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Shifting frames to construct a Legal English class

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ABSTRACT

In the last decade or so, EAP courses for international lawyers have proliferated. To date, there has been very little research investigating the teaching and learning that takes place in these classrooms, and the present research seeks to fill this gap. This article examines how an EAP course offered at a U.S. law school may foster international students' socialization into the U.S. legal academic community. Using classroom interaction data, this study centers on how one professor and her students "talk into being" (Heritage, 1984) a Legal English class by frequently shifting between the interactive frames (Bateson, 1972; Goffman, 1986; Tannen & Wallat, 1987) of "law class" and "ESL class," as cued by linguistic and paralinguistic features produced during classroom talk. Course evaluations and semi-structured interviews with students suggest that repeated shifts between the two frames may play a role in the discursive construction of a class that meets the linguistic and academic needs of students, who seek not only to enhance their "general linguistic competence" (Hutchinson & Waters, 1980), but also to increase their language proficiency for academic tasks they can expect to complete in a U.S. law class.

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1. Introduction

In the last decade or so, a growing number of international lawyers have been admitted to Master of Laws degree programs in the United States. LL.M. programs, as they are colloquially known, are an attractive option for many foreign-trained attorneys because they provide global credentials, opportunities for job advancement back home, and the chance to gain admission to the organized bar in several U.S. jurisdictions. Such programs have increased in the last several years, with a rise from 110 in 2000 to 265 in 2013 (National Jurist, 2013). But while the LL.M. is an increasingly popular avenue for lawyers from around the world, many qualified candidates for LL.M. study are not equipped linguistically to handle the academic rigor of law study in the U.S. Accordingly, law schools have begun to accommodate international students by creating summer, semester, and year-long English for Academic Purposes (EAP) pre-sessional programs that are designed to promote these students' linguistic development and academic readiness. There are now dozens of academic and language support programs for international lawyers wishing to pursue an LL.M., but a surprising dearth of linguistic research investigating the teaching and learning that takes place in these classroom environments.

The present research seeks to fill this gap in the literature and examines how an EAP course offered at a U.S. law school may foster international students' socialization into the legal academic community. The research centers on how one professor and her students "talk into being" (Heritage, 1984, p. 290) a specialized Legal English course in which the focus of classroom activity is legal study side by side with language learning. Close analyses of classroom interactions demonstrate that the

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hybrid nature of exchanges involving a focus on both law and language functions to promote students' acculturation to the disciplinary culture of a U.S. law school while at the same time fostering students' overall language development.

The paper proceeds as follows. The research is first situated within the broader literature on EAP and Legal English (Section 2), followed by a brief discussion of the theoretical foundations of the study, grounded in framing theory as developed by Bateson (1972) and Goffman (1986) and extended by Tannen and Wallat (1987) (Section 3). The paper then provides a brief description of the research context, as well as the data collection and analytic methods employed (Section 4). Next, several examples of classroom interactions are presented to show that classroom activity is framed as involving a combination of legal study and language learning, which functions to facilitate students' initiation into a new educational community (Section 5). Finally, the paper closes with the pedagogical implications of this study, with relevance for EAP instruction in law and other disciplines (Section 6).

2. Legal English

Work in EAP has revealed two approaches toward the instruction of academic English. On the one hand, instructors who teach English for General Academic Purposes (EGAP) view their role as one of imparting a "core" of academic skills, language features, and study activities that are considered to be common to all disciplines (see, e.g., Spack, 1988). This includes preparing students for activities such as listening to lectures, participating in seminar discussions, and writing papers (Dudley-Evans & St John, 1998). On the other hand, a move toward more specificity in EAP has spawned the English for Specific Academic Purposes (ESAP) movement, with proponents advocating for the teaching of discipline-specific skills and language that directly responds to the academic needs of students in particular subject areas (see, e.g., Hyland, 2002, 2006). The present work is consonant with this latter perspective—in particular, Legal English or English for Academic Legal Purposes (EALP) (Howe, 1993; Northcott, 2013).

Legal English refers to "English language education [which] enable[s] L2 law professionals to operate in academic and professional contexts requiring the use of English" (Northcott, 2009, p. 166); it involves the teaching of law-specific language skills and literacies. In the U.S. legal educational context, instruction typically centers on legal opinions authored by appellate judges, which, in the common law system, constitute much of what is considered "the law." Accordingly, Legal English courses prioritize the reading of legal cases and the production of texts that call on students to apply the "black letter law" distilled from legal cases to novel factual scenarios and legal problems (e.g., legal memoranda, law-school exam answers, problem-question essays) (Feak & Reinhart, 2002; Northcott, 2008).

Given the primacy of written texts in legal education, scholarly activity in the area of Legal English instruction has focused predominantly on the analysis of written discourse. Researchers have analyzed a variety of legal writing genres including legal opinions, also referred to as law case reports (Badger, 2003; Harris, 1997), problem-question essays (Bruce, 2002), legal memoranda (Hartig & Lu, 2014), client letters (Maclean, 2010), and student-written articles or law review "notes" (Feak, Reinhart, & Sinsheimer, 2000). In analyzing written legal texts relevant to the Legal English classroom, a few approaches have been employed, though corpus and genre studies of both professional and student texts have generally prevailed. For example, Bhatia (1993) undertakes a genre analysis of moves in the text structure of judge-written legal opinions, while Hartig and Lu (2014) study the frequency and use of passive constructions and nominalizations in "expert" sample and "novice" student-written legal memos. Such text analyses are immensely useful for guiding writing instruction in Legal English, and have been used to create Legal English teaching materials (see, e.g., Reinhart, 2007). However, these studies reveal little about how Legal English classes are socially constructed through talk, and more significantly, how classroom exchanges may assist students' socialization to legal academic discourse practices and socially relevant identities (e.g., a U.S. law student). This paper seeks to address these questions.

3. Theoretical framework: frame shifting

The theoretical construct guiding the study is framing (Bateson, 1972; Goffman, 1986), or the notion that features of talk and other aspects of situational context provide speakers and hearers with a "sense of what activity is being engaged in" (Tannen & Wallat, 1987, p. 207) or a "definition of a situation" (Goffman, 1986, p. 10). An understanding of what activity is in progress gives rise to expectations about how individuals are to participate in an interaction, as well as how such interactions typically proceed (Kendall, 2008). For example, during a middle school science lesson, the physical space of the classroom, the teacher's seat at the front of the class, and the steady stream of questions that she asks work to establish a class frame wherein participants understand, or learn to know, that the teacher has primary speaking rights and determines topics and allocates turns to others.

Interactive frames (Tannen & Wallat, 1987) are created and negotiated by speakers and hearers moment by moment in talk, and are signaled by "contextualization cues" (Gumperz, 1982)—an array of linguistic, paralinguistic, and nonverbal elements of communication, such as lexical items, syntactic structures, stress, intonation, eye gaze, and body position and movement. As talk unfolds, participants negotiate and create new frames as demanded by the speaking situation. In an early study on interactive framing, Tannen and Wallat show that as a pediatrician examines a child with cerebral palsy, interacts with the mother, and is video recorded for medical students, she juggles three frames. One of these frames is the social encounter, in which she entertains the child, establishes a relationship with the mother, and ignores the camera (and hence a future audience of medical students viewing the tape). The second frame is the medical examination, in which the

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