interaction between two candidates on general and specialized topics.

The Writing Section (Writing) is the only one we would like to analyze in this paper. Students were asked to choose between two types of genre: essay or business letter (Letter of advice). The essay, an argumentative essay, was based on a quote from Jonathan Swift referring to the common perception of laws: “Laws are like cobwebs, which may catch small flies, but let wasps and hornets break through.” Students had to write an essay of about 250 words.

The second choice was to write a letter of advice from a lawyer to his client, on how to sell a property, paying special attention to the layout of the letter.

The two tests were scored differently and students had been warned about this from the very beginning. The essay, because of its complexity, would have been scored with maximum 10 points and the letter with maximum eight points. See below the statistics regarding the Writing section (Tab.1).

Tab.1

Levels obtained by the students of law with the writing section

Section of the test	No. of students	Level	%
Writing	17	B1	11.04
	86	B2	55.85
	51	C1	33.11
Total	154		100%

Note: the high percentage of levels B2 and C1 (55.85+33.11= 88.96%), reveals the fact that the vast majority of law students are able to express themselves fluently in writing and we appreciate that their writing skills are good and very good. This level is compatible with the admission to a Master’s Degree. The remaining 11.04% of students scored lower grades, corresponding to level B1, and are qualified, as far as their writing skill is concerned, only for admission to a Bachelor’s degree.

Regarding the students’ option with the writing section, we notice that 82 students have chosen the essay and 72 the business letter, which shows a relative balance between those who had aspirations for a higher grade and those who were content with a lower grade. Taking into consideration the fact that a difference in grading was announced at the beginning of the test, we notice that this challenge was rejected by almost half of the students (Tab. 2).

Tab. 2

Percentage of the writing genre chosen by the law students’

Type of genre	No. of students	%
Essay	82	53.25
Letter	72	46.75
Total number	154	100%

Observations regarding the students' writing option and its implementation

The essay is certainly a freer form of expressing ideas in writing, having a speculative character, but highly creative and therefore more relevant for the students' knowledge of language and their intellectual capacity.

Although scored lower, the letter implies a lot of formality that cannot be ignored by the students. It doesn't require too much imagination and students have usually to stick to a certain pattern and apply it to their own letter.

The letter also carries the image of its sender. Ignoring the formal layout raises questions about the intellectual capacity and the level of education of the sender.

Observations regarding the essay

(1) The students who have chosen the essay did most of them well. They managed to write well structured texts, applying the classical pattern of the essay: introduction, content (pros / cons), and conclusions. Their reasoning was most of the time clear and only a few of them hadn't been able to find sufficient convincing arguments to sustain their point of view.

(2) We noticed the recurrence of stereotype phrases: firstly / secondly, for example, or on one hand / on the other hand, used by the majority of students who wrote essays, that indicates less creativity, but still shows an attempt to order the arguments.

(3) The essay calls for the ability to make judgments, to find strong arguments that are specific for the legal professions, especially in situations connected with court proceedings. Writing essays is surely more creative than writing letters. .

Observations regarding the letter

(1) Many of the students who have chosen the letter for the writing section had in mind to ease their task, but unfortunately most of them did not comply with the layout of a formal business letter. Many of them failed to provide one or several structural elements that should have been present in their letters, such as: sender's address/heading, date, receiver's address, salutation, content with all its three parts, complementary close and signature. In fact they deceived themselves choosing a letter. They forgot that the layout of a formal business letter is mandatory in communication between partners and elaborating a letter shows the level of professionalism of the writer, in particular, and his/her degree of education, in general.

(2) When writing formal letters students may chose between the English and the American layout. The latter is easier to be remembered and of course, to reproduce. I would like to point out that writing letters was thoroughly analyzed and exercised in the classroom, but probably it was viewed by students as something too rigid and unworthy of being remembered. However, as far as content is concerned, we noticed that students were able to structure correctly this part of the letter and they used the classical format comprising an introduction, then the content, and finally the ending.

(3) By choosing to write a letter, students put themselves in a real life situation, connected with their future professional life, in which they will have to develop communication skills and instruments to help them exercise their profession, as for instance giving advice to their future clients. Therefore, they have to learn the essence of writing a letter, which is characterized by rigour and clarity of message.

(4) The 'trap' represented by letter highlights the large number of omissions and mistakes students made. In case of essays, the lack of formal constraints was compensated by prudence and limitation to what they already know, thus the fewer mistakes they did.

Further on we would like to bring to your attention some of the mistakes, omissions and grammatical errors we have encountered, especially in letters. Find below a list of them:

- sender's and/or receiver's name and address often missing;
- address translated instead of being kept in their original language;

- salutation is sometimes poor: Mr. Thomas instead of Dear Mr. Thomas;
- items such as client's details or sender's address kept as they are, instead of being replaced with data;
- incorrect positioning of the compulsory items of a formal letter;
- omission or misuse of complementary close: With the regards and respect; Thank you for your time; See you soon; Have a nice weekend instead of Yours faithfully/ Yours sincerely;
- signature: Your lawyer or John instead of full name + signature;
- word-for-word translation of Romanian words and phrases into English, that make no sense;

A series of typical grammar mistakes appear in the letters, such as;

- misuse of irregular verbs and tenses (I havved received; I would like to informed you);
- incorrect use of the degrees of comparison with adjectives & adverbs;

To all these, common spelling mistakes are added, which unfortunately, are repeated not only in the same letter, but they recur in other letters, too.

Mistakes, omissions, misuses are considered mistakes and they have to be sanctioned in language proficiency tests. They cannot be tolerated in written communication as easily as they may be tolerated in colloquial speech.

#### Theoretical and Practical Perspective on Teaching Writing

Writing and speaking are the most important skills for practising a legal profession. This is the reason why we allot many classes to teaching and practicing writing skills. Law students have been taught to write business letters, legal reports, case presentations, contracts, powers of attorney along with the classical essays. They practised writing such documents to acquire professional rigour, clarity, consistency in writing. Possessing good writing abilities is a proof of education and has a positive impact on a legal career.

Choosing the best writing approach from various approaches of teaching writing is the teacher's duty. S/he may select from a couple of teaching approaches the most suitable one: the product, process or social-constructivist method, or maybe make a synthesis of all these approaches. Next the teacher has to design challenging activities to help students develop their writing skills. In spite of its limitations, discussed in various books concerned with teaching, we consider the product approach the most suitable one- at least in the first stage- of teaching writing business letters to the law students.

“The product approach is concerned with the finished product - the text.” (Jordan, 2007)

Students are presented a template of a letter “a model which is analysed and them forms de basis of a task that leads to the writing of an exactly similar or parallel text.” (Dudley-Evans, and St. John, 2006)

After analysing the model with their teacher, students had to write their own letter, an activity that is not so easy to be done in a classroom environment. They have to learn and apply all the formal elements of the letter, organize the main ideas of the content taking into consideration the purpose, the overall goal, the reader and the topic dealt with. The draft will be revised by the student again. We suggested the end product to be further on evaluated by a colleague (peer evaluation), switching in this way to a process approach of writing, in which feed-back is very important.

“The process approach has emphasised the idea of writing as problem-solving with a focus on thinking and process”. (Dudley-Evans and St. John, 2006) Further on the authors quote Flower (1985) who explains that the thinking stage consists of identifying “the rhetorical problem, plan a solution or series of solutions to the problem and finally reach an appropriate conclusion. “The thinking stage is followed by the process stage that “involves

translating the plan into paragraphs and sentences, reviewing the first draft and then revising the text to produce a number of subsequent drafts.”

The third approach “is generally referred to as the social-constructionist approach to the teaching of writing and is closely associated with the development of genre analysis as a key approach to text in ESP...” (Dudley-Evans and St. John, 2006)

In case of teaching the essay, the process approach seems to be the most adequate. “This is concerned with the processes of writing that enable the product to be achieved. The processes involved match the mental processes inherent in writing in the mother tongue, namely, planning, drafting, rethinking, revising etc. They allow students to express themselves more as individuals.” (Jordan, 2007)

According to Jordan’s opinion “This approach emphasises the composing processes which writers utilise, and thus puts meaning to the fore rather than form. The approach accords with the principles of learner-centredness, encouraging individuals to take more responsibility for their own learning.” (Jordan, 2007)

Feedback in case of essay is extremely important and the teacher’s responsibility is to provide the student with a written comment on his/her writing task. Teaching and assessing essays becomes more difficult for the teacher.

## CONCLUSION

The Language Proficiency Test for access to the Bachelor’s degree is compulsory. Taking into account the fact that this test is designed and oriented towards the assessment of oral and written skills to be used by our students for academic and professional needs, it should be considered by them not only an important step in their academic training but also an opportunity to prove their responsibility and maturity .

This test is also a wonderful occasion for teachers to evaluate their personal teaching efforts directed towards developing specialized language skills with their students. The final results of the proficiency test administered to the students of the Faculty of Law prove that both parties –students and teachers- have successfully reached their goals, since none of the students failed to pass this examination. Nevertheless both teachers and students have to continue their endeavours to develop and implement highly efficient strategies focused on integrating not only the four main skills (reading, writing, speaking and listening) but also the subsidiary skills (grammar, punctuation, pronunciation) during the period of academic studies.

Teachers will have to enhance their efforts to motivate their students to be more responsible towards foreign language study, in general, and specialized language, in particular. Students have to become aware of the importance of acquiring specialized language skills for their future profession. Such skills enable them to gather materials and documents in foreign languages for their work and study and interact adequately with other people.

## REFERENCES

1. Common European Framework of Reference for Languages: Learning, Teaching, and Assessment (CEFR) (2001). 4-5. [www.coe.int/lang-CEFR](http://www.coe.int/lang-CEFR).
2. Dudley-Evans, T. and M.J. St. John, (2006). *Developments in English for Specific Purposes: a multi-disciplinary approach*, 8th ed. University Press, Cambridge, p. 116-118.
3. Jordan, R. R. (2007). *English for Academic Purposes*, 9th ed. University Press, Cambridge. 164-167.