English Communication Skills and the Teaching of Law: A Study of the Singaporean Tertiary Sector

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This thesis has been substantially accomplished during enrolment in the degree.

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ABSTRACT

This thesis reports a qualitative, interpretivist study of the role of English communication skills in legal education courses delivered in Singaporean tertiary institutions. The aim was to generate theory on the incorporation of English communication skills in the teaching of law by drawing on the perspectives of the academics. Semi-structured interviews were conducted with 18 teachers from three research sites on the significance of English communication skills in their teaching of legal courses, the strategies and methods that they employ within the context of the classroom and their rationale for blending linguistic techniques in their delivery. The data collected from the interviews was supported by document analysis and class observations. Grounded theory analysis was used to code trends, patterns and themes that emerged from the data. The empirical findings presented in this thesis include participants' perspectives on their learners' differing English language proficiency levels, the teaching of English communication skills to students pursuing law as a core major or as a subject ancillary to their various disciplines, the use of technical jargon in legal instruction, assessment modes, blended-learning techniques and the teaching methodologies employed by the academics. The main theoretical findings of this study posit that students' academic performance in legal subjects are directly influenced by their level of English language proficiency; that all learners of law should be provided with support in the English language; that it is the teacher’s duty to assimilate English communication skill sets in law lessons; and that the teaching of English communication skills is beneficial in both the academic and vocational contexts. This thesis is presented in the light of an increasingly diversified and multifaceted legal landscape, where graduates are expected to adapt to changing demands and expectations at the workplace. It prompts future scholarship on pedagogical approaches and modular design in the field of legal education and will hopefully inspire the cause of primary stakeholders such as legal educators, practitioners, policy makers and curriculum planners.
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# TABLE OF CONTENTS

**Chapter One: Introduction**

Introduction 1
Background 2
Communication and Language in Legal Education 3
Context and Discourse 5
  - Issues in relation to ‘Grammar’ 5
  - Issues in relation to ‘Coherence’ 6
  - Issues in relation to ‘Style’ 6
Overview of Empirical Literature 7
Research Questions 10
  - The Central Research Question 10
  - Guiding Questions 10
Overview of the Research Methods 10
Overview of the Findings 11
Significance of the Study 12
Conclusion 13

**Chapter Two: Background and Context**

Introduction 14
Legal Education: The Global Scene and Trends 14
The Asian Scene 21
The Singapore Scene 24
The ‘Local Context’ of the Study 26
  - The Public University 26
  - The State Polytechnic 27
  - The Private Institution 28
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Data Analysis</strong></td>
<td>56</td>
</tr>
<tr>
<td>Open Coding</td>
<td>57</td>
</tr>
<tr>
<td>Axial Coding</td>
<td>57</td>
</tr>
<tr>
<td><strong>Trustworthiness of the Study</strong></td>
<td>57</td>
</tr>
<tr>
<td>Credibility</td>
<td>58</td>
</tr>
<tr>
<td>Transferability</td>
<td>58</td>
</tr>
<tr>
<td>Dependability</td>
<td>58</td>
</tr>
<tr>
<td>Confirmability</td>
<td>59</td>
</tr>
<tr>
<td><strong>Ethical Issues</strong></td>
<td>59</td>
</tr>
<tr>
<td>Consent</td>
<td>59</td>
</tr>
<tr>
<td>Access</td>
<td>59</td>
</tr>
<tr>
<td>Participants’ protection</td>
<td>60</td>
</tr>
<tr>
<td><strong>Conclusion</strong></td>
<td>60</td>
</tr>
<tr>
<td><strong>Chapter Five: Findings</strong></td>
<td>61</td>
</tr>
<tr>
<td><strong>Introduction</strong></td>
<td>61</td>
</tr>
<tr>
<td><strong>Narrative Inquiries</strong></td>
<td>62</td>
</tr>
<tr>
<td>Narrative Inquiry 1</td>
<td>62</td>
</tr>
<tr>
<td>Narrative Inquiry 2</td>
<td>64</td>
</tr>
<tr>
<td>Narrative Inquiry 3</td>
<td>66</td>
</tr>
<tr>
<td><strong>English Language Proficiency</strong></td>
<td>68</td>
</tr>
<tr>
<td>Dealing with Legal Concepts</td>
<td>68</td>
</tr>
<tr>
<td>Cross Cultural Issues</td>
<td>69</td>
</tr>
<tr>
<td>Differing Linguistic Abilities</td>
<td>70</td>
</tr>
<tr>
<td>Written and Verbal Communication Skills</td>
<td>72</td>
</tr>
<tr>
<td><strong>Law as a Core Pursuit or an Ancillary Measure?</strong></td>
<td>75</td>
</tr>
<tr>
<td>Student Attitudes</td>
<td>75</td>
</tr>
<tr>
<td>Attuning to Student Mindsets</td>
<td>75</td>
</tr>
<tr>
<td>Adapting Teaching Style</td>
<td>76</td>
</tr>
<tr>
<td><strong>Legal Terminology</strong></td>
<td>77</td>
</tr>
<tr>
<td>Incongruity of Latin Phrases</td>
<td>77</td>
</tr>
<tr>
<td>Methods used to create Accessibility to Latin Terminology</td>
<td>81</td>
</tr>
<tr>
<td><strong>Assessments</strong></td>
<td>82</td>
</tr>
</tbody>
</table>
Blended Learning and the need for English Communication Skills 84
Teaching Methodology 88
Conclusion 96

Chapter Six: Theory and Discussion 97
Introduction 97
Good English Communication Skills are a prerequisite to Academic Success in Law 98
  Reading Skills 98
  Writing Skills 100
Students of Law can do with more support in the English Language 102
Teachers of Law to teach English Communication Skills 104
A Seamless Transition into Practice 106
Conclusion 109

Chapter Seven: Conclusion 110
Introduction 110
Overview of the Study 110
Findings of the Study 111
Parameters of the Study 113
Contributions of the Study and Recommendations for Future Research and Practical Applications 114
  Contribution to Theory 114
  Contribution to Professional Practice 115
  Contribution to Future Research 116
Conclusion 116

References 118

Appendices 130
Appendix A: Sample Interview Questions 130
Appendix B: Checklist of focal points for non-participant observations 131
Chapter One: Introduction

Introduction

The study reported in this thesis examined the teaching of English communication skills in legal education courses in Singapore from the perspectives of teachers of law. Currently, there is an absence of a standard curriculum on written and oral communication skills for tertiary law students in Singapore. Instead, there exists a general assumption that these students are able to write and speak well. Indeed, embracing legal language in the initial stages has already been deemed to be a daunting task. This is particularly so for students who do not study law as their major, or who are international scholars whose native tongue is not English. To address this concern, institutions have facilitated workshops and training seminars for learners of different levels who study law. However, these typically are ad-hoc attempts that are limited as regards linguistic depth and analysis. This thesis sought to generate theory on the incorporation of English communication skills in the teaching of law; drawing on the perspectives of academics from tertiary education institutions in Singapore.

As Cornelissen (2010) expounds, developing new practices and areas of expertise might be a prudent response to changing circumstances in markets and societies at large. In this regard, one of the primary objectives of legal education is to generate trained professionals who are equipped to deal with modern challenges in litigation. This includes developing skills appropriate to alternative methods of dispute resolution and an overall awareness of an increasingly globalised legal culture. Lawyers are progressively more exposed to a greater cross section of society. They find, as a result of heightened trans-border relationships, that substantive knowledge acquired in the classroom can only serve them to a limited extent. For instance, an over reliance on textbook theories does little to propel their careers. Conversely, legal practitioners who acknowledge themselves as communicators who appreciate and understand their audience while, at the same time, anticipate their response, achieve a whole lot more (Cockcroft and Cockcroft, 2005).

The roles held by law graduates in Singapore range widely given the multi-faceted and diverse nature of the industry. Students need to make sense of technical terms and explanations. Consequently, this demands a skill that allows for the expression of fundamental concepts that would be easily comprehensible by the intended audience (Spuida, 2002).

The aim of the present study was to generate theory about the teaching of English communication skills in law courses in Singapore. In particular, the focus was on components of legal education that centre on advocacy writing and reading technique; the former being significant in the preparation of legal reports and memorandums, while the latter is crucial for oratorical presentations in the courtroom and beyond. This teaching strategy is employed despite the general presumption that law students are able to read and write well in order to satisfy admission prerequisites. Some institutions offer modules that cater to legal research methods and it was the interest of this study to
investigate the perspectives of the educators involved in the facilitation and delivery of those modules.

Background

Singapore's legal education roots can be traced back to 1956 when a law department was established in what is today referred to as the National University of Singapore. Prior to this date, individuals interested in the field of law were required to embark on studies overseas or via correspondence courses with Universities that offer distance-learning degrees. An example is the University of London consortium of colleges, which, as early as 1858, accepted students regardless of location.

A former British colony, Singapore’s legal system is an offspring of the English legal tradition, where procedural rules were founded on principles which have since evolved to manifest the objectives of substantive justice (Pinsler, 2013). The earliest legal practitioners in Singapore were almost certainly British trained, with the government only recognising qualifications from a handful of elite Universities. Today, the list has expanded to include Universities in America, Australia, Canada, New Zealand and parts of Southeast Asia. Within Singapore, only graduates from three Universities are deemed qualified to practise law. They are the National University of Singapore (NUS), the Singapore Management University (SMU) and the Singapore University of Social Sciences (SUSS). The latter’s law school, the third in Singapore, enrolled its inaugural batch of students in early 2017 and aims to train lawyers who will specialise in the areas of criminal and family law.

Students pursuing legal studies in Singapore fall into one of two broad categories; they either study the law as a means to a professional career within the industry, or they study the law as a course ancillary to their respective major, be it Business, Accountancy, Finance, Media and Communications or others. As the student population grows and diversifies, there is an increasing need to evaluate the nature and level of English communication skills that they are being exposed to. Law, as a profession, requires that practitioners be proficient in their oral and written English. In a globalised society, lawyers are expected to foster relationships on an international level. There is increased interaction that transcends the courtroom and the office. Students who read law as a subset of other courses might feel constrained by language and thinking styles that are foreign to them (Crosling and Murphy, 2000). In Singapore, the learning of legal concepts and fundamentals takes place at the tertiary level. This is unlike countries such as the United Kingdom where law is offered as a subject at the pre-university stage and some scaffolding takes place as regards legal language. Arguably, for many Singaporean students of law, their only prior encounter with legal terminology has occurred through media channels or personal experiences. Such context inspired research which was facilitated against the backdrop of academic perspectives on the inclusion of English communication skills in their teaching of law courses at Singaporean tertiary institutions.
Communication and Language in Legal Education

The strong interconnection, between what is taught in law schools and the skills required of a legal professional, has prompted scholarship on the role of communication proficiency in legal education. Some authors have set out to identify specific aspects of linguistics and communication that, once appropriately addressed, are undoubtedly beneficial for the purpose of excelling in examinations. Others have written extensively on the need to simplify legal language in order for students to grasp concepts more effectively. Existing literature appears to adopt a consistent theme; one that generates advice and techniques to meet academic assessment objectives.

Askey and McLeod (2011) found, in their analysis of study techniques in various law subjects, that it is useful for legal language to be broken down into more accessible components for enhanced and more effective learning. They recognise the challenges that students face in comprehending formal usage of English and provide some fundamental guidance in relation to grammar, punctuation and spelling features. They advocate learning strategies that emphasise the importance of linguistic conventions and how these would go a long way in improving students’ grades. Yet, their work presents linguistics as an ancillary set of skills for law students since the primary focus seems to be preparing adequately for law examinations. In essence, the approach to teaching legal language appears more remedial rather than a core component of the study of law.

Is legal education all about ‘acing’ examinations? The answer appears to be negative. For instance, 10 years ago, Weinrib (2007) defined legal education as the convergence of three activities; the legal practice, the business of understanding legal practice, and the study of legal principles and concepts within the context of the University. This three-pronged definition denotes a more well-rounded interpretation of the term ‘legal education’ as opposed to a purely academic one. In other words, the pursuit of legal scholarship is meant to equip the law graduate with the necessary skill sets that are required of him or her to excel in practice. Weinrib went further to assert that law students, at the time, passively receiving theory-laden education with little emphasis on professional characteristics and attributes. It appears, then, that while law schools may be successful in producing academically competent candidates, they might not be as astute in addressing industry specific needs. It is a premise of this thesis that such needs include sound English communication skills.

Goldfarb (2012), more recently, is of the view that legal education has assumed a double identity; that is, an education that nurtures students both intellectually and professionally. A distinction is constantly drawn between the law that is taught substantively and legal knowledge that is applicable to practice. Substantive law refers to a framework of current principles, legislation, case authorities and academic commentaries that can be imparted in an everyday traditional classroom setting. Conversely, applicative legal knowledge transcends textbooks definitions and is subject to alteration and evolution (Goldfarb, 2012). It is apparent that contemporary legal education is differently perceived from a decade ago and that legal educators have more to weave into
their curriculum. Likewise, a dual mindset has to be adopted by the educator when it comes to assessing and analysing the needs of the learner.

Holland and Webb (2013) purport that students benefit from an orientation to legal learning rules in their inaugural year of study. They argue that the study of law is more effectively undertaken with an appreciation of the dexterity of legal language. How, then, did the authors define what is meant by ‘legal language’? Legal language, they claim, is the unrelenting facade of legal jargon and terminology. According to the authors, students would therefore benefit by adopting the necessary skills of interpreting words in various legal sources. For instance, the term ‘homicide’ could lead to two possible interpretations; murder if the intention to kill is imminent or manslaughter if some defence or other is available. The bottom line is that some form of unlawful killing must have taken place though this could create some confusion for a beginning law student. As mentioned, there exists a rebuttable presumption that law students have the required linguistic proficiency to sail them through the rigorous demands of their course. The approach by Holland and Webb might not be applicable to students who struggle with sophisticated language and who are unable, as such, to penetrate the veil of legal semantics. Again, the techniques that they advocate come across as more reformative than integral.

Brand (2010) offers what is perhaps a more laudable definition of the law as a language. He refers to the appreciation of legal language as a long term effort as opposed to a short term one, suggesting that the skills that go towards producing a good piece of legal writing or oral submission have to be scaffolded from the initial stages of the legal course. English communication deficits are better identified and addressed from the very beginning through to the end. Subsequently, they should be consciously reviewed even in the aftermath of graduation. Efforts taken to incorporate English communication skills within existing law curriculums are manifested in the form of stand-alone training seminars or extemporaneous guidebooks that do little to create a more lasting impression on the learner.

The study reported in this thesis explored possible ways to effectively engage the legal scholar and to entrench English communication skills in ways that ensure they do not merely become a means to an end. Taking into consideration the ‘open texture’ of the law (Hart, 1994), English communication skills and methods used in the teaching and learning of them have to be gestated rather than applied as a stimulus.

The above review of conceptual literature reveals a determination to tease out language implications and to stress how negativities might affect the overall quality of a piece of legal response. However, there is still an observable dichotomy between the perceptions of ‘language’ and ‘law’. Authors who wrote based on their experiences and interactions with students and fellow faculty members, tended to perceive language as a tool that deciphers and delivers the law. It flows, then, that their approach would be to devise strategies to strengthen learners’ command of the English language so that they can meet objectives such as assignments and examinations. While such strategies are no doubt helpful and valuable, they do not offer a long-term trajectory. The legal
profession intertwines both theory and practice and intensive scaffolding in one does not necessarily translate to success in the other. The present study investigated further strategies that acknowledged the study of law to be an acquisition of a whole new language as opposed to an interpretation of a current one. An appreciation of this paradigm shift could imply differing approaches. As Johnson (2000) acknowledged, the legal profession prescribes a specialised set of language, setting it apart from other occupations.

**Context and Discourse**

As seen above, legal education appears to be a long-term strategy rather than an impulsive battle. The immediate context illuminates a legal practice that involves countless oral presentations and written submissions, both inside and outside of the courtroom. Industrial efficacy is thus dependent on how well lawyers are able to communicate with their clients and manage their relationships with associates both within and beyond their close work environment. Communication skills include those that emphasise alternative methods of dispute resolution and an overall awareness of an increasingly globalised legal culture. These include mediation, arbitration, conciliation or tribunal channels; all of which promote out of court settlement. The benefits are to save time and costs and to prevent a backlog of cases.

Singapore, being a globalised state, attracts legal practitioners from different jurisdictions. Lawyers find themselves embroiled in lawsuits that are increasingly varied in nature and confronted with complex situations to navigate. For instance, with the rapid advancement in information technology, there is now an increase in the number of cyber-related crimes. In Singapore, the government has come down hard on individuals who exploit social media platforms in a wrongful way (Hussain, 2014). Lawyers who specialise in this area of the law will then need to orientate themselves to fresh legislation and, certainly, adapt to a different precedent.

In the context of the discussion of legal communication and discourse, the literature points out three common English communication gaps, namely, grammar, coherence and style. These are relevant to the research and shall be broached briefly in turn.

a. **Issues in relation to ‘Grammar’**

In legal writing, there is an expectation that grammatical features are well-executed. This includes forms such as modals, passive and active verbs and punctuation tools. Grammatical errors impede communication, damage the credibility of the legal presentation, and have a high chance of annoying the reader or listener. Conversely, good grammar usage in legal writing heightens persuasion, which is instrumental in a lawyer’s vocation. As Volokh (2007) opined, writing is perhaps a lawyer’s most essential skill, since a good proportion of litigation takes place outside of the courtroom. The Chief Justice of Singapore, Mr Sundaresh Menon, also emphasised the importance of out-of-court settlement methods during his state courts workplan keynote address in March 2014. The implication of this is that lawyers practising in Singapore are now
more likely to engage in multiple levels of communication as opposed to the traditional ‘bench talk’.

b. Issues in relation to ‘Coherence’

Coherence is especially relevant in legal writing. The extent to which a student’s writing or an advocate’s report holds together and flows smoothly from point to point determines receptivity. Coherence is relevant within and across paragraphs. It is considered ‘fatal’ if a piece of writing is nothing but a formless mass of information and details (Williams, 2006). The reader must be able to navigate via transitions and signposting. This refers to the ability to use words and phrases that link up the points, thereby presenting the piece in a logical and meaningful manner. Again, a distinction has to be drawn between academic legal writing and clinical legal writing. Students are adequately exposed to the former but not necessarily to the latter, which includes anything from a legal memorandum to an informal email to a client. A failure to connect with the required audience might hamper industrial success and career progression.

c. Issues in relation to ‘Style’

Constanzo and MacFarlane (1994) presented an early identification of three significant stylistic elements in legal work; conciseness, clarity and the avoidance of hyper-formal language. The work of this visionary author suggested the elimination of unnecessary adjectives and adverbs and to shorten sentences accordingly. Be it an oral or written presentation, the message appeared to be that of simplicity over verbosity. Advocates and in-house counsels communicate mainly with clients who are largely unfamiliar with the dexterous nature of the law. Meaningful correspondence can be achieved if an excess of sophisticated language can be avoided during meetings and pre-trial conferences.

The above three issues, as illuminated by the respective authors, either make or break communication between the conveyor and the receiver. Since the present study researched the impact of effective English communication skills on legal education, it was imperative to develop and build on the perspectives of the teachers of law.

As regards the role of language in other fields of education, Chapman (1993) offered a unique analysis of the relationship between language and classroom mathematics. The author put forth the argument that meanings in mathematics can be partially constructed through specific language practices and formations. Her work suggested that the study of mathematics is very much a matter of learning to operate its discourse. A parallel can be drawn with the study of law since, in many ways, both subjects involve matching solutions to problems or issues. Like mathematical algorithms, legal hypotheses require the application of formulae in a structured and coherent fashion. Language proficiency skills are definitely put to task since accurately deciphering and unpacking the issue is the key to success. In an academic context, comprehending what the questions are asking for and responding succinctly is half the battle won. In a practical context, identifying the challenges of the profession and responding adequately to them will be an accomplishment.
As such, the contextual literature has been valuable in identifying possible training needs that might be required academically and professionally. Drawing on this existing body of knowledge inspired inquiry into specific aspects of language and communication that needed to be addressed and enhanced.

**Overview of Empirical Literature**

The student’s task in examinations is not just to convey the technical legal doctrines and theories but also to analyse judicial decisions in an effective and non-complex manner. As regards preparation for professional practice, the majority of law firms in Singapore accept interns for training purposes and such stints typically last anything from six months to a year. In this short albeit intense duration, trainees are expected to master the ways of the trade and to familiarise themselves with the demands of the profession. Larger firms might have training programmes in place for interns but less established ones do not. This imbalance places some young lawyers at a clear disadvantage since the level of exposure that they attain is sorely disproportionate to what is expected of them.

As a response to the above conundrum, S. (2006) acknowledge that more has to be done in law school to broaden the perspectives of students and to equip them with skills that turn them into better legal professionals. Then Dean of the Faculty of Law at the National University of Singapore, the principal author, who also practices as a senior counsel in Singapore, stresses that tertiary legal education should stretch across disciplines and not concentrate wholly on core concepts and techniques. Echoing the sentiments of a renowned English judge, Lord Sankey, the authors held that ‘the study of legal rules is insufficient as rules are not self-creating, self-identifying, self-articulating or self-justifying...and any critique should include materials outside the law itself’ (Tan et al., 2006, p.8).

What, then, is really expected of the law curriculum in order to broach the above considerations? How should curriculum planners and managers, whose role is to enable law students to cope more effectively with the communication demands of employers, associates and clients, craft legal scholarship in a manner that ensures employability and sustainability? Christensen (2009, p. 804) offers an antidote through her empirical research of skills training in legal education in the United States of America. The findings of her study are two-fold. First, that there is a keen relationship between mastery goal orientation and academic success and secondly, that there is a link between skills grades and students success. In other words, her study suggests that students are more motivated when doctrinal teachings are integrated with skills training, which then translates into career success beyond the academic schema of things. Specifically, her work advocates an overhaul of the law curriculum; from one that is currently exam-oriented to one that values and incorporates professional skills training over time (Christensen, 2009).

Empirical studies of the above nature appear to recognise the significance of communication skill sets as a prominent characteristic of the legal profession and formed scholarly contribution as to what might add value to this characteristic. Nonetheless, they do not quite prescribe how to go about the enhancement. Neither do they explain how practical experience can be imbued
within the four walls of the classroom. Simply put, the question remains as to how students could benefit from practical training without actually being out there in the real world.

Watkins (2011, pp. 126-132) explored how strategies like storytelling and improvisation could aid students by simulating an out-of-classroom experience. Such strategies, which are also utilised in other forms of education, nurture creative interpretation and versatile thinking. They provide an opportunity for students to have fun learning the law, while retaining the valuable aspects of the legal lesson. Watkins’ study participants, pursuing a property law module, attended a seminar facilitated by a professional storyteller and poet. There, they were required to narrate stories through the improvisation of actual court cases. They were allowed to improvise based on the perspectives of one or more of the parties to litigation; that is, the plaintiff or the defendant. Through rounds of discussion, they managed to critically examine their narratives. As a follow-up activity, they were then asked to submit a piece of written work based on their reading of an assigned case as well as to provide their written feedback of their experience of their involvement in the project (Watkins, 2011). Watkins’ discovered was that the students felt more engaged and involved in an otherwise mundane and dull lesson. She observed that the learners were able to think out of the box and were more confident when it came to analysing judicial authorities. Importantly, she is of the view that the project was successful because the characters in the ‘stories’ (cases) were illuminated and the students could sense the ‘humanistic’ element in a typically flat and emotionless legal piece.

Watkins’ study is encouraging because it demonstrates potential for innovation in legal education. It shows that learners are able to identify with the experience because it comes across in a tangible form. Students relate well to dramatic overtones of the various scenarios that unfold in the courtroom. They understand that, as advocates to be, the real directors driving the plot(s) are none other than themselves.

What, then, are the views of one such practitioner? Horton (2005, pp. 95-133) articulates the need for lawyers to provide appropriate and complete legal advice to their clients. Writing from a transactional lawyer’s point of view, Horton takes the view that an open and transparent style of communication is imperative; the elements of trust and integrity are highlighted, where lawyers must maintain an honest and forthcoming relationship with their clients. To achieve this, lawyers must appreciate the fine balance between legal and moral principles. This refers to distinguishing the right from the wrong and to observe ethical dilemmas that cannot fit into either category. In other words, the manner in which lawyers convey messages must reflect skills of interpretation and discern. An analogy can be drawn with the medico-legal landscape which observes its fair share of doctor-patient negligence claims. The courts have greater flexibility in approaching medical law cases, since such cases often consider the welfare of the patient, involving a ‘range of ethical, social, philosophical and moral considerations’ (Montgomery, 2006). Where lines are blurred between the law and morality anyway, so should the boundary between
parliamentary statutes and legal reasoning. In other words, the courts are free to choose to apply legislation where they are deemed relevant but may deviate out of necessity. Judges are able to actively exercise their discretion without fear of acting unconstitutionally. With much emphasis placed on the upholding of humanistic integrity, law students have much more to consider than just pure legal rules; just as medical students learn to confront numerous ethical dilemmas as opposed to merely memorising prescriptions or surgical procedures.

A course design guideline for legal teaching in a Chinese education setting has been explored by academics in China. Yu and Xiao (2013, pp. 1123-1128) report on a legal English course that runs parallel with the law curriculum facilitated by the Southwest University of Political Science and Law in China. Undergraduates are offered this module in their fourth term, where the objective is to enhance their English proficiency skills in legal situations so as to prepare them for successful integration into their future professional careers. The types of skills covered include listening, writing, speaking and reading and by the end of it, learners are expected to be able to draft simple legal documents, e-mails as well as a resume of high quality in standard English. Additionally, they should be able to comprehend intermediate legal articles and documents, to conduct common professional conversations orally and maintain relationships with the international community in their specific area through modern modes of communication such as e-mail and MSN messenger or Skype. A point to note here is that the course serves an ancillary purpose since the instruction of the main law syllabus is still in Mandarin. The course only equips Chinese students with enough to communicate basic fundamentals with international clients. In other words, it assumes a more translational role to accommodate clients who speak and write in English.

The above context is somewhat different in Singapore since the teaching medium is English. Nonetheless, valuable points can be drawn from the research since the underlying objective is still to heighten language and communication proficiency amongst law undergraduates. Applying this in Singapore would require more in-depth analysis and consideration but it is not an impossible task considering how short training courses and seminars are already underway in legal institutions and organisations. The China example continues to inspire a long-term strategy that seeks not to deliberately identify weaknesses in the incumbent system but to elucidate ways in which student experiences may be improved or enhanced.

A review of the empirical literature, reported more fully in Chapter Three of this thesis, allowed for a critical assessment of relevant studies undertaken. Their findings, perspectives and discourse fuelled a propensity for further research; research that investigated the contribution of good spoken and written English towards ambitions within the legal industry. Scholarly arguments have hinted at causal links between effective communication and job performance and an overall need to apply communication skills more consistently and longitudinally. One example is the work carried out by the Centre for Biomedical Ethics at the National University of Singapore. There, a previous ad-hoc curriculum that
incorporated values on biomedical ethics has since evolved to one that is more entrenched throughout the four foundational years of the medical course. The present study was curious, at the same time, zealous about the prospect of establishing such similarities and, for that matter, differences. The biomedical ethics example enunciated above is analogous of a possible long term effort to incorporate English communication skills in the teaching of tertiary law subjects.

Therefore, an examination of the existing body of knowledge was done with the objective of analysing legal education in Singapore and to investigate teachers’ perspectives on the need for legal scholars to vary their level of communication proficiency in order to stay competitive in the industry. A scrutiny of the existing body of literature did create a more conscious appreciation of language and communication features within the practice of law. It also prompted intensive investigation into the connectivity between educational methodologies and the demands of the legal profession. In sum, it allowed for a deeper understanding of the desired field of research and for a tracing of the intellectual progression in that field.

**Research Questions**

The following research questions were fuelled from a quest to generate theory on the incorporation of English communication skills in legal education courses; by drawing on the perspectives of academics teaching in tertiary institutions in Singapore.

**The Central Research Question**

What are the perspectives of the teachers of law on the teaching of English communication skills in legal education courses in Singaporean tertiary institutions?

**Guiding Questions**

According to the teachers of law:

a. What are the aims and intentions of teachers in the teaching of law?

b. What strategies have they employed to achieve these aims?

c. What significance do these teachers attach to the teaching of English communication skills in legal education?

d. What reasons are provided by the teachers for the above aims, strategies and significance?

**Overview of the Research Method**

As a subject, law is pursued at the diploma, undergraduate and postgraduate levels. As this study was one that sought to investigate perspectives on legal education, it elucidated responses that are representative of these three levels. The three institutions comprised of a public university, a state polytechnic and a private institution. Within the interpretivist paradigm, qualitative research methods of data collection were utilised to reflect the patterns, trends and nuances of the participants’ perspectives (Miles and Huberman, 1994). In dealing with data, this research engaged in a careful observation of the event or
process as well as a record of it upon thorough deliberation of its meanings (Richards, 2005). The thought process was both inductive and deductive and manifested constant analysis and scaffolding. Four main methods commonly acquainted with qualitative research were employed in this study; namely, semi-structured one to one interviews; document analysis; non-participant observation; and the use of a researcher’s diary. These respective methods are described in detail in Chapter Four.

Grounded theory methods of analysis were employed for investigating perspectives that are inferred from data systematically gathered and analysed from the empirical world in question (Strauss and Corbin, 1994). As this study was designed within an interpretivist paradigm, it appeared relevant that the theoretical foundation be built upon symbolic interactionism (O’Donoghue, 2007). Therefore, a study that investigated perspectives which participants hold as regards communication issues in legal education was aligned with the symbolic interactionist view (O’Donoghue, 2007).

Data analysis in qualitative research aims to encapsulate and interpret definitions, descriptions and events (Burns, 2000, p. 388). This study sought to induce theory from the data and analysed it in a systematic fashion to breathe meaning into it. The organisation, disintegration and reassembling of data involved the processes of open and axial coding (Pandit, 1996). This translated to an instrumental step where theory is constructed from the data collected (Strauss and Corbin, 1990, p. 57).

Case summarising was also employed. For instance, studies were made of teachers of law whilst investigating the process of legal education at their institutions. This allowed for the formulation and analysing of trends and patterns that emerged from the data.

**Overview of the Findings**

The findings presented in this study highlight the views of the participants on how learners’ academic performance in law is directly impacted by English proficiency levels. Perspectives are also presented on the teaching of English communication skills to students engaged in the pursuit of law as a core discipline or otherwise and how they should be accorded with appropriate support in English communication skills regardless of endeavour. Another finding that emerged from the data is the inescapable use of technical language in legal teaching and how there is a need to simplify and translate it into more accessible form for the students. The participants also presented perspectives on the evolving nature of assessment modes and the role of English communication skills in light of this variation. The findings further indicate that legal education advocates a greater blend of learning techniques; steering the emphasis of lessons away from rote-learning to the direction of greater student engagement and interaction. This, coupled with the diverse teaching methodologies prescribed by the participants, reflects how English communication skill sets are consciously assimilated into law lessons. The findings make it apparent that the role of English communication skills is one that translates into academic and vocational benefits for students of law.
Significance of the Study

This project makes the following substantial and original contributions to knowledge:

a. It presents theoretical perspectives in a realm where no such theory currently exists. Given the varied and dynamic nature of legal issues in general, the courts often grapple with subjectivity when it comes to adjudicating cases. Legal educators have to acknowledge that this element of subjectivity exists and that there is a need to expose students to the skills of rhetoric and reasoning earlier rather than later. As Dworkin (1986), a classic authority on legal jurisprudence argued, finding the right answer to a difficult case requires a level of interpretation that should incorporate the virtues of justice, or moral justifiability; fairness, or respect for the expressed will of the majority; and integrity, or adherence to principled consistency rather than capriciousness. While this theory might differ substantively from that of a legal positivist, it does recognise that the judiciary possesses the power to extrapolate on legal rules and principles. Consequently, this power has to be translated into useful skills in the training of the next legal generation.

b. These theoretical perspectives shall continue to prompt scholarship in an area which has not been actively unravelled. Legal education in Singapore might take a couple of cues from the English system. As early as the mid-1990s, England and Wales recognised the importance and increase in the use of alternative dispute resolution channels. Woolf (1996), in his revamp of the civil justice landscape, readily emphasized that effective communication was key to the prevention of injustice. His Lordship was quick to point out that litigation is not always the best way to resolve a complaint. Mediation and conciliation avenues should be utilized at first instance, failing which, the doors of the courtroom are always open. Lord Woolf even went as far as to impose sanctions on parties who insisted on going to trial despite having the option of settling out of court. The implication for English lawyers then was that communication methods had to be varied to include a less adversarial style. The traditional approach was to orate in front of a judge and a jury but the approach is now mainly about establishing rapport with the client and persuading them against taking their claims to court. In essence, arguing a case in a Singaporean court is now less theatrical in light of the abolition of the jury trial in 1969.

In Singapore, while this approach was met with equal enthusiasm, the trend is still a fairly recent one. This means that legal education could explore a different direction; one that includes relevant skills training to prepare practitioners for a career in alternative dispute resolution rather than pure courtroom litigation. This also removes the perception that being a lawyer is all about presenting a case in a courtroom when, in reality, legal battles are capable of manifesting almost anywhere; in the office, during conference meetings, via tele-conversation or emails.
c. The theory shall find relevance with teachers and curriculum planners, whose role is to ensure that law students cope more effectively with the communication demands of employers, associates and clients. Essentially, the pursuit of legal studies should culminate in employability and sustainability. Certainly, skills that promote flexibility and creativity in trainee lawyers have to be honed gradually but efficiently enough. The evolutionary and fast-paced nature of the industry suggests that legal education has to keep up.

In a previous study of attorney-client communications, McEnroe (2010, pp. 191-196) discovered that the e-mail has evolved as an increasingly transitory form of communication. Since face-to-face communication decreases in light of the onslaught of information technology, there is an increased requirement for lawyers to be more succinct than ever in their writing. This is to avoid possible misunderstandings due to ambivalence or ambiguity. As Ryan (2014) argues, the English language facilitates communication between human beings but misinterpreting it can result in misunderstandings and disputes. This implies that legal learners have to be cautioned against the pitfalls of using language that is too vague or elusive or it might get lost on the reader.

Yet, McEnroe’s findings might not be entirely applicable in the context of Singapore, which is geographically smaller than the United States of America. While Singaporean lawyers do rely on email correspondences, the frequency of phone calls and face-to-face meetings do not appear to be greatly compromised. This is especially so when Section 2(1) of the Legal Profession Act stipulates that a lawyer must always act in the best interests of the client and to charge fairly for any work executed. This translates to the fact that lawyers must still maintain a tangible mode of contact between themselves and their clients. The physical proximity of the latter’s home and the solicitor’s office would also imply that traditional modes of contact are not quite eradicated. This suggests that both verbal and writing skills are equally important for any legal professional, since a myriad of communication methods are to be undertaken on a daily basis. Law schools then have to consider how to blend the teaching of both with the traditional principles.

**Conclusion**

This chapter has outlined a journey that examined legal education in Singapore by investigating the perspectives of those who facilitate it on the use of English communication skills in their teaching. Chapter Two, to follow, describes the background and context of the present study. Chapter Three provides a review of the literature that informed the study. Chapter Four describes the research strategy and design as well as methods of data analysis. Chapter Five presents the study findings in the form of narrative inquiries and a thematic analysis of participants’ perspectives. Chapter Six then presents a discussion of the theory generated as a result of this study, in the form of four theoretical propositions. Chapter Seven concludes the thesis.
Chapter Two: Background and Context

Introduction

This chapter elaborates on the background and context of the present study in four main sections. The first section discusses the development and state of legal education in the international context. Specifically, the teaching of English communication skills in legal education courses offered in different jurisdictions is broached. The second section describes how the Asian legal scene has evolved through globalisation and how this phenomenon has inspired changes internationally. The third section portrays the legal education landscape in Singapore and the final section is a discourse on the institutions that form the focus of this study.

Legal Education: The Global Scene and Trends

The reality of globalisation effects significant changes on legal education. Such changes are notable within the two broad categories of law; public and private. The study and practice of public law involves a scrutiny of trans-border disputes and resolution methods. A multidisciplinary approach is now common in legal education curriculum across the globe to deal with changing trends and expectations within the profession. For instance, the area on human rights has attracted its keen share of controversial litigation and countries are, more than ever, keenly collaborating on or corroborating legal-humanitarian initiatives. Examples would include the European Convention on Human Rights and the United Nations Convention on the Rights of the Child. As regards the arena of private law, more diverse expertise is expected of advocates on the part of clients. For instance, the areas on contractual and tortious liability, which have to contend with issues that transcend jurisdictions. The implication for both the public and private legal spheres is the greater connectivity between what is taught at law schools and what is expected of graduates at the workplace. As will be shown, the impact of globalisation influences certain trends in the learning of the law and professionalism; in particular, trends in the emphasis of the relationship between English communication skills and legal education.

There appears to be an increasing need for legal education to embrace the concept of professionalism (Lacey, 2012). Indeed, scholars have suggested that this concept be urgently articulated in legal education courses (Sullivan et al. 2007). The rationale comes across strongly in the literature; there is a prevailing view that it is never too early to equip law students with skills that would benefit them in the workplace. Of particular interest to this study is the fact that the contextual literature has long highlighted, amongst other factors, the importance of legal teaching that focuses on communication skills and techniques (MacCrate, 1992). The early inculcation of such fundamental skills better prepares students for practice, where interaction with clients, associates and affiliates is inevitable. Such interaction can demand both verbal and written values.

What, then, are some values that might be beneficial to law students, and are these values transferable from one law school community to another? Perhaps one effective way is to bridge the theory and practice of law since it enables an
insight into the issues and concerns of the profession. Case studies, also referred to as case law, are expounded by judges who pitch it at the level of trained lawyers and academics. In other words, the terminology and jargon used is not entirely accessible to students at the outset; in particular, those who are not pursuing pure law degrees. There is a need to explore how interactive methods of teaching law can be supplemented with increased attention to legal phrases that could be semantically complex. This is not to say that teachers of law are expected to delve into a vocabulary lesson but there might be a need to scaffold practical knowledge through an analysis of legal language. For instance, take the term ‘damage’. To a layperson, this translates to some form of harm or loss; be it physical, mental or financial. Yet, when an ‘s’ is added to this word - that is, ‘damages’ - the entire meaning is altered. Legally trained professionals would understand it to denote monetary compensation. It could therefore be challenging for a law student to have to appreciate the contextual differences unless a specific segment of their law course is dedicated to such purpose.

Another illustration that is an exemplar of the above phenomenon is the legal phrase ‘public interest’. This is commonly taught in the context of defamation laws and intellectual property infringement. While the definition appears relatively straightforward, learners often confuse it with the layman application of what appears ‘interesting to the public’ instead. The consequence is that it becomes mistakenly raised as a defence when it should not. Some effort on the part of teachers of law is thus expected to make the distinction a clearer and more succinct one.

This section now turns to a discussion on the key trends in the legal education scene in the United States of America. As Barry, Dubin and Joy (2000) observed, legal education in the USA was predominantly facilitated through apprenticeship training and self-study up till the end of the 18th century. Thereafter, law schools established by individual lawyers or groups of lawyers marked the inauguration of law classes; albeit in a semi-formal way. It was not until the late 19th century that a University style of legal education took precedence under the regulation of the American Bar Association. Legal education eventually evolved to become a graduate level of study, where the prerequisites are an undergraduate degree and the relevant English Language requirements. As a former British colony, the USA adopts the common law tradition, which is founded on the legal reasoning and institutions. In other words, what is emphasised in American law schools are skills related to legal philosophy and jurisprudence. For instance, in the instruction of criminal law, learners are expected to examine and analyse legal doctrines. There is certainly a clear trend as regards legal education and professionalism. Indeed, the American Bar Association Accreditation Standards prescribe that learners receive substantial instruction in legal analysis and reasoning, legal research, problem solving, and oral communication (Barry et al., 2000).

Interestingly, the aforementioned standards have inspired American law schools to come up with compulsory writing programmes. These programmes are run by the respective law faculties and the students are expected to research and write on various legal topics in addition to their core subject requirements. This
indicates a clear effort on the part of American law schools to ensure that learners receive the lawyering and professional skills that are deemed necessary. As early as 1992, the American Bar Association had published the MacCrate Report which elucidated three key findings. First, that law schools could do more to prepare learners for the practice of law. The main area where law schools needed to improve was that of emphasising more greatly on skills training beyond the legal analysis, writing, research, and problem solving style of instruction. Second, legal education should revolve around lawyering skills and professional values. Third, that the concept of continuing legal education should be promoted; where learning does not cease upon graduation. Law firms and organizations, such as state and local bar associations, should continue to fuel this aspect of professional development (MacCrate, 1992).

In the School of Law at the University of Dayton, first year undergraduates are already receiving individual help with the view to improving their legal research and writing skills (Lacey, 2012). This signifies that faculties do realise that linguistic challenges are best addressed early rather than late. However, this approach goes on the presumption that help is only needed in the first year. What of students in subsequent levels? Are their difficulties less pressing or are they assumed to have acquired sufficient skill sets to see them through? Or, should there be an academic model just like the one adopted by the University of California, San Francisco School of Medicine? There, the teaching of interpersonal skills and ethics occurs throughout the levels. In 2007, two important sources critiquing legal education in the USA were published. The first was the Carnegie Report, which concluded that law schools, while effective in teaching first year students the formal knowledge and legal analysis necessary to be effective lawyers, failed to integrate the teaching of practical skills throughout the curriculum (Sullivan et. al, 2007). Indeed, the assertion was that they did little to assist students in developing their professional identities. As the report highlighted, the inculcation of professional skills within law courses, communication or otherwise, seems more additive than integrative. This implies that while there is acknowledgement that such skills are significant, they are still being incorporated over and above the core curricula. It was therefore the interest of this study to examine what more can be done to substantiate this in accordance with the perspectives of the teachers of law in Singapore.

The second source was a book, Best Practices for Legal Education: A Vision and a Road Map, sponsored by the Clinical Legal Education Association and principally researched by Professor Roy Stuckey of the University of South Carolina. It recommended a series of steps for law schools to improve their programs of legal education in order to better prepare students for the practice of law. The premise of this publication is that American law schools can and must do more to prepare students to become more effective lawyers. In particular, it was argued that more interactive methods should be used in the teaching of law (Stuckey, 2007, p. 103). By this, the study referred to a varied approach where case studies are infused with theory to allow for students to appreciate the practical realities of litigation.
Another approach is offered by the Northwestern University School of Law. There, first year undergraduates are trained in trial advocacy and legal writing (Geraghty, 2006). What is unique about this approach is that the course is taught by full-time legal writing specialists (p. 15). This is unlike other law schools where faculty members are asked to facilitate legal research and writing in addition to their core specialty areas. The advantage is clear since the law students are made more conscious of their writing capacities in the presence of teachers who are expertly trained to guide, scaffold and reinforce linguistic concepts within the learning of law. This approach seems to be in line with efforts to incorporate more practical skills within legal courses in the USA by constantly ensuring that the curriculum stays relevant to practice.

In Canada, the Federation of Law Societies of Canada in 2009 approved the launch of Common Law degree programmes in the Universities (Bryden, 2014). This was in addition to the Civil Law degree programmes that were already running. Despite being a Commonwealth jurisdiction, parts of Canada such as Montreal have adopted the Civil Law tradition due to French influence. The immediate implication is that learners have to understand and appreciate dual legal systems and the concepts that go along with them. For instance, students have to embrace legal reasoning and jurisprudence just like their American counterparts instead of just familiarising with statutory codes. This approach was eloquently enunciated by the Access to Legal Services Working Group Report in May 2012 as:

‘Law school education needs to reflect the changing world of legal services and the reality that lawyers of the future may have to [practise] law in entirely different ways. There needs to be an openness to different approaches to justice, recognizing strengths of different legal systems, with a focus on dispute resolution and innovative ways of delivering legal services to groups of clients rather than the client by client model that is still most common today..’ (Gardiner, 2013).

This has since motivated Canadian law schools to rethink and re-strategize legal education. For example, at Osgoode Hall Law School, experiential learning is heavily emphasised. Law students are able to earn academic credits while gaining experience in an actual workplace such as the Parkdale Community Legal Services Clinic. The programme provides learners with an understanding of the social phenomenon of poverty, including its causes and impacts, and a critical analysis of the legal system’s and the legal profession’s responses to poverty. After an intensive week of training and an introduction to the Parkdale community, students spend a full term at the clinic in the west end of downtown Toronto. Students are assigned to one of the clinic’s four working groups; immigration, landlord and tenant, social assistance, violence, and health or workers’ rights. The students are responsible for interviewing clients and handling actual cases under the supervision of staff lawyers and community legal workers. Students will occasionally appear before boards, tribunals and the courts. In addition to casework, students participate in community organization, education outreach, and law reform activities. During the term students attend a
weekly seminar and present a paper that relate to the working objectives of the clinic.

A further illustration comes in form of the Centre for the Legal Profession at the University of Toronto Faculty of Law. Established in 2008, the objective of the Centre is to foster an appreciation of legal professionalism, ethics and the public service. In other words, it aims to strengthen links between the study, practice and implications of the law. Students are exposed to a programme on Professionalism which teaches the essence of professional lawyering skills. The Centre forges relationships with private firms, the government as well as public interest legal organisations to facilitate professional development course and communication skills training. Students are also encouraged to participate in enrichment activities such as the International Human Rights Clinic and the Pro Bono Students Canada programme. While not a core requirement as in the case of Osgoode Hall Law School, there is certainly a conscious effort made to integrate legal education with professionalism; in particular, the instruction of effective communication skills.

In the Australian context, Giddings (2008) makes a compelling argument for the use of clinical legal education. The central idea here is to take learning beyond the law schools and to enable students to constantly apply theoretical knowledge in a practical setting. It is acknowledged that such an approach is resource intensive where law schools have to continually establish links with law firms and to form keen partnerships. While it is not the concern of this study to elucidate the disadvantages of clinical legal education, it is certainly its aim to examine how such an approach would increase the demand for communication skill sets in the teaching and learning of law. As clinical legal education advocates an experiential way of learning how the law works, a lot of emphasis is placed on the interactions that the students engage in. For example, at universities such as Monash, Griffith, Murdoch and New South Wales, the focus is on community law i.e. serving the legal needs of the community in areas such as crime and family law. Such interactions require that students act as solicitors who provide legal advice, albeit under the supervision of trained practitioners. However, supervision may be limited at times depending on circumstances such as manpower resources or the fact that supervisors do not have the requisite training as regards their role. Students might therefore find themselves having to deal with complex scenarios and a strong foundation in effective communication skills would give them an edge, especially where they attempt to explain the law in a simplified fashion to the layperson.

In 2012, the Melbourne Law School introduced the Public Interest Law Initiative which provided students with the practical legal experience needed to provide the community with legal assistance. In particular, the dispensing of legal advice and assistance to disadvantaged clients. The initiative offers a range of innovative subjects and experiential learning opportunities to students, which include external placements, internships and clinics, supplemented by induction and debrief sessions and a series of relevant seminars. These opportunities allow students to develop their practical legal skills, while being of use to vulnerable members in society. Such an approach to practical learning is complemented by
seminars that support students in their acquisition of professional skills and provide an avenue for reflection and discussion with academics and peers. The initiative incorporates a variety of assessment tasks, which combine academic analysis with practical experience and reflective practice. Of specific interest to this study is its emphasis on oral and written communication skills courses, designed to enable the students to convey complex legal information in a simple layman fashion. The objective is to create access to justice and an opportunity for students to hone their advocacy techniques.

At The University of Western Australia Law School, a close relationship between practice and academia is continually upheld. In keeping with the trend of globalisation and the importance of preparing students for contemporary law work, the Bachelor of Laws programme was replaced by the Juris Doctor programme in 2013. The course is an adaptation of the American model with keen emphasis on professional development and skills. Students are exposed to a multidisciplinary curriculum which includes mooting. Mooting, also referred to as a courtroom simulation activity, is where students assume the role of advocates and present arguments on a particular topic. For instance, they might deliberate on a recent judicial decision, which is controversial and involves differing opinions and perspectives. Mooting blends well with modules such as Legal Process, Legal Theory and Ethics and Procedure and this approach effectively marries the practical and theoretical aspects of the law by honing oratorical and presentation skills.

The situation in England and Wales appears starkly different. For one, legal education involves different stages, with a clear distinction between the academic stage and the vocational phase (Boon and Webb, 2008). Clinical legal education and professional skills are not core offerings within the traditional Bachelor of Laws programme at British Universities. Instead, law graduates proceed with formal training to become either a barrister or a solicitor in England and Wales. The former will involve enrolling in the Bar Professional Training Course and the latter will involve registering for the Legal Practice course. Both have differing objectives, with the barrister qualifying for a right to audience in court unlike a solicitor who handles the paperwork and forms the first point of contact with clients.

Yet, British law schools are not completely devoid of imbuing practical skills within their core curriculum. At the Queen Mary University of London, undergraduate students in the school of law get the opportunity to offer pro-bono legal advice to the community at large via a Legal Advice Centre that was established in 2006. The students work alongside solicitors who are based in London law firms. Aside from their academic pursuit of law, the students are able to pick up practical skills from those who are already entrenched in the industry. There is therefore an attempt on the part of the law faculty to create an early bridge between these two aspects prior to the vocational training stage. For instance, the Centre’s Criminal Justice Project was launched to provide assistance to individuals who might have queries related to the criminal procedure or the criminal justice system. The students are actively and primarily involved in all stages of the project; from meeting and interviewing clients to
drafting and preparing legal memorandums. Their learning roles are therefore varied and diverse.

In line with variety and diversity, the University of Nottingham’s School of Law offers an entire series of undergraduate programmes over and above the traditional Bachelor of Laws degree. With a strong teaching and research focus on legal aspects of the European Community, French, German and Spanish law is offered as a second major alongside English law. There is also an opportunity for students to spend a year abroad at a campus in America, Canada, Australia or parts of Southeast Asia. Here, there is a clear recognition that the study of law is wide-encompassing and that practising it demands an exposure to at least one other foreign legal system. This is an early and consistent effort to respond to the effects of globalisation and the need for a comparative style of advocacy. Aside from academic undertaking, the law faculty had also established the Human Rights Centre as early as 1993 with the initial objective of facilitating research in the post-soviet Russia era. Today, the Centre has reached out to legal humanitarian efforts worldwide; keenly collaborating with governmental and intergovernmental organisations.

While most British universities offer full lecture and tutorial support, there are the elite few who operate on core tutorial systems. The classic example would be the undergraduate law programme at Oxford University which mandates that students attend only tutorials. Lectures are kept optional as they are deemed for supplementary purposes only. At the Oxford Faculty of Law, two to three students are assigned a single tutor who meets with them weekly or fortnightly over a term of eight weeks. The students are assigned a specific reading list for each week and are expected to write an essay on a given topic. There is absolutely no lecture-talk as the students would have already read up on the subject and the objectives of the tutorials are to communicate views and perspectives with the tutor. While there is some formative assessment as regards written work, students are put on a fairly autonomous route of study. Certainly, there is the perception that an Oxford undergraduate is capable of surviving such a system and this study makes no critique in that regard. The point of mentioning it is to illuminate the fact that the Oxford style of legal education is primarily theory based when compared with other mainstream British universities.

The trend appears to be that British law schools have a fair share of discretion when it comes to determining their core and sub-curriculum. The Bar Council of England and Wales plays a more regulatory role over the profession rather than the academic institutions. As was earlier pointed out, the element of professionalism is subsumed under the vocational training phase. Yet, it was observed that some British law schools are not waiting until then to inculcate such values in their students; rather, they are eager to respond to the expectations that flow with changes in the global landscape.

The legal landscape is constantly evolving and, to keep up, legal education has to offer innovative and creative ways for learners to engage in. This is to keep pace with the global trend which anticipates that lawyers are more all-rounded than before. Formerly, it suffices that law graduates are able to function within their
respective legal systems. With globalisation, it now entails that lawyers need to be able to ply their trade on foreign shores, which, consequently, demands greater and more effective English communication skills. As will become clear, law schools in Singapore will need to identify the linguistic challenges that students are facing, address them and subsequently enhance their learning experiences. The primary job scope of any lawyer is to communicate and the trend in global law schools has been to embrace this reality by inculcating the requisite skills in one way or another. The following section will describes what has been done in the Asian context and what remains to be done.

The Asian Scene

In Asia, the main phenomenon that has inspired changes in legal education is globalisation (Steele and Taylor, 2010). Lawyers are no longer confined to practising within jurisdictions. Instead, the trend appears to be that of cross-border dispute resolution and litigation. Lawyers find themselves having to become familiar with different legal systems. Consequently, the discourse revolves around societal, cultural and even religious differences. The skills that law students require in the classroom are varied and diverse and it is expected that they appreciate the use of legal terminology in different contexts. For example, in commonwealth jurisdictions, the use of the term ‘consideration’ in contract law denotes some value; monetary or otherwise. However, in civil law countries like Japan and Indonesia, this term is non-existent as ‘consideration’ is not one of the elements in the formation of a valid contract. Instead, this condition is subsumed under the intention to create legal relations and that forms the basic concern of any civil law practitioner. A common law lawyer would need to be able to explain effectively the rationale for the inclusion of the term to clients/lawyers from civil law jurisdictions. Conversely, a civil law practitioner would need to justify the erosion of this term. Either way, this play on words has to be effectively and succinctly communicated.

The aforementioned phenomenon has demanded changes in Asian law schools. For one, institutions such as the Chulalongkorn University in Thailand and the East China University of Politics and Law have launched postgraduate law programmes with the aim of empowering practitioners with enhanced trans-border knowledge and transferable skills that are beneficial to their respective fields of law (Juwana, 2001). What is noteworthy is that the courses are taught fully in English; with the basic expectation that students of an international profile are able to blend seamlessly into them. While the main admissions prerequisite is that students possess a basic law degree, there are some who enter on the basis of an ‘equivalent’ degree; for instance, political science or economics. The students are then expected to grasp comparative legal concepts and theories whilst coming to terms with possibly foreign terminology. As regards undergraduate programmes, the universities are experiencing an increasingly diverse student pool where broader perspectives may be shared (Tan, 2006). Universities are also packaging their law programmes in a more integrated way to provide for cross-jurisdictional law modules to be offered within the main suite. For instance, the International Islamic University of Malaysia offers modules in Islamic law amidst traditional ones such as contract
and property. What this entails is that courses are now reaching out to more varied audiences with English as the core teaching medium.

Since globalisation has effected the incorporation of comparative aspects of the law in Asian universities, teaching methods have naturally become more varied as well. Tan (2006) observed that the heavy emphasis on rote learning in Asian institutions is gradually being replaced by more student oriented methods of instruction. Indeed, the learning environment is recognising the benefit of greater student participation and involvement (Marton et. al, 1984). However, it is similarly acknowledged that effort on the part of the teacher cannot be compromised. In the legal education context, teachers of law are still expected to inculcate and scaffold critical thinking and analytical skills within the curriculum (Hess, 1999). Students are not entirely left on their own in this respect. The Indian model of legal education is a great exponent of this philosophy, where teachers are viewed as experts who impart knowledge to their learners (Baxi, 1976). In other words, some traces of passivity are still anticipated of students when it comes to learning the law.

One objective of Asian law schools is therefore to tackle the challenges of globalisation by coming up with approaches that would cater to a wide-encompassing student demographic. As discussed above, this has been manifested in form of a greater variety of modules and teaching methods. It is further submitted that for students to fully benefit from their classroom experiences, more might be expected of teachers to bridge cultural and social differences. For instance, law students from a civil law jurisdiction would not have prior exposure or knowledge of the jury system. While they would have read about it or come to know of it through mainstream media, the legal definition and rationale of a jury is not the easiest to reconcile with. Asian countries have not been consistent with their application and treatment of jury trials. While Malaysia, India, Singapore and Hong Kong may hail from a common law origin, they have not preserved this particular English tradition. To learners from civil law backgrounds, being made to understand a system that is no longer applicable in a given jurisdiction could be challenging. They would have to appreciate that the jury, once understood to be a symbol of rights and liberty, is now no more than a judicial style and preference of the relevant jurisdictions. Indeed, in Singapore, where there are no longer jury trials, the discourse on it is purely academic and historical. Who, then, bears the obligation of delineating this definitional difference? Is it the student who originates from a foreign legal culture? Or would it be the teacher who is able to separate the layman perspective from the practitioner perspective? Indeed, these are some specific questions which are further informed by the outcomes of this study.

Taking family law as another example, cross-jurisdictional approaches have to come across succinctly and clearly to the student. Adultery in the western context attracts civil liabilities where the consequence is all about compensation to the spouse. However, in the Islamic context, criminal penalties are applicable. Again, the fact that a single legal term bearing dual meanings and, hence, dual interpretation, is highlighted. The possible need for teachers to ensure that
students adequately grasp such linguistic nuances is illuminated (Grant et. al, 2000).

Asian law schools cannot remain oblivious to the impact of globalisation. Indeed, they have to thrive in an ever-changing legal environment. This is apparent in collaborations with western law schools, for instance, by offering joint degrees or student attachment opportunities. The implication of such partnerships is that learners are more exposed to different legal procedures and applications. An Asian student who undertakes an exchange programme in a British or European university will need to appreciate that the use of archaic English is still rampant. For example, in studying civil procedures of the court, the student would have to embrace that the term ‘writ’ is still preserved in certain traditions. If this linguistic barrier is not overcome, the student might not be able to appreciate that a ‘writ’ simply translates to a claim form. Consequently, legal terminology does not purely comprise of terms in English. Latin expressions are often cited in judgements and legal reports. For example, in a criminal case, a student may stumble upon the phrase ‘prima facie evidence’. While the meaning (‘superficial evidence’) can be conveniently derived online or via an electronic dictionary, it defies ready understanding especially for beginning students who feel the pressure to acquire another language within a language.

The role of the teacher thus extends to equipping students with skills to circumvent the impact of globalisation on the learning of the law (Le Brun and Johnstone, 1994). To become effective practitioners, it is submitted that learners first navigate the linguistic challenges of the legal language. The Asian model has observed the keen interaction of learning environments and cultures and how law schools no longer adopt a closed-door approach. This is not to say, however, that the approach towards legal education in Asia is one that is homogenous. Certainly, some countries such as India, Malaysia and Singapore have made specific advances in their reaction towards globalisation. These shall be examined in turn.

In India, a notable change includes the Bachelor of Laws programme being offered over a five-year period as a post-secondary level course (Menon, 2012). This allows for more non pure-law modules such as those in the social sciences to be offered alongside the core subjects. The Bar Council of India had recognised the need to diversify the legal curriculum by expanding the suite of socio-legal options. A second notable reaction was the increase in the number of law teaching institutions that offered part-time courses over and above those offered at the state universities. The rationale was to cater to working professionals who wanted to learn aspects of the law that may be applied in their respective professions. The takeaway from this observation is that India had made a conscious effort to transform its legal education landscape to meet the changing demands that have been brought about by globalisation.

In Malaysia, the reaction is one that is of specific interest to this study. The syllabi in most law schools include that of a language course; that is, either the Malay language or the English language or both (Rajeswaran, 2006). However, unlike India or Singapore, there is no single authority governing the contents of the curriculum. Indeed, the Bar Council of Malaysia interferes minimally in the
selection of modules and a lot of discretion is left to the teaching institutions to determine what goes into them. Therefore, little has been reported on how much scaffolding the English course does for the main law modules; whether it serves as a bridging purpose for students who do not meet the relevant linguistic requirements or whether it actually delves into the teaching of effective English communication skills or not. Further, it is clear that either language may be selected for the purpose of matriculation which could imply that English still plays second fiddle to the main teaching medium which is Malay in this jurisdiction.

While the following section will narrow in on the Singaporean scene and further explain its reactions to globalisation and its approaches to legal education thus far, particular mention has to be made of a recent initiative that attempts to enhance the Asian law experience. In August 2014, Asia’s first legal interactive database was founded by a Singaporean technology enthusiast (Ng, 2015). Till date, AsiaLawNetwork.com (ALN) has close to 3000 lawyers from around the region and even beyond Asia to include the United Kingdom and the United States of America. The objective of the ALN database is to allow for clients to search for suitable representation in accordance with areas of expertise, geographical location, language and budget. In other words, the lawyer-client relationship becomes more enhanced and structured. What is of relevance to this study is that the ALN database goes beyond the functions of a mere search engine. Lawyers are encouraged to publish research and information on their respective fields, thereby connecting law firms with one another. The Asian law community and beyond can now benefit from a keen exchange of ideas and an overall more integrated style of communication.

**The Singapore Scene**

At the recent Singapore Legal Futures Conference held on 8th July 2015, the Minister for Law and Foreign Affairs, Mr K Shanmugam, highlighted clients’ changing expectations as a point of contention for lawyers. In particular, the Minister spoke about how the legal fraternity should take into consideration clients’ sensitivities by engaging in more effective and meaningful communication. The symposium went on to discuss many more valuable perspectives on how enhanced communication might translate into more positive solicitor-client relationships and the best way forward in a globalised legal landscape. Singapore, undeniably, is centrally placed amidst challenging regional and international dispute scenes, where more specific skill sets are expected of graduating lawyers. Contributing speakers, such as Professor Mark Lemley of the Stanford Law School and Dr Sam Muller of the Hill Innovating Justice, singled out concepts such as negotiation and problem-solving skills, suggesting that a law school curriculum cannot be devoid of inter-disciplinary learning and hands-on techniques. Indeed, it was stressed that teachers of law should focus not on what they teach but on how they teach.

The main takeaway from the above forum is that Singaporean law schools must be able to prepare their students for a profession that is volatile and unpredictable. As Susskind (2008) puts it, there has to be a greater sense of anticipation on the part of lawyers who wish to stay relevant. Lawyers are
continually encouraged to look beyond their lenses and to stay open-minded when it comes to resolving disputes and this translates to a steadfast mode of legal education. In her closing address at the same Singapore Legal Futures Conference, the Senior Minister of State for Law and Education, Ms Indranee Rajah, spoke on how the continual acquisition of skills would be a worthwhile investment by the legal profession and how a positive mind set on lifelong learning would be beneficial to the legal community at large.

In Singapore, the learning of the law is no longer confined to a single vocation. In other words, there are courses where students do not eventually graduate with a law degree but are expected, nonetheless, to study the law to some extent. As presented in the previous chapter, this creates challenges and difficulties as regards becoming accustomed to legal language. Yet, this is an inevitable phenomenon as the island state increasingly acknowledges the requirement for a multi-disciplinary approach to education. Legal education, it appears, is no longer confined to aspiring lawyers. It now has to include a wider section of the Singaporean society. For instance, student nurses on a Bachelor of Nursing programme have to familiarise themselves with aspects of Health Law and Ethics. If legal rules remain indomitable, a nursing graduate would find it hard to reconcile with the concepts and, subsequently, more difficult to apply them when the need arises within a given hospital setting.

Consequently, a law graduate specialising in medical litigation would have to embrace the language of healthcare ethics and be ready to apply them upon entering the workforce. This multi-disciplinary approach in legal education therefore demands that learners of law, core or ancillary, be able to grasp and respond to the linguistic depth of varying dimensions and fields of study. The obligation then falls on the respective institutions to inculcate and imbue in these learners the value of such a developmental approach. This is especially so when some law graduates shy away from litigation to take on legal transactional work such as drafting compliance policies and assuming consultancy roles in corporate organisations which require competent written and spoken English skill sets.

What, then, has the Singaporean legal scene been doing to realise this aspiration? In his keynote address at the launch of the Singapore Law Week 2013, Chief Justice Sundaresh Menon spoke on how the law should be used as an instrument to benefit the community. Referring to pro-bono work, Mr Menon was pointing to efforts that involved serving the legal needs of the public. With such efforts still in place, there looms a consciousness that the public can further benefit from a demystification of the law. In other words, the public can truly benefit from the work of the legal service if they are adequately aware of their rights and privileges. The law must remain accessible to them and legal officers have the obligation to communicate it in a manner that is digestible. An initial step towards achieving this was the launch of an interactive online portal, ‘Legal Help’ in July 2013, where members of the public are able to submit legal queries and have them answered in a simple fashion. For instance, if an individual requires general advice on a property management dispute, this can now is provided in a prompt and timely manner. However, it has since been emphasised
that this approach cannot replace consulting with a solicitor, who would be able to dispense more specific advice.

What then are some implications of the above platform in relation to this study? First, the laws in Singapore will have to be made easier to comprehend. The public is to be treated a layperson who presumably does not appreciate legal terminology and jargon. In November 2013, the Attorney-General’s Chambers launched the ‘Plain Laws Understandable by Singaporeans’ project which aimed to draft legislation in a more comprehensible style. Preliminary reactions are that seemingly inaccessible legal language should be replaced by simpler and more common terms. For example, the phrase ‘pursuant to’ can be simply expressed as ‘under’ (Poh, 2013). This conscious effort to revamp the linguistic features of the Singaporean laws began with a survey to gather perspectives on the proposed changes. Participation was sought beyond the judiciary where views were collated upon accessing the ‘Singapore Statutes Online’, the official laws website of the state. A year later, the Attorney General’s Chambers unveiled their findings which confirmed that there is a strong mandate for the use of plain English in official law documents (Sim, 2014). Reactions were consistent that as the laws applied to laypersons, they would have to be understood, first and foremost, by them. Indeed, even law students from the Singapore Management University were of the view that legal language took some adapting to (Poh, 2013).

The second implication, as will become clear in this thesis, is that it is not sufficient to assume that once legal language is simplified, it becomes automatically and readily comprehensible. The people whom it applies to must still be able to make sense of it. This obligation falls on law schools to ensure that learners of the law are first equipped to understand the law in order to be able to translate and apply the law for the benefit of their clients (Clark and Tsamenyi, 1996). In other words, the perspectives of teachers of law on how to make this possible become significant. Forming the very essence of this study, their views are sought on how to further inspire legal education within the Singaporean model. The following section discusses the practices of the institutions selected for this study as illustrations of this.

The ‘local context’ of the study

As a subject, law is pursued at the diploma, undergraduate and postgraduate levels. As this study was one that sought to investigate perspectives on legal education in Singapore, the three institutions of study comprised a public university, a state polytechnic and a private institution, which are not named in this thesis. The background and context of each site will be discussed.

a. The Public University

The aim of this institution is to produce law graduates who have the ability to contextualise legal expertise and to think across disciplines and geographical borders. Pedagogically, the institution’s seminar-style lectures and tutorials are modelled after the Harvard style of learning where teacher-student communication is a two-way facility. The faculty aims to produce lawyers who are articulate, confident and intellectually versatile. There is particular emphasis
on a holistic style of legal education, where a five-year double-degree programme which combines law with some other institutional programmes such as Accountancy, Business, Economics, Information Systems and Social Sciences. This is on top of the traditional four-year Bachelor of Laws course. The School of Law also offers a graduate entry course where candidates, who already have a first degree, not necessarily in law, may complete a Juris Doctor programme within two to three years.

The current curriculum includes internships with law firms and corporations, and opportunities to go on international exchange programmes as well as overseas legal studies missions. Students are expected to pursue elective subjects over and above the core curriculum. Although a University with a management focus, the subjects are by no means limited to just commercial or business law. Often, industry practitioners are roped in for teaching as a way to enhance learners’ experience in the classroom.

The above stated practices of the public University are evident of its recognition that students need to be prepared for a diverse and interactive work environment. The faculty boasts of researchers and instructors with accolades from all over the globe and it was the interest of this study to discover what their perspectives were in relation to the teaching of law. Significantly, it was the interest of this study to appreciate what, how and why English communication skills were taught in the current law curriculum within this institution.

b. The State Polytechnic

This institution offers a large number of full-time diploma courses and a variety of part-time continuing education programmes for working adults. The objective of the institution is to prepare its graduates with the necessary skills to succeed in the workforce and in society. The state Polytechnic maintains up-to-date and creative curricula that meet students and industry requirements and expectations. The institution regularly designs and develops new course offerings, updates the curricula of existing courses and phases out courses that are losing relevance within the Singapore context.

Each full-time diploma course is structured to include not only course-specific modules but also general elective modules and institutional aspects such as reasoning, problem solving and internship opportunities. Every department is supported by an advisory committee, which advises the school on trends, developments and the needs of the industry as well as on appropriate changes to the curriculum. There is also input from the Department of Educational Development, which helps the departments to implement educational initiatives and to improve the experiences of learners. Responsive and innovative teaching processes that recognise a diversity of learning needs and styles are also put in place at state Polytechnic to meet the changing needs of students. In the context of this study, this is eminent in the offering of law modules within core courses such as business, accountancy, hospitality and Information Technology. There is no pure law course per se as the institution does not undertake formal training for aspiring paralegal professionals.
As law modules are embedded within other courses, learners are expected to learn them just as any law student would. The expectations of the assessments, be it presentations, assignments or written examinations, are no less rigorous in terms of content. As regards style, although learners are given some leeway on the account that they are pursuing the modules at a pre-university level, the instructional standards of legal concepts and principles are in no way compromised.

Therefore, it formed the interest of this study to understand the perspectives of the teachers of law within the state polytechnic on the facilitation of the above-mentioned courses. Specifically, their perspectives on the inculcating of English communication skills in bringing across the law were sought.

c. The Private Institution

The institution is a private education provider registered with the Council for Private Education in accordance with the Private Education Act. It has a history of academic affiliation with international university programmes and is a provider of external law courses in Singapore. It delivers preparatory courses for the higher level Certificates and the Bachelor of Laws matriculated by an overseas university partner. The institution is recognised in Singapore and internationally for its creative and innovative teaching methods in law.

Law graduates from this institution are not qualified for legal practice in accordance with the stipulations of the Legal Profession Act. However, they form the pool of qualified professionals who work as in-house counsels within the public and private corporate sectors.

Students who successfully complete the Certificate in Higher Education (Common Law) are eligible for admission into an approved University as listed in the Legal Profession Act. This means that if they eventually graduate from a Bachelor of Laws course at one of the Universities recognised by the Ministry of Law, they are able to practice as a lawyer in Singapore. For instance, a student may apply to an overseas university on the list sanctioned by the Ministry of Law. On the other hand, students who successfully complete the Bachelor of Laws programme offered by the overseas partner will not be able to practice as a lawyer in Singapore but are definitely eligible for practice in any other Commonwealth jurisdiction, provided specific requirements are met. For instance, if a graduate of this external route wishes to practice in Australia, there are additional examination requirements to fulfil before getting called to the bar.

A private institution as such is therefore able to attract a rather diverse student population. It is not only able to enrol local students or those who have some other legal right to be in Singapore, for example, students on spousal dependency passes or work permits; it is also able to recruit foreign students in light of its Edutrust certification status. Such a status is awarded to a private institution which enables it to enrol foreign students and not just local ones because it has met regulatory standards on teaching quality, classroom facilities and resource planning. The implication here is that their learners, in any given classroom setting, can come with varying abilities and with differing linguistic capacities. This is more so since private education institutes are typically profit-
driven and lecture sizes tend to be large rather than intimate. Aside from a large student ratio to deal with, teachers have to manage the differing levels of abilities. It was the interest of this study to examine how the academics within this institution dealt with these inconsistencies by analysing their perspectives on the teaching of English communication skills in their law courses.

**Conclusion**

This chapter has outlined the development and current state of legal education, and more specifically the teaching of English communication skills in legal education courses, internationally and regionally. The background and development of the same in Singapore was also broached and the relevance of the institutions that formed the focus of the study was discussed. It creates the backdrop for the remainder of the thesis which will raise the conundrum of ‘everyday English’ versus ‘technical, legal English’. It appreciates that the existing legal education landscape does present avenues of linguistic challenges and confusion for learners and that the perspectives of the teachers of law have to be studied with the objective of generating theory in the context of Singapore.
Chapter Three: Literature Review

Introduction

This chapter analyses the discourse surrounding and relating to the present study through a review of literature in three main sections. The first section discusses the definitional concepts and theoretical framework of legal practice within the global scene and not limited to the common law jurisdictions. It examines scholarship on various legal styles within the common law system, the interaction of the common law system with other systems, and how the evolution of the common law system as a tradition has impacted institutional research and instruction. The second section describes the background, context and discourse on advocacy styles and the significance of English communication proficiency in legal education. The third section reviews empirical literature concerning the role of English communication skills within legal education. It will analyse specific models where English communication skills have blended with the teaching of law. The fourth section locates the present study in the broader body of knowledge that exists on English communication skills in university education generally, and within professional tertiary courses more specifically.

Legal Systems, the Law and its Education

The effect of globalisation on the practice of law is suggested to be one where lawyers are no longer confined by domestic law (Glenn, 2001). Lawyers, more than ever, are required to adapt to foreign legal environments and acquire new skills. Glenn's view is one where the practice of law is to be understood against the backdrop of globalisation. Conversely, doubts have been raised as to whether globalisation actually results in a legal phenomenon that influences the entire world (Twinning, 2006). Twinning’s view is one where the practice of law has to be understood in light of the Southeast Asian context. For instance, there are distinct legal cultures that are peculiar to specific states in Indonesia, Thailand and Malaysia. His perspective is that globalisation does little to affect the customary laws of the above-mentioned states. The present study concurs with the former view, taking the perspective that it is definitely more helpful for an advocate to be able to navigate in different situations as opposed to dealing with a culture shock. It remains positive that the view would contribute to an appreciation of forthcoming work experiences on the part of law graduates.

There has been vast scholarship on the workings of different legal systems around the globe (Harding, 2001). The position taken in this thesis is that it is imperative for an advocate to first be aware of the backdrop of the legal forum it is set against. For example: Does the country adopt the common law system or the civil law system? Does it also adhere to an Islamic law system or follow customary laws? For instance, Indonesia applies a mix of Adat law and Dutch law. Such awareness allows for the advocate to develop insights and knowledge peculiar to the system he or she is dealing with (Damaska, 1968). By way of illustration, a lawyer from a civil law system might need to understand why the laws of common law jurisdictions are often not codified and why judicial authority is extremely crucial in providing reference points for future decisions. Legrand (1996), however, argues that it is not possible to understand and think in the manner of another legal system. Nonetheless, it must be assumed that
some degree of understanding is possible in order for advocacy to be effective and productive.

The implication for legal education around the world is that sources of law in the local context have to be aligned with those from other jurisdictions as well. In the United Kingdom, sources of law might well be a combination of legislation, case precedent and rules of equity (Holland and Webb, 2013). As there is no written constitution, lawyers have to sieve through a variety of resources. By contrast, in Singapore, a criminal lawyer has to first refer to the penal code before going through past cases. It is also important to examine whether the legal forum manifests more of the adversarial or inquisitorial culture (Jolowicz, 2003). This can have an impact on the litigation procedure. Taking the United Kingdom as an example again, the adversarial culture in England was once fiercely embodied by the barristers who were almost like rivals engaged in war or battle. Incidentally, Lord Woolf, in his revamp of the civil justice landscape in England, attributed escalating costs, delay and complexity to an adversarial culture. Consequently, an inquisitorial culture was fostered, where there is greater disclosure of information pertaining to the case with the primary objective of encouraging early and amicable settlement between the parties (Pinsler, 2013). This example indicates that litigation might not be the only way to resolve disputes. Alternate dispute resolution (ADR) methods may be preferred and the style of advocacy may adjust itself to the characteristics of the hearing. Non-compliance with ADR might suggest penalty on the part of the perpetrator. For instance, the Small Claims Tribunal of the State Courts of Singapore conducts preliminary hearings that are smaller and more intimate than an open court hearing. Such sessions emphasise the importance of working out a compromise rather than taking the dispute to court. Additionally, the advocate should always remain conscious of the nature of the dispute.

Where alternate dispute resolution methods are explored, the lawyer should assess if it is worthwhile to establish a claim. In Singapore, the advocate is under an obligation not to jeopardize the client’s interest and must prescribe the most beneficial course of action. The purpose of ADR is to provide the parties with a speedier, more cost-efficient and hassle-free way of achieving justice. It should be mentioned that if and where it fails, the courtroom remains an option for battle. Negotiation remains a popular and informal way of examining choices for settlement (Pinsler, 2013). Singaporean law graduates are typically expected to acquire skills that best allow them to represent their clients during negotiations; whether or not in their presence. One such skill is to navigate the ‘without prejudice’ rule, where evidence of such communication between the parties during the negotiation stage is deemed inadmissible should the case ever go to trial. Lawyers are expected to master the art of negotiation where the objective is to persuade amicable settlement and not to deter it. The lawyer must therefore assess all potential risks and expenses involved and not simply advise the client to go to court just because of profit reasons. Indeed, the obligation of the legal practitioner extends to providing accurate and relevant information to clients in order to assist them in arriving at the right decision (Pinsler, 2008).
Lawyers are also expected to anticipate the type of remedies the parties are actually seeking. For instance, are they after monetary compensation, an injunction or a specific performance? In medical negligence cases for example, an aggrieved patient might not always be seeking compensation. At times, an apology or explanation as to why and how the treatment procedure went wrong might suffice (Stauch, 2008). Couples going through a divorce might be looking for more than just a court order with regard to financial and property distribution. Advocacy in this area might have to consider child custody and support and domestic violence issues as well. Knowing what the parties have in mind would enable the advocate to tailor his or her arguments and presentation to better suit their needs.

The advocate also needs to know how the judgment is likely to impact the client. In criminal cases, the life or liberty of the accused is at stake. Is there a right of appeal? Under what circumstances would the court grant leave to appeal? And in what instances would the court deny the right to appeal? In civil litigation, clients may sometimes wish to know if the judgement can be enforced in a foreign country. Advocates should aim to familiarise themselves not only with the national procedure but with foreign ones as well. Enforceability of judgment is also significant since the parties would have to be advised as to what will happen if a court order is breached. To return to the earlier illustration of a matrimonial lawsuit, if a woman successfully obtains a restraining order against her abusive husband, she might be concerned about him potentially disobeying the order. She might be advised, in this scenario, that the culprit would be in contempt of court and that the police would step up protection on her part.

What remains important, however, is the manner and form in which this information is being conveyed to her and whether or not she fully appreciates the implications of it.

In court, the advocate has to come to terms with the judging panel, the possibility of a trial by jury, and the level of formality that is required by the specific proceeding. Depending on the level of the court, the bench can comprise of a single judge or multiple adjudicators. The level of expertise and experience of the adjudicator(s) should also be considered. The advocate would then be able to pitch his or her case accordingly. For instance, where a jury is involved, the lawyer might avoid overly technical and legalistic language. Instead, to establish effective rapport with the jurors, the lawyer would probably adopt a more conversational but persuasive style of advocacy. The jury is generally defined as a panel of 12 laypeople who decide based on matters of fact. The judge continues to direct the jurors on principles of law. Jurisprudential scholars in England have viewed the jury as a symbol of human liberty and freedom (Blackstone, 1979). Others opine that cases involving juries are statistically declining since they have limited presence in civil lawsuits (Darbyshire, 2001). In Singapore, trial by jury has become a thing of the past. Yet, if and when an advocate is required to present arguments before a jury in foreign courtrooms, the approach might have to be starkly different from when presenting in front of a judge. Judges are able to appreciate technical jargon and are able to field questions during oral submissions. Jurors do not interject when the lawyers are speaking but neither are they required to articulate reasons for their eventual
verdict. In front of a jury, the advocate thus relies on emotive language and theatrics, frequently maintaining a relational style during the submission (Sprack, 2006). When presenting submissions before a judge, a lawyer may choose to rely heavily on legal doctrines, theories and rules that are derived from case authorities or prominent academic commentary. Adequate research and preparation might also equip an advocate with the possible knowledge of the relevant cases that the specific judge(s) might have presided over. In doing so, the advocate manifests crucial skill and versatility that might lend weight to his or her case (Wong, Lok & Coomaraswamy, 2008). When arguing before a jury, on the other hand, advocates might be less strict with the legal rules reference approach, focusing on broad overviews instead of intricate details. It is equally significant for an advocate to refer to written submissions during oral presentations, displaying consistency, strategy and tenacity. Therefore, the lawyer selects appropriate material for submission based on the context and crafts a style of argument that best serves the purpose.

In Asia, an understanding of the laws and legal systems is not complete without an acknowledgement of the inherent interaction between formal legal rights and informal social practices and cultural influences. Clearly, there is more than one method of resolving a dispute and litigation is not always the first recourse. Asian laws and legal systems need to be embraced for their multi-faceted perspectives. An imposition of the Western model is hardly the right way forward. In a study of the legal system in Vietnam, Gillespie (2013) notes the interaction between community approaches and state regulation. His findings are presented in three sections. First, the imported model and the local system need not necessarily converge. Second, the dialogical exchanges between state agencies and citizens not only find practical solutions to disputes, they also revamp the rules. Third, different types of commercial networks have different styles of interaction with the imported model. Each highlights a unique way in which local communities mould the laws and legal processes. Gillespie’s examination refers to Vietnam which has only since the last quarter of the 20th century begun to develop legislative frameworks and administrative structures to regulate, for instance, private land use rights. During this time, market reforms have triggered rapid economic development, prompting conflicts with conservative land owners. This situation is similar to China, where land disputes are seemingly commonplace. Attempts by the Vietnamese government to enact standardized laws have not succeeded in displacing pre-existing community based self-regulatory systems. Policies continue to exist side by side. Gillespie’s findings go further to highlight that new competition models might even appear redundant to traditional agents, some of whom have even successfully resisted them. The takeaway from this is a realisation that lawyers in Asia need to embrace, appreciate, tolerate and accommodate the various practices, formal or informal.

As regards legal scholarship in Asia, Harding (2001) acknowledges that this is a somewhat lonely path. This is so because the practice of law in this part of the world is multi-faceted as opposed to being narrow or literal. Legal scholarship of this nature is not issue specific in that sense. It favours context over text, though the text is not necessarily or fundamentally delegitimised. Lawyers are expected to understand what the debate is about and a thorough, albeit in-exhaustive
understanding is derived via discourse with participants, investigators and fellow scholars in the field. Harding’s view on the practice of law in Asia reminds one of the art of cooking, where it is the food that people wish to consume that matters. Conversely, lawyers should yearn for greater engagement and critique in order to shape their work.

Asia therefore cannot be defined as having a single legal system. Ruskola (2011) illustrates that the Asian tradition is culturally distinct with the view that different Asian states have unique personalities and approaches. What may be further acknowledged is that there shall always exist a myriad of views and there should not be a sense of superiority of one view over another. As Merry (1998) put it, virtually every society is legally plural, whether or not it has a colonial past. She points out that in the same social field, there exist subgroup units such as the family, community and political confederation. As such, the legal system comprising of the courts and judges are supported by the state as well as non-legal forms of normative ordering such as factories, corporations and university institutions. Legal practice in this jurisdiction should be a reflection of social developments, cultural progress and historical richness (Merry, 1998). It is the people who inject meaning into the law and a contextual approach that makes it functional. Legal development is culturally induced and must stem from social efforts and consensus. The practice of law should hence be progressive and contributory.

Finally, an advocate who is mindful of the relevant language, style and decorum expected of the particular court would make a good impression where the bench is concerned. Advocacy is not just about what is heard but it is also about what is seen. The lawyer dresses to fit the occasion and to meet the required formality of the various courtrooms that he or she might find themselves in. The dress code differs from one jurisdiction to another. It is important to recognize that while some national courts are less strict over attire, it does not necessarily imply that they are less formal. English and Canadian courts require their lawyers to dress in barrister gowns whereas American courts typically require business suits. Syariah courts, however, require that both men and women not expose too much skin (Black, 2012). Lawyers should therefore adapt flexibly to the varying requirements and acknowledge that effective advocacy stems from a respect for etiquette and decorum.

Therefore, the discourse in this section has shown that different legal cultures exist and it is the advocate who has to make sense of them. Friedman (1975) presents that legal culture refers to all ideas, values, expectations and attitudes towards the law and legal institutions, to which some part of the public holds. The advocate does not necessarily have to agree with them all but certainly has to engage them practically and meaningfully. There cannot be a uniformed approach to the different value systems that are in place. Neither can there be a stubborn imposition of one idea over another. The job of the advocate extends beyond their own beliefs and ideals. The modern legal landscape expects greater interaction, more intense comparison and more effective integration. The literature demonstrates an expectation that a strong advocate should be one who is able to recognize that the skills of their profession are multi-faceted and
malleable. Better yet, a stronger advocate would be one who can translate the various skills into a functional whole.

Advocacy Styles and Effective Communication in Legal Education

Comparative advocacy styles have contributed to the demand for the firm and consistent application of legal reasoning when trying cases. This refers to lawyers trying cases in foreign courts amidst differing legal cultures as discussed in the section above. To fully appreciate the role of legal reasoning in legal education, it is imperative to understand its place in the wider context of the global legal sphere. Put simply, legal reasoning is traditionally, and still remains, an important function of the lawyers. It complements the work of the legislature and the executive and these organs of state are viewed as semi-autonomous bodies with distinctive roles contributing to the polity as a whole (Cownie, Bradney & Burton, 2010). In theory, each power has a separate function in order to prevent overlapping or usurpation (Cohler, Miller & Stone, 1989). Legal reasoning forms an instrumental feature of the common law system when judges are faced with an absence of statute and prior case authority, ambiguity in statute, or a prima-facie injustice if precedent were to be adhered to. Each of these instances shall be examined in turn.

First, where there are no relevant legislation and case law to refer to, the courts are faced with the unenviable task of deciding a case and inventing the law. To not decide a case at all or to delay judgment indefinitely would be undesirable so judges, inadvertently, make new law (Hart, 1961). A classic illustration is Lord Atkin’s ‘neighbour principle’ which became the founding block in the tort of negligence. This area of law greatly shaped medical litigation cases involving malpractice, where the courts need to establish that a doctor owes a duty of care to his or her patient. This duty arises even where the doctor, who is unwell, does not physically attend to his or her patients in an emergency unit setting. With little to fall back on, lawyers may have to rely on their astute sense of legal reasoning and apply their discretion accordingly.

Secondly, statutes may be poorly or inadequately drafted and this can present a host of problems for the courts. The intention of the doctrine of Separation of Powers may backfire and lead to severely repugnant outcomes if stubbornly pursued. In the case of R v Ann Harris (1836), the defendant, who bit off the end of the victim’s nose, was unsuccessfully indicted on the account that her teeth did not fall within the ambit of an instrument that can cause wounding. Subsequent judicial intervention led to the development of common law techniques known as the golden and mischief rules which served as checks and balances to the literal application of statutes. Such deviation indicated willingness on the part of the courts to avoid absurdity and to acknowledge the practical benefits of legal reasoning. This again can be related to the context of medical law where to apply statutes methodically may equate to a sore disregard for the nuance of the case. An example is the case of minors who are below the age of 16 and as such do not fall within the scope of statutory legislation in relation to consent to medical treatment. The courts, prior to enactment of later statute such as the Mental Capacity Act of 2005, came up with the ‘Gillick’ competency test for this category of patients [Gillick v West Norfolk & Wisbeck
Area Health Authority (1986)]. Such a test was heralded as a move in the favour of child rights to determination and autonomy of consent. Again, the value of legal reasoning undertaken by the lawyers is well-noted.

Thirdly, while it may be the expectation of legal systems to ensure consistency and certainty in litigation, strict adherence by lawyers to legal rules and cases might not always be ideal. The operation of the doctrine of judicial precedent stems from an appreciation of the hierarchical structure of the English courts, where the decision of a higher tier court binds that of a lower one as well as its own. While this may appear logical in areas such as property or contract law, where compliance with case authorities would imply efficacy and competency, it might not have a similar fluent effect in other fields of law. The reluctance of the courts to depart from precedent was observed in the Australian authority of Grant v Australian Knitting Mills (1933), which applied the Donoghue v Stevenson (1932) principle even though its facts are fairly distinguishable. It is interesting to note that this case, though presided by the Privy Council, had failed to escape the clutches of the UK House of Lords; today referred to as the Supreme Court of England and Wales. More significantly, though, the courts are reluctant to abide by the doctrine of precedent in cases dealing with ‘wrongful conception’. This was demonstrated by the Court of Appeal in ‘Parkinson v St James and Seacroft University Hospital NHS Trust (2001)’, which declined to apply the reasoning by the House of Lords in McFarlane v Tayside Health Board (1998). Though the superior court’s decision was technically binding, the Court of Appeal brilliantly distinguished its facts and therefore did not appear to contravene precedent or challenge hierarchy. Lady Hale expressed her disapproval of the McFarlane outcome as such:

‘...A majority of their Lordships in McFarlane’s case clearly recognised that on normal principles the claim would be allowable... [But] at the heart of it all is the feeling that to compensate for the financial costs of bringing up a healthy child is a step too far. A child brings benefits as well as costs...a disabled child needs extra care and extra expenditure...’

The usefulness of legal reasoning thus lies in it being a tool of discretion for the lawyers. In part, it does depend on the personality of the individual lawyer or judge and what he or she manages to induce and deduce from the law (Cross and Harris, 1991). Judicial creativity in law is not a new concept. In an early case of R v Bourne (1938), involving a doctor who was criminally charged with performing an abortion on a young girl who had been a victim of rape, the defendant was eventually exonerated on the account that he had not acted unlawfully within the scope of legislation. The role of the judge, Justice Macnaghten, was notable in his active direction to the jury that the defendant’s actions were for the preservation of life instead of intentionally causing grievous harm. His broad interpretation of the statutory clause removed the malice from the doctor’s actions and made him appear almost benevolent. Two observations can immediately be drawn from this case. First, could the jury have been influenced by widespread media reportage which up-played sympathy for the victim and, by extension, the doctor who was merely ‘assisting’ her? Secondly, even if this case has gone against precedent and literal interpretation of statute,
would it paradoxically set precedence for future doctors who may act under different circumstances but remain fearless of criminal liability? The response to the first might be that since the jury is, after all, a barometer of public feeling, it is just fulfilling its role. The response to the second might be that as the court is the final arbiter in cases, it should be able to weigh and balance all factors and circumstances. It appears, then, that a clear advantage of legal reasoning lies in the ability of legal practitioners to achieve a pragmatic outcome (Engel, 2004).

So, what of advocacy styles and the need for effective English communication? A sound and creative sense of legal reasoning assists in the achievement of fair, just and equitable outcomes. The various realms of law concern themselves with moral and ethical dilemmas and a strict employment of legal rules by practitioners would not realise this aim. As Hudson (2008) opines, legislation may have removed the physical distinction between the courts but the intellectual distinctions remain even today. The implication of this argument is that it fits in with the philosophical view of medical law where one rule may not necessarily prevail over another. In Re A (conjoined twins) (2000) for instance, Lord Justice Thorpe referred to a balance-sheet approach by lawyers towards the evaluation of best interests of an incapacitated individual. His view is that the judge would then be more equipped to reach a conclusion. This approach, however, was already observed two decades prior, in property cases dealing with the assessment of claimants’ interests in equity. There, the courts faced the task of determining the parties’ contribution to the acquisition of the properties in question. A parallel may thus be drawn with modern legal cases where lawyers have to rely on proportionality of reasoning if it involves the intangible.

The role of communication in advocacy has become increasingly significant as societal expectations and responses have altered greatly (Cantley-Smith, 2006). The traditional understanding of a lawyer-client relationship has undergone a metamorphosis, where there is now a delicate need for the practitioner to take into account the latter’s idiosyncrasies. This relationship becomes even more intricate since there is an emphasis on the concept of partnership and collaboration, a breach of which may constitute the potential pursuit of legal action (Davis, 1988). Unsurprisingly, the courts have a familiar involvement with different advocacy approaches, since lawyers now go beyond merely presenting the facts of a case, by presenting it along with a keen regard for an adherence to other ethical principles. Undoubtedly, there may exist guidelines, departmental directives and even codes of practice, all of which aim to prevent undesirable outcomes and consequences. However, the real ‘tamer of the lions’ has to be the judiciary who, via case authorities, establish ethical standards rather than just preach or teach them (Joy, 2012). The lawyer, especially a beginning one, discovers that the courts expect more than an application of the black-letters of the law. They are made aware of the range of complexities that may arise in the practice of law and the plethora of difficulties that practitioners might face when it comes to dispensing advice. Where advice provided is effective and well-received, the parties are at peace. Where advice rendered is neither effective, known to be ineffective or be misconstrued in one way or another, it presents a minefield for frustration and resentment. Each case that goes to court is a step towards a reality that the lawyer cannot simply do as he or she pleases without
appropriate justification. The courtroom, therefore, remains an avenue where all relevant circumstances are scrutinised and subjected to logical analysis.

Legal practitioners often grapple with moral and ethical issues in their course of duty, making it impossible for them to ignore the humanising element of their work. In the case of Pretty v United Kingdom (2002) for instance, the UK House of Lords had to consider whether or not to sanction the assisted death of a terminally ill patient. While their Lordships were conclusively against the idea, each of them empathised and sympathised deeply with Ms Pretty’s predicament. This was made clear by the emotive language that was used in their individual judgments and through the lawyers’ submissions. Adjudication, as this case illustrates, does not necessarily equate to succumbing to human sentiments. It is about delivering the right decision; in this instance, upholding the sanctity of life principle (Ward and Akhtar, 2011). The practice of law is plagued with difficult scenarios everyday: with inconsistent judgments despite applying the same theories and rules that are taught in law schools. The courts are constantly presented with atypical scenarios, at times for the very first time, and the legal practitioner does his or her best to address the idiosyncrasies of the matter. At its heart, the role of a lawyer is to present or clarify what the law is; to shed light on the controversies surrounding the practice of medicine as in the above context; and, to pluck out the needle from the haystack. The discerning legal practitioner therefore finds his or her place as a facilitator who eases the tensions at play and balances the inadequacies of the system. As long as differing advocacy styles exist, new legal principles will always surface to be dealt within reason and logic. It is therefore suggested that effective English communication skills will be valued commodities in the legal profession which is truly a synthesis of innovation and novelty.

As Lebovits (2009) suggests, trials are often engaging and the advocacy style of the lawyer is focused on the people and not the problem. In certain jurisdictions, lawyers have to be mindful not to bore the jury with technical arguments. Instead, they must be seen to engage on a more emotional level. The case has to be played on empathy and drawn on sympathy. A conversational style of language must be adopted, which might prove more accessible to the layman. Advocates typically construct narratives that are relatable and easily identifiable. In doing so, perhaps they are of the view that juries are more predictable and adopt a different strategy than if presenting before a single judge (Waites, 2003). While this may be a controversial assertion, it has been agreed that judges are at times prone to their own prejudices. In the words of Frank (1950), the background morality of judges often influences their decisions. The jury, on the other hand, is more representative of society. The rights of the defendant should not be determined by a judge who may be confined in an ivory tower (Genn, 2012). The jury thus remains the cornerstone of the common law tradition which advocates might have to encounter in the course of their profession, thereby altering their style of advocacy. This applies even to the Singaporean lawyer who may not face jury trials domestically but is exposed to them in foreign courts.

In this day and age, the practice of law is more cognisant with parties’ rights. The lawyer has a crucial role to play because much of the evidence presented in
courts would already be supported by expert opinion and testimonies. It is up to him or her to present in a way which would appear more credible or laudable to the judge or jury. This can sometimes present an array of difficulties since the lawyer might not always be the subject-matter expert in a given case. To what extent, therefore, is their submission a fair and unbiased one? To what level should their choice be restricted? Lawyers do more than just state the legal principles that exist. In fact, Justice Michael Kirby of the High Court of Australia, in his Hamlyn Lectures of 2003, concurred that the courts have a duty to establish legal principles and to develop the common law in line with a constantly changing society. Such an approach may be well-received in the fields of law where uncertainty and unpredictability are prevalent. The lawyer is able to display creativity instead of passively adhering to age-old precedent. He or she is also able to address what existing legislation fails to tackle and inspire change and development where appropriate. The lawyer-client relationship has transformed from one where the practitioner had the ultimate say with regard to advocacy styles and procedural advice, into one which gives due consideration to a greater sense of communication. The increased exchange of information and ideas is purportedly due to two reasons.

First, it is the client’s own awareness of the right to know of procedural risks and to make an informed decision as to whether or not to proceed with the claim. This is the consequence of enhanced public education on healthcare and patient correspondence with more than one party apart from the doctor. Technological advancement also explains why the relationship now paves the way for greater autonomy on the part of the client. There are more online avenues available for litigants to research on similar cases. However, it recognised that lawyers retain a special privilege not to disclose specific information if there are compelling reasons to justify their decision. It is also acknowledged that some clients might wish to be spared all the technical details and jargon and just leave the work to the lawyer.

Secondly, the courts, through litigation, have continued to define the ambits of the lawyer-client relationship. Judicial deference to the views of the legal profession is now an anachronism. The fluid nature of the common law system allows for a flexible application of rules, doctrines, principles, and maxims. Though, at first sight, this creates room for inconsistency and uncertainty, it becomes an accidental match for the illustrious disposition of the legal culture. Judges vehemently recognise that it is ultimately the courts’ responsibility to inject meaning, integrity and impartiality into a trial. In doing so, they pay greater attention to the interests of the litigants and the advice they receive from their advocates than before.

The law struggles to balance the rights of the parties and aims to achieve unbiased and unprejudiced adjudication upon an even consultation of the various sources of law. Litigants may expect a comprehensive investigation of their case, one that is subject to analysis and reflection. Enhanced judicial scrutiny thus suggests that the law no longer prioritises the interests of one party over the other. As society progresses and expectations of the legal profession become higher and wider, there is a possibility of increased litigation.
Clients are now aware that the law looks out for them and that the courts are no longer swayed by the vocational attributes of the legal practitioner. Even where litigation is not resorted to, the client can take solace in the fact that the advocate stands accountable for his or her actions or the lack of it. To conclude, a client who walks into a lawyer’s office today is no longer ignorant, intimidated or subdued. Likewise, a lawyer is no longer irrefutable or incontrovertible. The relationship is now understood to be one that is cooperative, supportive and progressive (Heinrich, 2015).

**The Role of English Communication Skills within Legal Education**

This section turns to a discussion on specific models where English communication skills have been integrated with legal education. Before launching into a discourse on the extent to which this is achieved in the Singaporean context, seminal works in both the United States and the United Kingdom shall be examined. The rationale for the focus on these jurisdictions is that they embody the common law tradition. In other words, they influence related scholarship in Singapore and a review of such literature situates the present study within a broader, well-established, empirical base. Each of these works shall be examined in turn; although it must be stated that each report is not indicative of the full context in each specific jurisdiction.

a. ‘Legal Education Best Practices Report’ (2010), United States

In a report prepared for the Global Network for Public Interest Law (PILnet), then referred to as the Public Interest Law Institute in the United States, Barry, Dubin and Joy (2010) presented that legal education in the United States still emphasises heavily on doctrinal teaching, albeit some incorporation of experiential or practical learning. The aim of their study was to evaluate the teaching of law in Universities in the United States and to suggest reforms that could enhance the curriculum and educational methodology in these law schools. The report was compiled upon analysis of documents furnished by the various law schools and the standards set by the American Bar Association (ABA).

The report was based on the 210 law schools that have been approved by the ABA. Of these 210 institutions, 75 are public schools while the rest are private ones that are not funded by state or local governments. As the study was based on education objectives of the institutions rather than the perspectives of students, the average number of students per institution was not reported. The common ground amongst all the law schools, public and private alike, is that each student already possesses an undergraduate degree in some area of study. In other words, law is offered as a graduate entry route in the United States. Unlike the United Kingdom and Singapore, law is offered as a Juris Doctor programme (JD) instead of the traditional Bachelor of Laws (LLB).

The JD programme has a three year duration for full-time students enrolled in public universities and a four year duration for those registered on a part-time basis at private institutions. Barry et.al (2010) found that the majority of the law schools adopted a theoretical approach when it came to teaching, with little emphasis on practical lawyering skills and professional values. While the law
schools do encourage and imbue skills such as analysis and problem-solving, others such as ethics and communication skills were not heavily broached. In fact, their report presented that oral communication, in particular, was merely covered in the first year of the law courses. In other words, not all practical elements are covered throughout the entire duration of the course, which, according to the authors, makes the false assumption that students are readily equipped with the practical skills that are necessary for survival in the profession.

The report also made reference to an earlier report, the MacCrate Report of 1992, which outlined ‘communication’ as one of the 10 fundamental skills of good lawyering. Barry et.al (2010) found that little had evolved as regards the teaching of communication skills to law students since then. They now assert that in order to reform this, law schools in the United States have to get over their resistance towards recognising that practical skills complement the traditional doctrinal approach in the teaching of law. Reforms suggested are two-fold. First, the law schools have to become comfortable with allowing their students to have as much clinical experience as possible. In other words, law schools need to create more opportunities for law students to have dealings with real clients. Secondly, the teaching in law schools has to be more deliberate. In other words, institutions have to be more conscious of the goals of legal education that have been set as the national standard and to work towards remodelling their curriculum and teaching methodologies.

The report informs that a conscious approach towards developing practical skills for beginning lawyers should be adopted by law schools, not just on a supplementary basis but on a core basis. This study takes a similar view that the teaching of law should consider a more deliberate inculcation of English communication skills in order for learners to achieve academic and professional success.

b. ‘The Role of the Law Professor in Legal Education’ (2002), United Kingdom

In a paper examining the style of legal education at Oxford University, Spence (2002) presented three perspectives on the role of a legal educator. First, that a teacher of law should provide learners with the skills to acquire knowledge of the law. In other words, learning is effective only when a student-centred approach is adopted. Referring to the unique tutorial system implemented by the Oxford law faculty, students do not attend mass lectures. Instead, they are assigned a tutor whom they consult together with one other student. Such session(s) are task oriented, where students are expected to read around the topics assigned and then prepare a response to a written task set by the tutor. Discussion then takes place where the role of the tutor is to guide and facilitate rather than to teach.

Secondly, a teacher of law should encourage learners to constantly critic the law and to sharply question it. In other words, the tutor guides students towards pointing our irregularities and lacunas within the law throughout their time at Oxford. By adopting this learning mind set at an early stage, students are consistently acquainted with the demands of the profession, which, incidentally,
is to continually interpret the law. Therefore, a teacher of law does not just show learners what the law is about but how and why it is in place as well. Students are expected to evaluate if the rationale is valid or if modifications are required.

Thirdly, the teaching of law should concern itself with the moral development of students. This is so because moral issues are often embedded within legal ones. Legal practitioners are often concerned with how the law operates to achieve fairness and justice and students have to be exposed to character values and societal attitudes during their instructional years. Indeed, Spence (2002) makes particular reference to the teaching of legal philosophy as a core curriculum at Oxford. The basis of legal philosophy is to expose students to rhetoric and reasoning beyond the traditional rules and doctrines.

Spence (2002) does acknowledge that the above model of instruction is specific to the Oxford Law School, where students are of a high academic calibre. The same might not be applicable in every law school context where learners come from different backgrounds and have varying abilities. Nonetheless, the takeaway from this is that legal education should certainly go beyond rote learning to include wider skill sets that prepare learners to become versatile practitioners.

c. The Singaporean Context: What is already in place?

Both the law faculties at the National University of Singapore and the Singapore Management University have programmes in place that seek to address concerns and challenges faced by students in legal writing. This study has not considered the same of the third law school, the Singapore University of Social Sciences, as it has just embarked on its inaugural year of teaching at the time of writing. The support offered by the other two universities comes in form of foundational modules that enhance students’ learning of the law by demonstrating effective research skills and methods. For instance, a law student would need to learn how to effectively navigate a legal database whilst doing a case search. He or she would also be taught how to structure a legal memorandum or report in a coherent and concise way. Yet, these modules are typically offered in the first year and not throughout the duration of the course. The presumption is that Singaporean law undergraduates are already proficient in the English language.

Polytechnics, with the exception of Temasek Polytechnic, do not offer pure law courses. Concerns and challenges faced by such learners in legal writing are more prominent. While there are generic workshops that cover academic writing skills, polytechnics do not offer specific scaffolding peculiar to legal subjects.

At private education institutions, such scaffolding is virtually non-existent. Learners are taught the law in an examination oriented fashion; that is, to pass assessments rather than to generate interest or passion for the subject. As will become clear, many of the courses offered at these institutions are designed by the offshore universities that they are registered with; with pre-conceptualised material provided to the local lecturers for delivery and facilitation.

Unlike that of Australia and the United States, where the literature indicates a move towards skills-based learning that is encapsulated by the scaffolding of
Graduate Attributes throughout legal courses, such an approach is not consciously embedded in the Singaporean pedagogical scene. This lacuna inspired a study of English communication skills within legal education in Singapore; to investigate the perspectives of the teachers of law in these three spectrums as regards the integration of English communication skills within their methods of instruction and to generate theory based on these perspectives.

**English Communication Skills within Non-Law Tertiary Courses**

This section commences by locating the study within the broader field of English communication scholarship. It reviews empirical research into English communication skills in university teaching and learning more generally before leading into specific professional studies in non-legal areas. To this extent, Johnson, Veith and Dewiyanti (2015) discussed embedding communication skills in learning, teaching and assessment in university curricula. Their study aimed to identify educational challenges faced by staff and students at Murdoch University and to generate remedies to address them in timely and appropriate ways. Johnson et. al (2015) employed a design-based approach (p.3). This involved engaging with expert practitioners and illuminating best practices and problems. Through a process of evaluation and reflection, the practical solutions that were conceived to tackle the problems identified were then translated into refined theories and strategies that were of benefit to the higher education sectors across Australia. The project yielded preliminary design principles for embedding the teaching, learning and assessment of communication skills in higher education (Johnson et. al, 2015, p.9).

Of particular significance to this study are the following:

- The construction of the term ‘communication skills’ should not just relate to English language proficiency.
- The principle of progressive skills development informs that communication skills have to be reinforced throughout the various stages of a degree course.

As discussed in Chapter One, tertiary learners of law might have met the language prerequisites for their course but can still benefit from the broader oral and written skill sets that could serve them well in their professional standing. This is especially true of international students who may find it challenging to comprehend legal terminology if English is not their first language (Riley and Li, 2010). Also mentioned is the fact that while Singaporean institutions do attempt an ad-hoc approach in this regard, this study remains optimistic about the possibility of long-term integration.

This section now turns to a discussion on the current use of English communication tools in non-law related courses. The following studies were selected as they actively advocate the use of communication skills across a spectrum of courses and have shown that the universities in question do consciously align their learning outcomes with the teaching and assessing of such skills. The studies also highlight graduate employability as the key reason for incorporating written, verbal and interpersonal communication skill sets within their curricula.
a. Communication Skills in Veterinary studies

In a project supported by the Australian Learning and Teaching Council Ltd, an initiative of the Australian Government Department of Education, Employment and Workplace Relations, Mills, Baguley, Coleman and Meehan (2009) identified communication skills as the key element to success in veterinary practice. The aim of the project was to address perceptions that veterinarians are aloof, unapproachable and lack the requisite emotional intelligence that is required by the job (Mills et.al, 2009). The project sought to inform the undergraduate veterinary curriculum on how communication skill sets can further enhance it.

The project was a collaborative one, involving researchers at three universities; Murdoch University, The University of Queensland and the University of Sydney. Each group of researchers facilitated instruction on modules within the veterinary curriculum by drawing on English communication skill sets that were specific to their context. Over a span of 16 months, meetings were held to evaluate progress and symposiums were held to share strategies and findings.

The main takeaways from the project are as follows:

- The use of client-simulation activities proved extremely useful in enhancing students’ consultation skills.
- Males tend to express less empathy than females and would require more training in this aspect.
- A need to communicate clearly and avoid the use of jargon through the use of non-technical language.

The project then posits these main recommendations:

- The incorporation of experiential learning to enhance clinical communication.
- Enhancing the early years of the curriculum by integrating empathy as a professional skill and introducing oral examinations that assess students’ levels of articulation.
- Enhancing the later years of the curriculum by encouraging reflection on practical experiences and separating postgraduate communication skills training from that of undergraduates. The rationale is to create a distinction between core skills and special skills which are apply to different levels of ability.

The project, though undertaken in selected universities that emphasised on teaching and learning practices, is a clear illustration of how the teaching of English communication skills can be imbued in a field that was once perceived to have little to do with human interaction. It then appears that the cause for investigating similar perspectives in the field of legal education becomes more pronounced since it involves human subjects and not animal ones.
b. Communication skills in Pharmaceutical Studies

In an article presented in the American Journal of Pharmaceutical Education, Hussainy, Styles and Duncan (2012) discussed the need for the honing of communication skills in the study of pharmacy. The aim of their study was to analyse the use of a virtual practice environment (VPE) in the development of communication skills and to assess the experiences of both learners and instructors alike. The study suggested that the VPE provided a practical and effective platform for scaffolding communication skills in pharmacy colleges and schools in Australia.

The study was facilitated amongst second-year pharmacy undergraduates at Monash University. It was discovered that while the curriculum did include some form of communication teaching by way of ‘mock pharmacy’ sessions, there were limitations since students faced difficulties conceptualising the precise ambits of a pharmacist-patient relationship (Hussainy et. al, 2012). It was argued that the VPE enhanced the classroom experience of both teachers and learners as it provided greater opportunities for interaction and conceptual engagement (p.7).

The main takeaways from the study are as follows:

- Communication skills are vital to the pharmaceutical profession.
- Learners must be given the opportunity to practice as opposed to merely visualising or imagining the actual context.
- There should be a more conscious effort on the part of teachers to facilitate the development of communication skills through the use of new methods and technology.

As shown above, universities have been focusing much attention on teaching and learning practices, and the ways in which these practices contribute to the academic success and employability of their students. What becomes apparent is the consistent need for the teaching of communication skills in curricula, regardless of manner, form and genre. The benefits of sound language proficiency and good communication skills cannot be disputed. However, the question remains as to what more can be done in this regard in the best interests of learners of law.

c. Communication Skills in Nursing

In a study of the interaction between nurses and mentally-incapacitated patients, Bowers, Brennan, Winship and Theodoridou (2009) analysed the role of interpersonal and communication skills. This work was supported by the City London University and the National Health Service Trust. The aim of the project was to discover perspectives on the necessary skills required by nurses in order to effectively cope with the care of mentally-ill patients.

The study was facilitated by way of interviews with nursing experts who had experience in the field of mental health. The main findings of the project were as follows:
• To effectively communicate with such patients, nurses had to regulate their emotional responses. In other words, they had to be calm and receptive to unpredictable hostility and aggression.

• Verbal tone should always be quiet and consistent to avoid generating irritable conduct on the part of the patients.

• Alternative modes of communication, such as writing and drawing, are encouraged if verbal methods and gesticulations are deemed inappropriate.

What was significant about the study, recognizing its small sample size of 28 interviewees, was the acknowledgment that a theoretical style of applying knowledge derived from study material was discouraged. It was posited that nurses benefitted from a flexible approach to interacting with patients as opposed to rigidly applying communication techniques (Bowers et. al, 2009). Likewise, it may be considered whether lawyers could adopt a similar mindset whilst engaging with clients.

d. Communication Skills in Engineering

In a paper that examined the learning of communication in engineering education, Carlson, Edström and Malmström (2010) suggested that best practices in engineering cannot be devoid of fundamental skills such as collaboration and writing. Their study involved a review of the existing curriculum in Sweden and offered suggestions for enhancement based on what was concluded to be lacking instructionally. The study was based on the curriculum offered to first and second year engineering undergraduates at the Royal Institute of Technology and the Chalmers University of Technology. The paper was presented in three parts:

• The approaches to the function of communication within the Swedish engineering curriculum.

• The beneficial effect of effective communication within the profession of engineering in Sweden.

• The role of communication in the teaching and learning of engineering in Sweden.

The main observations of the study can be synthesised as such:

• Communication skills can be integrated with the inculcation of technical knowledge in the study of engineering.

• There can be a greater sense of collaboration between the skills (communications) expert and the subject-matter (engineering) expert in the classroom.

• Communication related activities within the classroom, such as report-writing, should not be a mere learning outcome. In other words, facilitators should create more opportunities for students to reflect on their learning experiences.
Consequently, learners of law could also benefit from a more conscious blend of communications teaching and theoretical impartation. The potential for teachers of law to create opportunities for reflective activities within their lessons is vast and the days of dwelling on rote learning and doctrinal methods of instruction are fast diminishing.

**Conclusion**

This chapter has examined literature that relates to the practice of law and the importance of inculcating practical skills in legal education. As was observed, the expectation is that a tertiary style legal education must move away from a pure emphasis on teaching legal doctrines and analysis to one that broaches practical and experiential learning methods. The literature likewise posits legal reasoning as a skill that, once honed institutionally, would reap benefits for the practitioner career-wise. The main takeaway is that present scholarship establishes a causal link between practical skills and a successful style of advocacy, and identifies the role of the legal educator in empowering and equipping the student with such skills. The following chapter describes the methodology used in this study, which sought to further inform this role and understand how it may be enhanced to benefit the experience of law students in legal institutions.
Chapter Four: Research Paradigm and Methodology

Introduction

This chapter describes the methods employed in deriving and analysing the perspectives of teachers of law on the use of English communication skills in their facilitation or instruction. It begins by locating the study within the theoretical framework of interpretivism, informed by the process of ‘symbolic interactionism’, the concept of ‘perspectives’ and the approach of grounded theory analysis. The chapter then turns to the sampling strategy, elaborating on site and participant selection and the rationale for each. Next is a description of the four data collection methods that were employed, namely semi-structured individual interviews, non-participant observation, document analysis and researcher’s diary. This chapter then explains how the data were analysed and the coding methods that were employed. The next section explains how the trustworthiness of the study was maintained, examining issues of credibility, transferability, dependability and confirmability. The final section discusses the various ethical issues involved and how they served as important considerations for this study.

Theoretical Framework

Taylor and Bogdan (1998) assert that good qualitative research is a keen and varied representation of social life. In other words, good researchers have the ability to translate first hand experiences that are tangible and poignant. Qualitative research methods provide data that are embedded in their context and are concerned with social constructs, and qualitative data collection methods are generally understood to be open and flexible in nature (Weerakkody, 2014). With this principle in mind, this study examined the perspectives of teachers of law as regards the use of English communication skills in their teaching, with the aim of generating theory that informs legal education in tertiary institutions in Singapore.

Willis (2007) further asserts that qualitative research involves the manner in which the study is conceived and the way in which data are to be understood. This implies that a qualitative researcher comes up with his or her own interpretations of the data collected. In other words, theory is generated from an analysis of the trends and patterns that the amassed data might reflect. Qualitative research typically employs no single method; rather, a slew of strategies are undertaken in order to achieve the aim of the study. As legal education is a field that continues to grow and develop, the diverse approaches in a qualitative way of research were suited to the nature of this study. Such approaches refer to the varied methods of data collection which, in this study, included interviews, document analysis non-participant observation and researcher’s diary.

This study was facilitated within an interpretivist framework, where assumptions are made about the way truth is derived in determining the objectives of enquiry.
(Lancy, 1993). It called for an investigative effort that required the interpretation of social phenomena. A fundamental concept of interpretivism is that theories find their basis on the understanding and interpretation of the meaning of constructs rather than the explanation of phenomena (Le Compte and Preissle, 1993). Interpretivists view human activities as those which generate meaning and therefore employ qualitative research methods in order to arrive at an understanding of human experiences within a particular social context (Weerakkody, 2014). This research was therefore an attempt to interpret the responses, perspectives and experiences gathered from the teachers of law within the Singaporean tertiary sector.

a. Symbolic Interactionism

This study drew on the concept and principles of symbolic interactionism, a distinct approach to the study of human group life and human conduct (Blumer, 1969, p. 1). Significant in the realm of qualitative research, symbolic interactionism refers to the definitions and perspectives of the research participants themselves; in other words, the insider’s point of view (Punch, 2009, p. 125). Therefore, the perspectives of the facilitators of legal education constitute the behaviourally relevant world, where situations are defined in accordance to what it means to them and how they view it.

Exponents of symbolic interactionism believe that the study of humans is not the study of concrete events in the external world. Conversely, the study is based on how humans interpret the environment in which they live in (Willis, 2007, p. 177). This proposition is significant since the perspectives of the facilitators of legal education lie at the heart of this research.

It is prudent at this juncture to discuss further views on fruitful qualitative research that informed this study. Burns (2000) argues that one should not be too caught up on the objective truth; instead, the truth is understood as that which the informant perceives it to be. Purposeful social interaction can come about only with sincerity and relevance. Creswell (2012) argues for the importance of understanding a ‘central phenomenon’; one that encapsulates concepts, ideas and processes. He compartmentalises the main stages of the research process as follows (Creswell, 2012, p. 16):

- Exploring the problem and developing a comprehensive understanding of the phenomenon.
- Justifying the issues based on the literature review.
- Presenting the purpose and research questions generally and broadly; taking into account participants’ experiences.
- Collecting data that are representative of the participants’ views.
- Analysing and interpreting the data within the larger implications of the findings.
- Adopting a flexible attitude that provides due consideration to the researcher’s subjective reflexivity and bias.
In sum, the above components informed the theoretical framework for this interpretivist study.

b. Perspectives

The term “perspectives” is core to the central research question of the present study. Woods (1992) described perspectives as ‘frameworks through which people make sense of the world’. In line with this approach, emphasis should be given to the social meanings people attach to the world around them and how they respond to them (Steven & Taylor, 1998). In other words, the interdependency between the individual and society should be acknowledged.

This followed Blumer’s (1969) earlier assertion that ‘human beings act toward things on the basis of the meanings that the things have for them’, that ‘the meaning of such things is derived from, or arises out of, the social interactions that one has with one’s fellows’ and that these meanings are ‘handled in, and modified through, an interpretative process by the person dealing with the things he encounters’ (p. 2). More recently, a similar position has been adopted by Charmaz (2006) and Creswell (2012).

According to Blackledge and Hunt (1989, p. 234) the concept of perspective consists of aims, strategies, and significance, and the notion that ‘participants’ or ‘actors’ can give reasons with regard to their position on each of these areas. These features led to the generation of guiding questions on participants’ perspectives with regard to teaching English communication skills in law courses, as follows.

According to the teachers of law:

- What are the aims and intentions of teachers in the teaching of law?
- What strategies have they employed to achieve these aims?
- What significance do these teachers attach to the teaching of English communication skills in legal education?
- What reasons are provided by the teachers for the above aims, strategies and significance?

These guiding questions, in turn, led to the development of semi-structured interview questions (see Appendix A). As will become clear, this study was concerned with not just a single perspective but multiple ones. As McQueen (2002) articulates, the interpretivist paradigm allows multiple viewpoints to be taken into account when attempting to analyse a given situation. These multiple perspectives proved useful in generating theory relating to tertiary legal education in Singapore.

c. Grounded Theory

The study was also informed by grounded theory approaches to data collection and analysis. First propounded by sociologists Glaser and Strauss (1967) and then enhanced by Strauss and Corbin (1990), the grounded theory approach refers to analysing data by observing the trends and patterns that emerged among them. Grounded theory may also be posited as theory that emerges from
the data collected (Wiersma and G. Jurs, 2009). The approach typically involves gathering data from interviews, documents and observations, identifying emergent themes and sub-themes, creating links between these themes and finally presenting theory that further informs and enhances existing scholarship. This inductive approach involves keen engagement and interaction throughout the research process (Charmaz, 2005). Through the careful reading, comparison, and conceptualisation of data, logic is derived to inform the study (Locke, 2001). Glaser (1992) enunciates that grounded theory analysis is beneficial for ‘researchers and practitioners in fields that concern themselves with issues relating to human behaviour in organisations and groups’ (p.13). In the context of the present study, the views of the teachers of law in selected Singaporean tertiary institutions eventually resulted in a theory of a given phenomenon.

O’Donoghue (2007) propounds that employing the theoretical sampling approach of grounded theory enables the generation of the full range and variation in a given category. The collection of data and the analysis persists until theoretical saturation is achieved; that is, until a stage where no new data are suggesting new theoretical elements, but, instead, are confirming what has already been found (Punch, 2005). This study therefore involved the gathering of data from participants, which was then dealt with thoroughly and conscientiously. This study also proceeded on the understanding that grounded theory research is non-linear; where there is no prescribed sequence of steps followed and that it is iterative in nature (Willis, 2007, p. 202).

**Sample and Sampling Strategy**

a. **Site Selection**

As this study sought to investigate the perspectives of teachers of law on the teaching of English communication skills within law courses, it garnered responses that were representative of three types of institutions, namely, a public university, a state polytechnic and a private institution.

The selected public university is a relatively new institution in Singapore. Its seminar-style of instruction fuses theoretical knowledge with practical skills that include confidence, articulation and eloquence. The rationale for choosing this site was the fact that it offers the traditional Bachelor of Laws (LLB) programme as well as the Juris Doctor (JD) programme. The JD is a graduate entry level legal course just like those offered in American institutions. The law faculty members have contact with a more diverse profile of students and employ broader pedagogical approaches as regards instruction.

In polytechnics, law modules, albeit core, are facilitatated as part of other diploma courses such as Business, Accountancy, Finance or Human Resource Management. The selected state polytechnic is staffed by academics; many of whom are able to tap on their wealth of industrial experience. Former lawyers who join the faculty on a full-time basis teach a range of modules such as company law, business law and banking law. The strategies that they employ in
facilitating comprehension of technical and complex legal concepts were significant in achieving the aim of this study. Some adjunct lecturers still engage in active legal practice and teach on professional development courses that involve legal modules. Their classes comprise of working professionals who wish to upgrade their skills by enrolling in part-time courses.

Private education providers are those that deliver law courses on behalf of offshore universities. They were considered for the different profile of students that they attract. The selected private institution is an affiliate of a UK university offering external law courses. It is a regional player with campuses in Singapore, Malaysia and Hong Kong. Unlike other private education providers, this institution solely offers law qualifications endorsed by the UK University. Being a specialist in private legal education, the faculty is made up of full-time staff members that are committed to teaching and research excellence. This is unlike other providers which depend largely on adjunct faculty. As such, this study was able to benefit from a range of perspectives of these teachers who consistently engage in legal education methodologies that have served and will continue to serve cohorts of offshore learners in Singapore.

b. Participant Selection

With regard to participant selection, purposive sampling was used. In particular, this strategy was a multiple variation form of purposive sampling where lecturers who specialise in different areas of law were included. Participants included those who teach subjects such as property law, private law and public law. Participants in this study were academics from the three sites mentioned above. Six teachers from each site were identified, totalling 18 academics. Academics of different levels of seniority and across the spectrum of law modules were selected and particular attention was paid to teachers who specialised in pedagogical methods of legal education.

The public university runs electives that cover legal skills and analysis. Academics who specialise in this manner of instruction offered interesting perspectives specific to this cause. Additionally, the law school is supported by a Centre for English Communication, which conducts writing workshops for the students in the law faculty and other. While the instructors from the centre might not be legally trained, they were able to offer valuable insights on legal education from a linguistics angle. For the purposes of this research, academics selected from the public university comprised a good mix of assistant, associate and tenured-track professors.

Polytechnic lecturers were fitted into one of two categories; the former with more than five years of teaching experience and the latter with less than five years of teaching experience. Those with five or more years of teaching experience are classified as senior lecturers while those with less than five years of teaching experience are classified as lecturers. Senior lecturers tend to adopt additional portfolios such as module coordination and conducting large-scale lectures while lecturers do not assume leadership positions and are mainly
involved in tutoring smaller groups of students. It was important for this study to have involved a good mix of both senior lecturers and lecturers in order to get a sense of the varied teaching methodologies that they employed and the equally varied ways in which the students responded to them.

Lecturers from the private institution were selected based on similar criteria. While the institution makes it a point to hire only lecturers with five years of teaching experience and beyond, lecturers were not specialised in a single area of law. Unlike the academics in the public university and the state polytechnic, lecturers in a private education institution have to be versatile in delivering a range of modules. In this regard, it was possible to group the lecturers according to those who have taught a particular module for less than or more than five years. The rationale for this selection criterion was to ensure the derivation of perspectives from teachers across a broad spectrum of work experience.

Variation of the research sample was also a significant consideration of this study, where participants were selected so as to provide a wide range of age, gender and ethnicity. This was an important feature of the study since the research sample of 18 academics was not huge to begin with. In order for the sample to be representative and therefore less subjective or biased, it was imperative to incorporate variation. This is in line with the interpretivist framework that was discussed earlier. The process of contacting and gaining access to the afore-mentioned participants is addressed in the later section on ethical issues.

Data Collection

The main methods commonly acquainted with qualitative research were employed in this study; they are semi-structured, individual interviews, document analysis and non-participant observation. These methods were employed because they colour the interpretivist orientation toward an interactive and hence qualitative way of scholarship. A researcher’s diary was also maintained as a supplementary, but significant, method of data collection. This section describes each in the context of the study.

a. Interviews

The interview method, according to Burns (2000), promotes flexibility and creates opportunity for the interviewer to facilitate observatory tasks in a naturalistic setting. Face to face interviews were ideal for this pursuit as they managed to project the voices and articulate the thoughts of the participants. They also facilitated the provision of relevant quotes in the presentation of the research. In particular, semi-structured interviews were the preferred option since they allowed for the establishment of rapport and promote an open-ended texture to qualitative research. Too much structure or rigidity might compromise the quality and authenticity of the research. In the context of the study, the interviews took place one-on-one, each lasting approximately 60 to 90 minutes. They were held in the respective academic offices of the selected institutions.
Initially, a single round of interviews was conducted; all 18 academics were each interviewed towards the end of the course(s) to allow for reflection on lessons. These were supplemented with follow-up interviews by phone call as well as email where elaboration on issues raised in the earlier interview was deemed to be potentially fruitful.

Creswell (2012) opines that face to face interviews are suitable for participants who are forthcoming and motivated in thought and speech. In the context of this study, it was the academics. There is an assumption that these participants are articulate and they were certainly able to engage in the discourse with ease. However, some were hesitant to share and exchange thoughts. This resulted in some discomfort on their part and presented a minor challenge for the research. Not all academics were forthcoming about their teaching strategies and methods due to contract confidentiality reasons. To circumvent this, the organisational skills of the interviewer were crucial in managing inevitably inhibitive situations and to maintain respect, mutuality and sensitivity in the process. Permission was sought from the respective heads of school prior to approaching the academics. The entire interview process, from start till end, boiled down to skill, technique, good management and an adequate amount of empathy on the part of the researcher (Creswell, 2012).

Participants with exceptionally busy schedules, such as the higher ranking academics, were given the option of a phone or email interview as a precursor to a face to face meeting. Such alternatives proved particularly ideal for the preliminary round of interviews, where the objective was to gather and identify issues and to formulate more specific and relevant questions for the formal interview round. As will become clear, some participants consented to these methods as opposed to having to work the interview session around their schedule.

b. Document Analysis

The document analysis method refers to the interpretation of documents by the researcher in order to give voice and meaning around a topic of study. Prior (2011) propounds the benefit of allowing for documents to enter into the realm of social scientific research. Such a method allowed for focused attention to be devoted to the relevant texts that were pertinent to the study. It was cost efficient and a way of gaining insights. In the context of this study, a scrutiny of instructional material such as prescribed and essential textbooks was made. Media and internet resources such as journal articles and case briefs were also examined. Other ancillary documents included lesson plans, syllabuses, written samples of students’ submissions, assessment papers and the minutes of faculty meetings, as they facilitated the investigation of the specific sets of English communication skills that proved to be lacking in the existing curriculum. Essentially, all material which was used to inculcate or enhance English communication skills in legal education provided a sense of what was already there and what else needed to be there.
Document collection and analysis fit well with the interpretative nature of qualitative research as it permitted discovery and ensured that there was potential for original contribution of the study and that the quest became meaningful and purposeful. However, one challenge that manifested itself was the inaccessibility of certain documents. Teaching tools are generally bound by the rules of confidentiality and the contracts of academics have restraint clauses that prevent conflicts of interest. Institutions were not always forthcoming with their material as they cannot be perceived to be sharing data and information beyond themselves. As a researcher, therefore, it was necessary to be selective and discerning with the documents that were required and proper consent was obtained from the relevant authorities prior.

c. Non-participant Observation

Spradley (1980) describes the option of an insider mode of observation. This is where the researcher is both objective and detached from his or her participants. It allows for first-hand experience of the actual behaviours of the participants and the opportunity to describe and interpret the interactions. This data collection method was extremely useful in generating further questions to ask the teachers about their strategies in the use of English communication skills in legal course. There was never the intention of entering the field with pre-ordained questions. Observing lecture and tutorial settings was an extremely logical and authentic way of identifying characteristics and attitudes. The observations certainly captured the ways in which learners engaged with their learning material and the methods in which the concepts were brought across to them. For instance, this took place in seminar groups where facilitation was more participant-centred; where they discussed, wrote and presented ideas concerning language and the law. The process was silently observed and potential questions were identified and recorded for the teachers to be asked at a later time. In this context, one observation was facilitated per academic; that is, 18 in total; each lasting for the duration of the lesson, which was typically three hours. A checklist of focus points for the observations was also developed, and field notes recorded for later analysis. (See Appendix B)

One disadvantage is that observations of any kind were intrusive and required formal approval before they could be undertaken. Some lecturers, albeit initially consensual to being observed, eventually became uncomfortable with the idea of having an external party in their classes. It was also tricky attempting to pen down notes while being present in the actual setting. This was mainly achievable in the aftermath of the observation process. Again, it remained imperative that the observations did not allow for personal bias and prejudice to potentially modify the behaviours of the participants, thereby defying the true purpose of non-participant observation.

Finally, the real challenge proved to be more ethical in nature, where institutions had distinct protocols to be appreciated, overcome and tackled. Separate levels of clearance had to be confronted and particular attention had to be devoted to
the fact that data was strictly protected and obtained voluntarily. The issue was ultimately circumvented by gaining the consent of the respective authorities in good time for the actual lessons and to ensure anonymity and adherence to ethical principles (Cardno, 2003).

d. Diary

As a prelude to conducting the semi-structured interviews, a researcher’s diary was regularly maintained to provide an impetus for deeper and more engaging research. For instance, as discussed, non-participant observation was utilised as one of the methods of data collection. Likewise discussed, there arose the challenge and difficulty of not having the opportunity to record notes until the event was over. A diary complemented the interview transcripts and this combination presented a more accurate and wholesome reflection of the research findings (Yi, 2008).

Data Analysis

Bogdan and Biklen (1998) define analytic induction as an approach that begins with a question or a problem. The objective of analysing the data is thus to progress from raw data to a set of proposed answers or solutions. As Willis (2007) succinctly puts it, data analysis is using the raw data to create a descriptive and explanatory model that represents the situation or conundrum. In thoroughly treading this process, this study was both recursive and emergent in nature; where initial concepts and ideas evolved radically. As aforementioned, an inductive analysis approach was adopted to develop a ‘grounded theory’ on a given situation (Strauss and Corbin, 1990). That is, all of the data, from the various sources, were subjected to this approach, including the coding process which will be elaborated on below.

Abercrombie et. al (1988) are of the view that because observations are inherently theory-laden, researchers inadvertently apply personal values and beliefs. It was therefore prudent that this was borne in mind throughout the various stages of the research. There was a conscious effort demonstrated not to cloud research outcomes with subjectivity.

The preliminary approach that was undertaken was to categorise the different types of responses. For instance, the teachers of law were asked, during face-to-face interviews, to discuss their reactions to the courses offered in their respective institutions. Their responses were then grouped into the following sections: module applicability; instructional style; language issue; or career relevancy. The creation of such categories allowed for the analysis of the material in a thematic and sequential fashion. While such preliminary grouping of responses served to pre-empt the coding and therefore appears to be at odds with the methodological approach, this study did not adopt a ‘pure grounded theory’ stance (Bound, 2011; Campbell, 2009). As discussed below, the process did not go beyond the axial coding method to include selective coding (Draucker,
Martsolf, Ross and Rusk, 2007). The various stages of the data analysis process are outlined below.

a. Open Coding
This method involves the breaking up or fracturing of the data (Miles and Huberman, 1994). As such, this study was able to identify as many concepts as possible. For instance, through analysing the data amassed from interviews and documents, it enabled the identification of recurring trends that appeared and surfaced more frequently. Such identification lent strength to the narrative that was put together, empowering the study to form concepts and themes that could be reported in the forthcoming chapters. The objective of making sense of the raw data that was fragmented into discrete segments was then more easily attainable.

b. Axial Coding
Axial coding involves putting the data back together in new and different forms. This study employed a ‘coding paradigm’ which enabled the systematic collection of data and the grouping of data in a complex and sophisticated way (Strauss & Corbin 1990). Axial coding extrapolated on the previous open coding by allowing the researcher to summarise and/or frame emergent themes (Gamson, 1992).

However, the manner and form in which this study panned out did not necessitate that the study adhered to a strict and formalised approach that is usually prescribed by a pure grounded theory approach. Instead, the underlying objective was an analysis of data content. The task was therefore more of an ‘art than a science’ where ‘premature coding’ was performed to subsequently fit the data literally driven into a systematic theoretical framework (Burns, 2000).

As mentioned in the preceding section, the use of a researcher’s diary was also one of the data collection methods that were employed. There was a conscious reminder that a risk of subjectivity prevailed and an open-minded and flexible attitude was adopted at all times when documenting the process of legal education at the respective academic institutions. The contents of the diary served as important raw data in instances where video or audio recordings were not permitted in non-participant observations. In other words, only handwritten notes could be recorded during these said sessions and were used as follow up material where required. The diary aided analysis through recording the researcher’s developing thoughts and ideas on the identification of codes, their interrelationships, and the identification of patterns and themes.

Trustworthiness of the study
The combination of semi-structured individual interviews, non-participant observation and document analysis resulted in a comprehensive presentation of the phenomenon. Punch (2005) argues that a good description of the phenomenon should stipulate what a reader is required to know in order to
make sense of the discoveries. The research report must be a complete one in
detailing the exploration of the issue and should select questions to be answered
and present data that has been organised, analysed and interpreted by the
researcher (Creswell, 2012). The overall trustworthiness of the study can be
illuminated as follows.

a. Credibility

Credibility involves a researcher establishing that the results of his or her
qualitative research are believable from the perspective of the participant(s) in
the study. In other words, the purpose of qualitative research is to describe or
understand the phenomena of interest from the participant's point of view. In
this regard, Punch (2005) makes reference to a process that is known as
‘member checking’ which involves routing the interview transcripts back to the
interviewees prior to analysing them in order to avoid any flaws and
inaccuracies. The approach of analytical induction employed in this study turned
out to be a way of flushing out potential errors and misrepresentations on the
part of the researcher in order to achieve credibility and rigour.

b. Transferability

Transferability refers to the extent to which the outcomes of qualitative research
can be generalized or applied to other settings. From a qualitative standpoint,
transferability is essentially the responsibility of the reader who does the
generalizing. The researcher may enhance transferability by doing a thorough job
of describing the research context and the assumptions that were central to the
research. To this extent, O’Donoghue (2007) asserts that external validity is
dependent on the ability of the reader to ‘generalise’ the research outcomes.
Simply put, this translates to the level at which the reader is able to identify his
or her own situation with the results of the investigation. This then allows for the
reader to be convinced of the utility and significance of the findings. As this
study generated theory on the use of English communication skills in the
teaching of law, the findings are potentially applicable in the use of the same in
other law course settings or other educational fields.

c. Dependability

The concept of dependability articulates the need for the researcher to account
for the evolving context within which research occurs. The researcher is
responsible for describing the changes that occurred within the setting and how
these changes affected the way the researcher approached the study. To this
end, the audit trail sought to document the entire process of the research from
the initial development of the issue under investigation and central research
question to the final conclusions. The interview recordings, transcripts,
documents, analysis and theory development records were collected, collated
and stored. Creswell (2012) provides the ambit of a trustworthy study succinctly
as follows:
• One that obtains the required approval to study a research site;
• One where information is provided to authority holders so that they might determine the implications of the study at their site; and
• One where criterion is provided to assess the project quality.

This study was particularly conscious of the fact that prior approval was granted as regards all interviews, documents and lessons that were observed and that participants could at any point recant or withdraw their contributions.

d. Confirmability

Confirmability refers to the extent to which the findings could be corroborated by interested parties. Strategies for enhancing confirmability include the documenting of procedures for checking and rechecking the data throughout the study. Such an approach aligns with the need to ‘take the developing products of the research – its concepts, its propositions, the emerging cognitive map – back to the people being studied, for confirmation, validation and verification’ (Punch, 2005, p. 255). This then provided guidance for the study to present a trustworthy report that was generated in a flexibly structured, ethical and non-prejudicial way. This was further ensured by maintaining an audit trail of the research process to include a clear reporting of the steps taken to manage and analyse the data and the rationale for decisions as regards research design and data collection (Malterud, 2001).

Ethical Issues

a. Consent

The written consent of each and every participant was obtained. Bloomer et. al (2013) recognise the magnitude and significance of ethical dilemmas in qualitative research and describe them as a reaction towards situations on the basis that these situations or interactions are subject to further interpretation. In other words, it is a suggestion that the meaning of the things derived from the social interaction people have with one another are handled and unpacked in an interpretative process. For the purposes of this study, each academic received a participant information form outlining the research details and a participant consent form was provided for their reference and endorsement. It was imperative to act in accordance to the respective comprehension and navigation of the situation and it was clearly communicated to each academic that their consent could be withdrawn at any stage of the study.

b. Access

Permission was initially sought from the respective participants via preliminary emails or phone conversations. Likewise, the approval of the teaching fraternity, and the leaders of the institutions and the school boards, was obtained and they were respectively written to for their approvals. As regards state institutions, approval was sought from the relevant departments that govern state education in Singapore. This referred to the respective sections in the Ministry of
Education; for instance, the Council for Private Education (CPE) that was established following the enactment of the Private Education Act in 2009. The CPE serves as a regulatory body for all private education providers in Singapore. It is submitted that all selected sites have provided official consent to research activity being undertaken on their premises.

c. Participants’ protection

All information provided by the participants was used solely for the reported research and has been held to utmost confidentiality and privacy. Pseudonyms were used for the names of the various participants and institutions. Transcripts of interviews and data analysis were shared with the participants to ensure that there are no flaws or absurdity. Participants were then able to clarify the accuracy of the transcripts and were made comfortable with the representations made. At any time prior, during or in the aftermath of the interviews, parties were entitled to withdraw from participation without feeling compelled to provide a reason. Upon compilation and translation into report form, softcopies of audio recordings and transcripts were expunged from personal possession to ensure that there is no leak of participant information. Importantly, no fieldwork was undertaken or commenced without proper clearance given by The University of Western Australia’s ethics committee.

Conclusion

The forthcoming chapters comprise findings from the collection and analysis of the data via the methodology extrapolated above and a discussion of the theory generated as a result of this study.
Chapter Five: Findings

Introduction

As elucidated in the preceding chapter, the perspectives of academics in three Singaporean tertiary institutions offering legal curriculum were sought on the teaching of English communication skills in law courses. Data was collected through semi-structured interviews, non-participant observation and document analysis for the purpose of deriving these perspectives. Narratives provided the means for participants to construct reflective accounts of their experiences of teaching English communication skills in the context of law courses.

The chapter begins with three narratives that feature the voices of ‘Anderson’, ‘Chloe’ and ‘Julien’ (pseudonyms) - teachers from the private institution, the public university and the state polytechnic respectively. Their accounts further contextualise these institutions and colour the role of English communication skills in the teaching of law against the backdrop of a modern legal landscape.

The second section of the chapter describes the viewpoints of the participants on the differing levels of English proficiency of the students taught. Key emergent themes include dealing with legal concepts; cross-cultural issues; differing linguistic abilities; and written and verbal communication skills.

The third section presents participants’ perspectives on the teaching of English communication skills to students who are studying law as a core pursuit and those taking law courses ancillary to their respective specialisations. The two key emergent themes are: student attitudes towards the learning of law; and, academics attuning to student mindsets and adapting their teaching style to suit these mindsets. The findings suggest that student progress relates directly or indirectly to one’s interest and motivation in the subject. According to the participants, career goals and objectives are factors in determining if a learner is receptive or resistant towards honing their linguistic skills that go toward their acquisition of legal language.

The fourth section presents findings on the presence and use of legal terminology as part of the instructional processes. Themes that emerged include the incongruity of Latin terms in the teaching and learning of law; and the approach taken by academics to create accessibility to these terms. Most of the participants agreed that while Latin phrases are an integral part of the law, there is also a need for simplification to ensure learner comprehension. In other words, while legal jargon is a necessary tool of instruction because of the emphasis given to it by practitioners such as lawyers and judges, it is equally necessary to translate from or replace its verbosity.

The fifth section deals with perspectives on assessments and how they inform the way in which the participants conduct their lessons. Principal themes that emerged are rote learning of the theoretical aspects of law in preparation for closed-book examinations; a departure from traditional teaching methods to pave the way for further modes of assessments; and, consequently, the need for
academics to incorporate more English communication skills to align with varied assessment objectives. The findings suggest a general shift away from the exam oriented style of teaching to one that involves a variety of approaches. These include role-plays, group and individual presentations, and take-home assignments. Indeed, the modes of assessment have changed in line with these approaches to reflect open-book or restricted-book tests as opposed to traditional closed-book ones.

The sixth section relates participants’ perspectives on blended learning as an alternative strategy in the teaching of law. This refers to pedagogical approaches which are more student-oriented and less teacher-centric because they involve greater participation and effort on the part of the former. Data analysis highlighted themes such as: the emphasis on online learning; pre-lesson preparation; and problem-solving approaches in the teaching and learning of law. The findings relate how student-centred learning is preferred over rote-learning and how teachers are more enthusiastic about facilitating student engagement with the law. An analysis of the data highlights that linguistic mastery is viewed as significant in enabling learners to embrace blended learning effectively.

The final section draws attention to the different instructional methods employed by the academics in the teaching of law as well as their perspectives on why they feel these specific methods work. The main themes that presented are: peer review of students’ work; note-taking; visual aid; and skim reading and paraphrasing techniques. It was found that none of the academics rely on a single method; rather, a combination of what they feel will culminate in effective learning. It is also clear that the teaching activities, albeit different, all gear towards imbuing English communication skills which eases the learner into the main discourse of the law.

To maintain confidentiality, in referring to the perspectives of the participants, the following codes X, Y and Z have been used to denote the private institution, the public university and the state polytechnic respectively. The number following the letter denotes one of the six teachers from each of the three research sites i.e. X1 refers to the first participant from the private institution.

Narrative Inquiries

a. Narrative inquiry 1

Anderson is a 48 year old senior lecturer in law with over 20 years of teaching and corporate training experience. He left legal practice in 2005 to embark on a full-time academic career with the private institution. The institution is a regional service provider offering law courses by a British university at the undergraduate and diploma levels. It has affiliated campuses in Hong Kong and Malaysia. Anderson is part of a 15 member team of full-time academics. This lean team is supported by part-time academics whose main jobs are that of legal practitioners. Anderson’s job scope includes the facilitation of lectures of up to
70 students and tutorials of up to 25 students. Those enrolled in the courses comprise of full-time students who attend a four hour session during weekdays and part-time learners who attend two weekday evening classes and one weekend afternoon slot lasting three hours each. On the difference between full-time and part-time students, Anderson has this perspective to offer:

‘The part-timers are mostly matured working candidates; some of whom are already graduates in their own fields. Their reason for studying law is for career enhancement and not to make the switch to legal practice. They are able to speak and write better than the full-timers who are fresh from secondary school. The attrition rate for the young ones is definitely higher as many do not know what they are signing up for. Law appears to be an attractive option to them but when they sign up without knowing how linguistically demanding it is, they tend to drop out after the first year’

Anderson and his colleagues work six days a week on one of two shifts i.e. either 9am to 6pm or 2pm to 10pm. The hours are to cater for both day and night classes. Ancillary duties on his part would be to write and update curriculum and to participate in the institution’s marketing initiatives. This includes speaking at career fairs and liaising with industry professionals for student related affairs. An example would be the annual moot court competition where practitioners are invited to guest judge at the event. Anderson’s expertise lies in the field of constitutional and administrative law as well as corporate law but he may be called upon to teach in other areas according to manpower needs. In this regard, he is expected to travel to conduct lectures at the regional campuses around eight to 10 times a year. If travelling results in him conducting classes over the weekends, he will be paid an extra allowance and given off days in lieu. On his diverse job scope, Anderson has this view to put across:

‘My job does not just involve teaching. Its all about creating positive experiences for the students. I am an administrator, a counsellor, a marketing consultant, an events organiser and a teacher at one go. In a sense, it is the same for lawyering. It is not just about arguing in court. Its about fostering relationships, meeting clients’ expectations and drafting multiple documents’

A recurring theme in the interview process with Anderson appears to be that of differing linguistic abilities of law students. An excerpt that strongly articulates his perspective on this is as such:

‘It cannot be assumed that all students who enrol into a law programme are equipped with the necessary language skill sets. In a lecture group of 70 students, for instance, I can have some who do not even comprehend simple English’

When probed to elaborate on how English serves its purpose in the pursuit of law, Anderson is adamant that teachers, like himself, acknowledge that law students need as much support in reading and writing as do learners in other
fields. Recognition for the need to incorporate English communication skills in law lessons is put forth by him as follows:

‘The students need to be taught the legal terms; yes, taught. We, as teachers, have an obligation to them to ensure that they understand the meaning of the very difficult words that they would come across. This is the language of law. It is like learning how to speak Japanese or French or German from scratch’

Anderson then went on to offer what he has done to adapt his teaching style to be in line with his perspectives on how law students needed to be given additional support in reading and writing.

‘I have learnt to go slower in lessons; to speak slower, to write slower. This is not a court trial where I can argue at bullet speed. The students need time to grasp what I am saying and what they are reading. Some of them may understand the concepts but have difficulty expressing them in writing. The trick is not to rush them into understanding all at once but to give them ample opportunities for practice. Time is not always on my side. If I had it my way, the students should all be sent for an English course before coming to me for the legal part.’

As for why Anderson feels so passionately about the role of English in his work, the reason he provided strikes a poignant chord with this study.

‘A good lawyer is one who speaks and writes well. There is no point sending our kids out there only to see them drafting inaccurately or stammering in front of a judge. I believe that my job as a teacher is to guide them towards academic success which will in turn lead to career success’

**b. Narrative Inquiry 2**

Chloe is a 39 year old academic with the law faculty at the public university. She attained her Bachelor of Laws from a British university and qualified for the bar in England and Wales. She decided against practice and pursued her masters and PHD at an American university under a local scholarship scheme. She returned to Singapore where she lectured at another public university for five years before assuming a position at this current one and is in her sixth year of teaching here. Chloe’s research interests are in Human Rights and employment laws and she facilitates lectures for both undergraduate and postgraduate classes. She has supervised Masters candidates on their dissertations and is currently inviting applications from potential PHD students. On the profile of students that she teaches, Chloe presents the following perspective:

‘The school of law attracts local and international students alike. This creates a diversified student population with differing language abilities. Although they are supposed to have met basic entry requirements, there are a minority who struggle with grammar and syntax issues. I’m also talking about exchange students from foreign universities who spend an entire semester with us.’
The university that Chloe works for adopts the socratic form of teaching and learning where sessions are facilitated with active participation from students. Indeed, the seminar rooms are not designed like traditional lecture theatres but semi-circle Harvard style ones where the facilitator has a peripheral vision of his or her students. Most of the law modules offered by her faculty have incorporated class participation as a mode of assessment. On this, Chloe adds:

‘I think that it’s good for law students to be assessed beyond written tasks. Informally, it might be challenging at times to get them to speak up but with this being an examinable component, they find themselves engaging more actively with the study material and with the rest of the cohort. With the seminar style classrooms, I remain visually accessible to students and can take questions more effectively than a room with row after row of seats.’

Chloe’s faculty teaches law subjects to non-law majors and they comprise of learners in accounting, economics and business courses. On the difference between law and non-law majors, she opines:

‘I don’t see this as a fundamental issue. Accounting students have to pick up the law because their line of work requires it and law enhances the corporate landscape. Naturally, I am conscious of the fact that the end objective for studying law may be different but every student has to engage with the same issues, the same theories and the same concepts. It’s whether or not they have the necessary skills to pick them up that matter.’

When asked if English communication skills were what she was essentially referring to, Chloe concurred that students of law need to be able to read and write effectively. She firmly feels that these are crucial skills for any discipline, not just law and that academics must not assume that their students can do so from the beginning. Chloe asserts:

‘A good language foundation aids greatly in the learning of the law. I have come across students who enjoy doing one but not the other. It doesn’t work that way. There must be the two.’

Chloe goes on to describe her teaching methodology and how it incorporates English communication skills:

‘Pre-reading is something that I strongly advocate for my classes. I am very big on literature and there is much that learners can derive from it. When preparing for trials, lawyers spend a lot of time and the bulk of it comes in form of reading up on previous cases.’

It is on this note that she thinks that her students should cultivate good reading and writing habits early. She opines that it will not be impressive for them to go into practice only to draft documents inadequately or not know how to synthesize the main points from the cases they’ve read. Chloe is of the view that students must come to the realisation that there is much to emulate from the style of other proficient speakers and writers.
Chloe is quick to add that she is not alone in her quest to enhance the English communication skill sets of her learners as she is able to refer her students to the Centre for English Communication. According to her, the instructors there are trained in linguistics and are able to identify the key challenges that legal scholars are facing. As she does not have a background in linguistics, she feels that she may assess language flaws differently and the remedies that she prescribes for her students might not be the most appropriate. Chloe describes the additional support that she receives:

‘The centre provides mass workshops across disciplines and is able to customise sessions for students in each of these. The instructors are also available for small group or individual consults so that students can discuss specific language concerns. The support is particular useful when there are writing tasks assigned and students can discuss assessment objectives with a third party who is not the examiner. This prevents a conflict of interest and is aligned with academic integrity.’

Indeed, her perspective on how teachers of law might be limited in their ability to provide language support is a fascinating one because it resonates the point that some law students do not arrive at law school equipped with the rudimentary language skills.

c. Narrative Inquiry 3

Julien is a 55 year old adjunct lecturer with the state polytechnic. He was formerly a full-time employee but decided to take on a part-time role because of health issues. His legal experience includes practising as a lawyer and an in-house counsel with a number of corporate organisations. Other than classes at the polytechnic, he takes on adjunct work with other institutions and has been teaching on a range of offshore degree and diploma level programmes. He teaches primarily in the areas of contract law, company law and banking law. The polytechnic that he works for provides a range of diploma level programmes but none specialise in the field of law. Julien is thus teaching students who are pursuing law as an ancillary cause. He offers the following perspective on learners’ motivation in this regard:

‘Polytechnic students have just completed secondary education and for many, it is the first encounter with the law. Some are interested in legal issues because they have watched many law dramas and think that it is an exciting field. Others find it completely boring and are turned off by the dull and mundane language.’

Julien feels that some students do not appreciate having to memorise so many legal terms. Although he tries various ways to get them to become interested, for instance, by infusing debate sessions into his lessons or to include group discussions, his students do not always absorb all that he has to share. While exciting cases may ignite some interest on their part, this is often short-lived.
Julien attributes the lack of motivation to low English language proficiency. He feels that in comparison to the undergraduate students that he teaches elsewhere, the polytechnic students are not matured enough to comprehend the complexities and technicalities of the law. He firmly articulates:

‘There are some topics that I cannot rush through. The terminology used is completely foreign to my students. Some of them are seen translating the words on their mobile phones and I do have a handful who would interrupt me just to clarify the meaning of certain legal phrases.’

Julien added that in his early years of teaching, he would have felt annoyed by such interruptions because he assumed that his students were asking very basic questions. Now, however, he feels that it is important to pace his lesson with his students’ level of comprehension as they have a right to ask questions when some of the terms really do baffle them. His undergraduate students face the same difficulties as with his diploma students; although the former do not seek to clarify legal terms with him as often as the latter.

Although Julien is working in a part-time capacity, he actively participates in departmental meetings and initiatives. Teachers of law at the polytechnic come under the School of Business, whose mission is to equip the students with the necessary industrial skill sets. Legal knowledge comes within these skill sets and while the students are not expected to become lawyers, they are required to have a competent knowledge of the law enough to navigate issues that they might face at work. Julien elaborates on what these potential tasks entail:

‘A student who lands a job with a bank might have to deal with compliance issues. He has to interpret contractual clauses or draft organisational policies. This poses a challenge for students who shy away from reading and writing because they feel that they are not good enough in such qualitative tasks. Other polytechnic graduates might end up working in the service industry and have to confront with safety and liability issues. If they do not pick up the right information in law class, they would not know how to handle the situation effectively.’

Julien feels that a good foundation in the English language goes a long way to enhance learner experience in the legal classroom. He has consciously adapted his teaching methodology over time to include reading and writing skills. On why these are particularly emphasised in his lessons, Julien posits the following:

‘I do not think that any student can read or write perfectly well. Even experienced writers have to continually brush up on their techniques. I have students who submit written work to me that is completely unacceptable. The structure is wrong, the grammar is wrong, the vocabulary is wrong. Not every teacher is so patient as to perform error correction on the spot.’

Julien, on the other hand, sees this as a necessary action on his part because a student needs to be told explicitly what and what not to write. He will also do name-calling in class so that they are forced to come up with a response or get
them to simply read aloud a line or two from the slides or text. Because the assessments include presentations, they are given time in his classes to discuss their topics in groups and to rehearse.

A recurring theme in the interview process with Julien appears to be the role of the legal educator in including English communication skills as part of the lesson delivery. An excerpt that best encapsulates this is as such:

“There are going to be students who are better in their English and students who are weaker in their English. My job is to teach the law and an accompanying requirement is that I teach them the fundamentals of language as well. If they do not have a strong foundation from the start, they will not be able to do well in the subject. This takes time, but hopefully, I can address the basics first and the rest should fall into place.’

English Language Proficiency

This section presents findings on how learners’ English Language proficiency relates to the need for their teachers to imbue English communication skills in the teaching of law. The findings show that the participants are conscious of how linguistic capacity influenced their students’ acquisition of legal concepts and theories.

a. Dealing with Legal concepts

Throughout the three research sites, teacher participants were exposed to students of both native and non-native English language backgrounds. Across the three institutions, there is a good mix of local and foreign students from countries such as China, Malaysia, Vietnam and Korea. According to the participants, this distinction means that some students have an advantage over others when it comes to synthesizing the complex and formal content of the law. The vast majority of the teachers believe that students of a non-native background have difficulty dealing with legal concepts as compared to those who speak and write English as their first language. Across all three research sites, the teachers have expressed that some students’ limited linguistic capacity inhibits their acquisition of legal concepts and theories. For instance, a participant from the public University with close to a decade of lecturing experience, mentioned that such students ‘rarely go beyond the simplest possible responses’ in their written task and that their answers ‘lack elaboration; thereby coming across as superficial’. A senior lecturer from the state polytechnic had a concurring viewpoint when he shared on how some of his students ‘did not enjoy analysing the facts of legal questions’ because, to them, they were ‘simply too lengthy to understand’. An academic from the private institution revealed that students of a weaker linguistic background in her classes have a ‘phobia of meeting word counts stipulated in assignments’ and often ‘fail to substantiate their legal responses with relevant case authorities because they just cannot understand what they are supposed to read’.
The above is further demonstrated by the varying levels of student engagement in class. This finding was supported by non-participant observations across all three research sites, where the foreign students were generally more reserved when it came to voicing their opinions in class. The teachers of law feel that the foreign students in their classes are less forthcoming with their thoughts than the local ones.

The participants take the shared view that those students who are more proficient in the English language can convey their ideas and, indeed, doubts with greater ease as compared with their peers who lack the confidence to do so. In this regard, a part-time lecturer from the private institution, who practices law concurrent to academia, emphasised his strong opinion that English communication skills are ‘extremely essential’ for law students; ‘A student who can write well already wins half the battle…’ A similar insight is derived from a beginning teacher from the public university, with two years of tutoring experience, who opined that students who wrote well in his classes had a ‘distinct advantage over others’ in terms of grades.

The following comments further illustrate the shared perspective of participants on the need for law students to be taught English communication skills within the legal curriculum in order to deal with legal concepts.

X1: The common perception is that law students already possess good writing and reading abilities. This is not true. Those who enroll with a stronger command of the language are better able to articulate their thoughts more effectively…

Y1: Students who can moot ideas and discuss them openly during tutorials are better able to translate their thoughts into writing…We, as examiners, will always favor scripts that are presented in good, clear English…

b. Cross-cultural issues

All of the teachers in this study believe that the above situation is more pronounced by the fact that a greater proportion of transnational students are coming to Singapore to pursue legal studies. They feel that their students are experiencing a new learning, cultural and linguistic environment in a specialised academic discipline, which requires adaptation. As one senior teacher from the state Polytechnic explains, ‘In more than a decade of teaching, I am seeing an increase of foreign students in recent cohorts. They are mostly from the region; for instance, Vietnam, China and Korea’. He believes that the reason why the institution is experiencing more foreign students in the law classes is that it is a reputed tertiary institution whose students do not necessarily enrol in pure law courses. Rather, the foreign students could be pursuing a qualification apart from law, business and management diplomas, but are required to read corporate law modules in part fulfilment of their respective qualifications. An example is the Diploma in Accounting programme at the state Polytechnic which requires students to read corporate law modules such as Business Law and
Company Law. The context is similar at the public university where transnational students could be enrolled in a range of non-law majors or be pursuing law modules as electives. As one adjunct academic, who had been lecturing there since its inception, articulated, his classes, especially the postgraduate ones, are ‘looking more international’. Conversely, at the private institution which only offers pure law course, the students are all local Singaporeans as the school has not obtained the requisite licence to enrol foreign students.

In any given cohort, it is common to have a melting pot of cultures. While all three institutions involved in this study are conscious of this reality, not all have systems in place to bridge this difference. The exception is the public University which, as described in the previous methods chapter, has established a Centre for English Communication. The centre provides academic writing support for students across disciplines and assists students with queries on referencing and citation styles for writing tasks. For instance, academic writing workshops are facilitated for students across disciplines in their inaugural year or on request by a faculty member to provide scaffolding for written assignments. Students are also able to schedule individual or small group consults with the language consultants at the Centre. However, the academic skills sessions are not peculiar to the discipline of law and address linguistic issues in reading and writing on a general basis. As a consequence, the teachers find that they often need to rely on personal efforts to address the disparity in English language proficiency.

Participants cited efforts such as ‘running through’ words which have more than one legal meaning. For instance, the word ‘damage’ refers to loss or harm suffered by the victim whereas ‘damages’ refers to financial compensation. Another example would be the word ‘malice’ which in layman terms means wicked, but in the legal sense, refers to the state of mind of a criminal. More detailed examples of such individualised efforts will be provided in the final section of this chapter, which also shows how such efforts exemplify the teachers’ perspectives on cross-cultural teaching and learning; how they rationalise this and how they deal with it explicitly and implicitly.

c. Differing linguistic abilities

The findings also reflect that learners are generally categorised by the teachers according to tertiary or pre-tertiary levels. All of the participants believe that this categorisation has a direct impact on students’ levels of receptivity towards law because of differing linguistic abilities at the initial stages of their courses. In an academic setting such as the private institution, students of both levels are often grouped as a single cohort due to manpower reasons. Further, the diploma level in law replicates the same syllabus as year one of the undergraduate law programme and it will be more cost-efficient to deploy a lecturer to teach a single cohort instead of a split class. The following excerpt is from an interview with one such participant who had been teaching there for more than eight years on a full time basis at the first instance and, subsequently, part-time.
Interviewer: What is the average size of the classes that you teach?

X2: It can vary from anything from 15 to 50.

Interviewer: Why is that so? Are you referring to lectures or tutorials?

X2: Our diploma level cohort is combined with the Year 1 students of the Bachelor of Laws programme.

Interviewer: Is that possible?

X2: Yes, because Year 1 of the Bachelor programme covers the same ground as the Diploma programme. There is no choice because we cannot be engaging two lecturers to teach two classes of the same level.

Students pursuing law at the tertiary level are already expected to satisfy the minimum prerequisites in English language. At the public University, they are referred to as the undergraduates and the postgraduates. Those pursuing law at the pre-tertiary or diploma level with the state Polytechnic and private institution do have elementary and secondary exposure but in instances where they do not meet the basic grade, the schools allow for an entrance qualifying test to substitute this requirement. The test typically comprises of a hypothetical legal issue to which candidates are expected to provide an analytical response. Teachers who are involved in the marking process of such tests are not actually looking for the right answers but the logic and flow in them. Good answers reflect the ability to think critically and discerningly. For instance, a junior teacher with less than two years of tutoring experience from the state Polytechnic is of the view that such answers must not be devoid of a basic structure. She advocates that scripts which ‘attract higher marks’ are those that presents the learner’s ‘analysis over a mere regurgitation of the legal rules.’

The afore-mentioned observation becomes more significant when it is remembered that the diploma course is equivalent to the first year of the undergraduate law syllabus. Indeed, institutions do not differentiate in terms of content or teaching methodology. As mentioned in the previous section, learners are often grouped and taught as a single cohort due to manpower reasons. Their varying abilities as regards the English language become more glaring. On this, the teachers have resigned to the inequalities in this day to day classroom practice but have conceived ways to deal with it. One further excerpt from an interview with another teacher from the private institution buttresses this point further. This participant has close to 20 years of teaching experience over a range of corporate law modules. He also assumes a leadership role at the institution which requires him to mentor junior academics from time to time.

Interviewer: Does having both diploma and undergraduate students in the same class create challenges?

X6: Not really but the undergraduate students tend to be more proficient in
their language.

Interviewer: So how do you deal with this disparity?

X6: Well, law is a language on its own so everyone learns from scratch. It's good to be slow and progressive and I will not hesitate to revisit terminology or difficult terms that they do not seem to understand.

A similar standpoint is taken by another senior teacher from the public University who would refer his students for additional academic support which is provided by the Centre for English Communication. According to him, such support allows for students to ‘present their written tasks in a more structured manner’ and with ‘greater coherence.’ He also remarked that at the previous institution where he was lecturing, there was no such support provided and that ‘we can now make use of such great service’. As mentioned prior, the centre addresses the writing needs of students from various disciplines and, according to the same participant, such support is ‘crucial especially for those students who are lost when it comes to referencing and citation styles’.

d. Written and verbal communication skills

Specifically, what of learners’ written and verbal communication skills? Participants believe that learners are generally more apt when it comes to verbally communicating their thoughts and ideas. They are able to better engage in discussions and other activities involving oral articulation. However, students with a lower language proficiency have been noted to shy away from group work or do not respond as actively to questions fielded in class. With regard to their ability to translate these thoughts into formal writing, those of a weaker proficiency in the language often make grammatical or semantic errors which impede comprehension. This can be observed in the sample below of a student pursuing an undergraduate level criminal law course at the public University.

...the law on Euthanasia is very strict. It does not allow patients who are not in a persistent vegetarian state to die; with or without the consent of the relatives...

In the above example, the student had confused the term ‘vegetative’ with that of ‘vegetarian’; and illustrates that some learners struggle more with written tasks than those that involve oratorical skills. According to this student’s teacher, confusion of word forms attributes to a ‘poor command of the English language’. In his opinion, students ‘cannot substitute terms at will as they have specific meanings under the law’. In a similar context, a writing sample from a student pursuing a diploma level contract law course at the private institution is reflective of confusion between the term ‘offer’ and ‘offering’.
However, the teacher in this case was quick to point out that not all errors as such are due to semantic misinterpretations. As these are typically handwritten responses to informal tutorial activities, they could, at times, be typo errors and the teacher went on to share how she would consciously check in with her students in order to ascertain if there is indeed confusion on their part. Nonetheless, she stressed that students ‘cannot afford to make such errors, typo or otherwise, in actual examinations’ as that would ‘cost them their marks’.

Another junior teacher at the same research site remarked that ‘tardy students deserved to be marked down’ since they ‘do not even bother to perform a basic spell and grammar check’. His take on this is that students need to take ownership of their studies and ‘clarify the meaning of certain legal terms’ before weaving them into their written responses. However, he added that students are ‘welcomed to approach him for clarification anytime’.

A perspective held by most of the teachers regarding learners’ written and verbal communication skills is that formal writing tasks are heavily emphasised in the classroom due to the practical utility in the industry. Most of the participants agreed that the rationale for the use of legal formality lies in the forum and context in which it exists. Court judgments are often expressed in formal terms to capture the sobriety of the situation. Written submissions by lawyers are read by judges who expect a high level of tonal formality. In the words of a full-time teacher from the public University, feedback from his graduating students who came back to visit him includes how ‘their employers expect them to grasp the formal style of writing immediately upon entering the profession’ and that ‘no further training or mentoring is provided to enhance writing skills in legal documents’. As he poignantly articulates, students are ‘thrown into the deep end and no one is going to throw them a float’. His comments were made against the reminisced backdrop of his days in practice.

Further, written documents such as letters, emails and notices are no casual affairs. By extension, learners face difficulty in presenting written material in a structured and readable manner. The participants generally find that, because of the emphasis placed on the use of formal language in written prose, learners sometimes use it unnecessarily or even inappropriately. According to a participant from the private institution, her students utilise terms in the legal essays ‘for the sake of using them’. A sample of student writing, from the private institution, that has no lasting or sensible effect is appended below.

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Pursuant to Article 6 of the European Convention on Human Rights, also commonly referred to as the ECHR, which was conceived for nations to reflect on human rights infringement issues, a party to litigation has to be given the right to a fair trial; for instance, access to a solicitor...
It is clear from this example that the student is including unnecessary definitions and abbreviations in an overly complex sentence. According to the teacher, who is also the principal lecturer on the Constitutional and Administrative law course, this could simply have been phrased as: “Article 6 of the ECHR discusses the right of parties to a fair trial by providing ready access to a solicitor”, saving the student time and effort by expressing the words succinctly. The student in this case is a Year One undergraduate attempting a response to a mock examination in the said course. A further example of a student from the same research site, writing in a verbose manner, is as shown.

...the petitioner and respondent will be advised by their solicitor that the relevant sections of the Matrimonial Causes Act of 1973 will apply to provide them with clarity on the distribution of marital assets in the aftermath of their divorce...

The student is pursuing a Family law module at the undergraduate level and, again, writing in the context of practice. Again, the student’s teacher, who had been teaching the module for close to three years, opines that this could be succinctly phrased as: ‘the parties will be advised in accordance to the provisions of the Matrimonial Causes Act on distribution matters’. As articulated by a teacher from the state Polytechnic, ‘a shorter sentence delivers the same message and sustains the attention of the reader’. Her perspective is that students should not over-emphasise their legal responses which could come across as ‘very circular to the reader’. This teacher had made this reflection based on her decade of experience in lecturing in various law modules at the diploma level.

A different example illustrating the inappropriate use of words by another student from the private institution is as shown.

The parties wish to know if there is any criminal liability and they will be advised accordingly...

Here, the student, writing a response to a criminal law assignment, had restated the question to the problem scenario altogether. According to this student’s teacher, the response is inappropriate because ‘no marks are awarded for repeating the question, paraphrased or verbatim’. The task is really to identify the form of criminal liability and not to engage in repetition and regurgitation. He went on to add that this only serves to ‘eat into the word count of the assignment’.

The above findings on the proficiency of learners in terms of English communication skills inform this study on what is presently being done to address it and what more needs to be done. This then inspired the discourse of the forthcoming theory and discussion chapter.
Law as a core pursuit or an ancillary measure?

Students studying law are generally classified as to whether they are studying to become lawyers or taking courses that involve some legally related modules. All of the participants have had experiences teaching both categories of students. They are all of the view that the former category of students are innately motivated in the pursuit of law; while those in the latter category require more conscious efforts to instil interest in the field. By extension, the teachers feel that more has to be done in terms of incorporating English communication skills as part of their teaching strategies to ease their students into the discourse of law.

This section shows how some participants make a conscious effort to adapt their teaching styles to suit those who feel less confident and hence less engaged in the subject.

a. Student Attitudes

All three research sites have learners who were either reading law as a major or as supplementary to their various fields. Those in the former category are pursuing either diploma, undergraduate or postgraduate studies in law. Those in the latter are enrolled in similar levels of differing majors including accounting, communications, business and management. This difference is apparent to most of the participants who feel that it affects learners’ levels of interest in law and, in turn, their willingness to engage in the discourse of law. For example, some of the participants have reflected that their students were passive participants in their classes and adopted an exam-oriented approach to their studies. One teacher with four years of experience from the state Polytechnic, who also took on marking duties, observed that the written responses were ‘full of regurgitation and lacked depth and analyses’. According to him, there was ‘little or no originality in the writing’, indicating a lack of interest in the area of study. Another participant from the public University reflected on how some of her students have verbally lamented that there was ‘no point studying the subject’ since they are ‘not going to major in it anyway’. Another senior teacher from the private institution had students in his class expressing their displeasure to read cases as they were simply ‘too lazy to do so’.

b. Attuning to Student Mindsets

With regard to learner motivation, a minority of the participants are of the view that learners studying to become legal professionals are instinctively more motivated in their scholarly pursuit. Conversely, a good proportion of learners not involved in this core endeavour are merely reading law as a means to an end. Due to lower levels of receptivity and resistance towards the subject on the whole, these students were less participative than their ‘core’ counterparts. For instance, when raising case authorities in support of a substantive theory or principle, a teacher from the private institution reveals that his students ‘engaged in storytelling rather than explaining their usage and relevance’.
Furthermore, he remarks that in their responses, ‘contrasting case laws were not presented, indicating that the student did not engage in wider reading around the topic but relied on the core material easily derived from textbooks and lecture notes’. His perspective comes in light of 20 years of teaching experience in Singapore and regional campuses in Malaysia and Hong Kong.

Data analysis likewise illustrates that career objectives are instrumental in shaping the attitudes of learners. While learning the law requires a good command of the English language, learners do not feel the need to master it fully since they are not going to become lawyers eventually. Most of the participants consequently observed resistance and a general lack of forbearance towards the discourse in part due to inadequate linguistic abilities on the part of the learners. For instance, such students would rely on electronic translators to complete coursework assessments; resulting in awkward and inappropriate choice of words and phrases. However, several of the participants were careful to point out that a minority of such learners do take a genuine interest in the subject; subsequently pursuing law as a second qualification. For instance, a teacher from the public University feels that such students ‘appear more attentive in class and, although grapple with language issues, would take pains to clarify definitions with him on an individual basis’.

c. Adapting Teaching Style

What greatly informs this study is the manner in which the participants addressed resistance and boosted receptivity in their law classes. While these methodological examples will be discussed in the final section of this chapter, it may be preliminarily mentioned that some of the participants varied their teaching approaches to cater to the differing levels of interest their learners had in the subject. For instance, at the private institution, mooting sessions are facilitated from time to time to simulate actual trials. According to one of the teachers there, this ‘breaks the routine of an otherwise theoretical lesson and introduces a clinical element to the learning of law’. Another teaching strategy that serves to imbue English communication skills in the teaching of law will be the use of simulated presentations. While not always formally assessed, these role-play sessions create a real-life context for students in their appreciation of the legal landscape. As a participant from the state polytechnic put it, ‘my students may not be studying to become lawyers but, surely, they can be given insights into how a trial really works’. The emphasis of class presentations then shifts to an expectation and a demand for good oratorical skills which requires effort on the part of the teachers to introduce. An academic from the public university makes it a point to perform error correction on the manner and form in which his students present verbally in classes. For instance, it was observed that the teacher stressed voice projection and pace of speech as key characteristics of oral advocacy. According to this participant, ‘the lawyer has to observe theatrics and tone of voice in order to convey logic and rhetoric in the best possible fashion’. The teacher was, himself, a lawyer called
to the bar in England and Wales and has since committed to academia for the last eight years.

Apart from creating experiential learning journeys for learners, some participants were observed taking deliberate steps to ensure that their students are engaged in the discourse by varying their teaching styles. For instance, at one lesson observation at the private institution, the teacher created a cloze-passage as a tuning-in activity for his students. The objective was for the students to recap the key legal concepts learnt at the previous session and they were all given some time to fit them within sentences. The task generated keen discussion and the learners appeared to relish the activity. The teacher opined that the activity was aimed at ‘creating fun and stimulating interest as opposed to a routine recap of the main principles’. The participant, who holds a Bachelor of Arts alongside his law degree, relishes ‘making use of language teaching techniques to deliver the law’ to his students.

**Legal Terminology**

There is strong agreement by the participants that learners face challenges in grasping legal jargon; particularly as some of it is in Latin or archaic English. As the law originates from medieval England, many of the phrases and terms are still retained and used in the context of the modern day. This section presents teachers’ perspectives on how learners confront the terminology and how they feel that simplification is required to benefit their students. It also reflects how they and their students go about translating and comprehending it. Issues that surfaced are how Latin terms appear to be out of place in the teaching and learning of law; as well as the strategies taken by the participants to make these terms more comprehensible. These shall now be dealt with in turn.

a. **Incongruity of Latin Phrases**

Latin terms have become an everyday lingo in the legal context because academics and practitioners alike use them widely. They can be found in almost any textbook, scholarly journal or court judgment. In advocacy, lawyers not only include them in oral submissions to the judge but in written ones as well. Yet, every one of the participants put forth the view that learners find Latin terms tedious to grasp and feel that the use of such profound terminology can be somewhat alienating.

Moreover, the teachers pointed out that learners do not identify with the application of such terminology as they consider it an anachronism in the modern legal landscape. The following excerpt elucidates the perspective of a teacher from the state Polytechnic. The participant is an adjunct faculty member but has been teaching on the same corporate law modules for more than five years. His take on the role of legal terminology is as follows.

**Interviewer:** Is it necessary for students to use Latin phrases during exams or in practice when they graduate?

**23:** Not really, its more of an academic approach. I do agree that Latin
phrases are rather outdated which is why I say that legal dictionaries are a thing of the past. These days, students just google the terms online.

Interviewer: Ok, I hear you on this but are online sources reliable? Do they present the correct version of the law?

Z3: Like I said, they can always come to me where necessary. The point is that they water down the language as much as possible so that they understand it rather than memorise it.

Interviewer: So, they internalize what they learn?

Z3: That is precisely the point.

However, because legal jargon is an integral part of law lessons and, indeed, practice, learners have little choice but to come to terms with it and, quickly, in order to use it as part of their oral and written arguments. A number of these phrases are illustrated below along with their literal translations. These are derived from a lecture reader provided by a participant from the private institution to his diploma level students. Such readers, in his opinion, are beneficial to his students in Singapore, Malaysia and Hong Kong alike; as the private institution has affiliation with regional campuses.

- **Prima-Facie:** superficial
- **Profits a Pendre:** benefit of removing something from the land
- **Ultra-vires:** illegality
- **Inter-alia:** amongst other things

According to this teacher, such phrases ‘make little sense to learners’ unless and until they are fitted into sentences and utilised in specific contexts. In each of these instances, the phrases fit well within the sentence structure and do not make it over-convoluted and devoid of meaning. The following illustrates what he provides to his students in supplement to the one above.

- **Consensus ad idem:** intention of the parties in a contract
  Jack and Jill have read and understood the contents of a contract. It can be said with certainty that they have the neccessary consensus ad idem.

- **Primus inter pares:** first amongst equals
  The Prime Minister of Britain, being the most outspoken in his cabinet, can be described as primus inter pares.

- **Mens reas:** state of mind
  The defendant had gone into the supermarket with the intention to
steal something. The court may convict him on grounds that mens rea is proven.

- **Actus reus: the guilty conduct**

  The act of stabbing the victim brutally shows that the accused had fulfilled the actus reus of the crime.

The vast majority of participants reflected that beginning students of law, in particular, face a lot of difficulty as they have to learn such terms over and above the main legal principles and concepts. As a consequence, many resort to memorising the definitions of these phrases and then applying them methodically in assessments. According to a participant from the public university, learners who do this tend to come across as being ‘less original than those who make an effort to paraphrase and understand the terms’. Another teacher from the private institution reflected that her students grapple with the translation of the terms and how she has to ‘continually distinguish legal definitions from layman ones’. According to her, her learners ‘often confuse the literal meanings of the phrases with the legal or technical ones’.

Most of the participants also found that learners use legal terminology either incorrectly or inappropriately. As one teacher from the state polytechnic expressed, this is akin to ‘academic suicide’. His perspective is that legal terms have to be used for a specific purpose or not at all. A fellow participant from the same research site echoed his sentiments by adding that her students put her through a plethora of emotions when it comes to grading their papers. In her words, when reading student responses, she ‘does not know whether to laugh or to cry’. These views reflect learners’ weakness in comprehending the terms and the need for more to be done to allow for students to make sense of them. In other words, the participants feel that an understanding of legal terminology is required to avoid flaws and misinterpretations.

The following are excerpts extracted from undergraduate coursework assignments reflecting such inaccuracies and their teachers’ feedback are included respectively.

- The courts will come to a _prima-facie_ conclusion that the defendant is guilty of murder and will sentence him to life-imprisonment...

  This is flawed since a conclusion can never be a preliminary finding. The student had confused the application of the phrase ‘prima-facie’.

- As Jane was given the right to access her neighbour’s porch anytime she wishes, it is true that she is granted a _profit-à-pendre_...

  Here, the student had confused the right to pass through the land with the
right to remove something from the land.

- inter-alia, the defendant had committed the offence of manslaughter...

The term ‘inter-alia’ seems misplaced as the offender is only guilty of a single crime and not a series of offences.

In light of flawed interpretations and application, all of the participants are of the view that simplification of legal jargon is much needed and pressing. This perspective is in line with how the courts have already taken steps to replace verbose terms that could confuse the layman and how lawyers are constantly translating technical terms into more comprehensive ones for their clients’ benefit and understanding. The following is an illustration of how archaic Latin phrases have since been replaced by legal practitioners.

- **Guardian ad litem**: Litigation friend
- **Writ**: claim form
- **Res Ipsa Loquitur**: The fact speaks for itself or from the evidence

In line with the approach taken by practitioners, all of the teachers of law therefore recognise that learners should not be subjected to studying something that is gradually being phased out. Instead, they feel that time should be spent training students to better engage and communicate with associates and clients. Indeed, some of the participants have expressed perspectives on how this might impact the incorporation of English communication skills in their day to day teaching of the law. According to a teacher from the private institution, there is a need to impart ‘skills of engagement’ since the ‘bread and butter of a lawyer’ is his ability to communicate with clients and colleagues. The following excerpt of an interview with the said participant further illuminates this point. This teacher has taught on a part-time basis with the institution for more than seven years and works as an in-house counsel in the public sector.

**XS**: A lot of what we teach is purely theoretical in nature. Law graduates still have to undergo on-job training where a lot of lawyering skills are picked up. They might find that theory and practice are two different worlds. My suggestion is that they expose themselves, at early stages, to events and activities that go beyond curriculum content. For example, they can attend legal seminars on a voluntary basis and engage in continuing professional development initiatives like talks and workshops by trained legal professionals. The only way to learn is to engage.
b. Methods used to create accessibility to Latin Terminology

On the point of learning and using technical legal jargon as a requirement of the curriculum, how do teachers and students alike cope with this in the classroom? Some of the participants from the public university reflect that they do not teach legal jargon in a deliberate fashion because to do so would be encouraging rote-learning. Instead, these teachers advocate the use of legal dictionaries to their students when the need for reference arises. Such dictionaries are available in hardcopy and serve as guides when students are pouring through judgments or articles and stumble upon specific phrases that they do not understand. The collective view of the participants across all three institutions in this regard is that a faster and more cost-efficient alternative for students would be to translate the terms online as and when required. However, due to the lack of credibility of certain websites, these participants are less in favour of this since translational errors might occur.

Some of the participants hold what is perhaps a contradictory view that the presence of technical legal language encourages independent research and forces students to engage in intensive reading. So, on the one hand, some of the teachers are in favour of simplification but on the other, some feel that over-simplification might cultivate complacency and laziness in students. Simplification of legal jargon by the courts has impacted on teaching practices and concomitant learning styles. The following excerpt reflects the views of one participant from the public university in this regard. This academic teaches both undergraduates and postgraduates and specialises in labour laws.

<table>
<thead>
<tr>
<th>Interviewer: How much reading do you expect your students to do?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Y4: All our prescribed reading is important. Nothing should be left out. I do not get them to read full length judgments at their level but it is expected that the study guide, tutorial notes and core text be covered.</td>
</tr>
</tbody>
</table>

A further perspective from a senior academic, with more than 12 years of teaching experience at the state Polytechnic, is reflected as such.

<table>
<thead>
<tr>
<th>Interviewer: So, if a student is unclear about certain phrases or terminology, what can they do?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Z6: Well, they can approach me anytime or consult a dictionary or google the meaning of the phrase online. When I was studying law, I invested in a legal dictionary. This is a compilation of legal jargons where Latin phrases are translated into plain English.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Interviewer: Do these aids enhance their learning in any way?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Z6: Of course it does. Students cannot expect that legal terminology are made straightforward for them all the time. They need to put in effort and</td>
</tr>
</tbody>
</table>
The perspectives presented above suggest that not all participants are on the same page as regards the role of the teacher in creating accessibility to legal terminology. While some academics take it upon themselves to water-down legal terminology, others feel that the quality of student learning through deep probing and analysis within legal texts should not be compromised. This conundrum is considered and a middle-ground is proposed in the next chapter.

**Assessments**

All of the participants provide valuable insights into assessment modes in relation to the subject of law. Across all three research sites, the teachers are responsible for the setting of actual and mock assessments. This is significant to the study because the method of assessment is directly linked to why and how they impart legal knowledge in the classrooms as well as the type of skills they deem necessary to go along with this.

A common mode of assessment in all the three research sites is that of closed-book examinations. This means that the candidates are not allowed to bring any material into the examination venue. All of the participants feel that although this is and has been the tradition of law assessments, candidates appear to be tested more on knowledge and less on application. According to the teachers, this gives rise to memorising the legal concepts as opposed to internalising them. While learners might ace examinations in this regard, some may not be able to relate theory with practice and this can be detrimental once they leave school and enter the legal industry. With this realisation, the teachers have embarked on a variety of assessment modes.

For certain law modules, candidates are subjected to a restricted book rule which means that they are permitted to have with them a legislation guide or a list of cases. While this provides slight flexibility over the closed-book method, it still advocates rote-learning and alienates theory from the practical aspects of the profession. All of the participants are of the view that this is so because candidates tend to over rely on what is in front of them and regurgitate the legislation and case facts instead of using them in support of their arguments. A sample of how a candidate from the private institution reproduces the law as opposed to applying it is shown below.

The petitioner wishes to seek protection against domestic violence by the respondent. She will be advised according to the Women’s Charter (Part VIII) which states:

(i) S65(1): Personal protection order (PPO)
(ii) S66: Expedited order (EO)
Here, the student is simply listing what the statute says as opposed to analysing which section fits the facts of the case study. What, then, have the participants implemented as alternatives and in complement to examinations? The findings show that having formative assessments throughout a course is, for teachers, the preferred option over a single examination at the end of it. This would mean that examinations are not completely eradicated but reduced in weighting to accommodate other modes of assessment. For instance, some of the participants, through their institutions, have implemented class engagement as a grading component. Students are either assessed by their level of participation in tutorials with the facilitator and their peers. The view of one participant from the public university on this is that his students ‘scramble for the smallest opportunity to verbally participate in seminars’ and that ‘those who are less communicative tend to fare worse’ in this form of assessment. In his two years of teaching at the site, it did not take him long to discover that ‘students are definitely conscious of the importance of class-participation’ since their ‘modular grades could either be enhanced or diminished by it’.

For some modules, a role-play or simulated trial presentation forms the core basis of the examination. According to a teacher from the private institution, his students ‘benefit from such tangible forms of learning and are able to engage more effectively with the theoretical concepts imparted in lectures’. The teacher goes on to juxtapose this with his own experience in learning the law where ‘we just had to memorise every single detail during my time’. Another participant from the same research site concurred with her colleague’s viewpoint by asserting that her students ‘look forward to examinations and have less phobia towards them’.

Other methods implemented by the participants from the public university include research assignments and take-home examinations. Research assignments requires students to put in a 3000 to 5000 word paper on a topic set by the academic or one that is approved by him or her. These tasks are mostly attempted individually and a marking rubric is provided at the outset so that the students are aware of the expectations of the assessment. On some occasions, assignments may be attempted as a group effort to encourage deeper analysis and discussion of the research topic. Participants who engage in this mode of assessment are conscious of the fact that not all learners in a group contribute equally to the overall result. Some of these participants then insist on a report outlining the precise input of each candidate and a peer evaluation system to circumvent group inequity.
Assignment topics typically centre on a core research area which expects critical examination on the part of the candidate. A couple of sample topics are presented as follows:

Q. Evaluate the doctrine of stare-decisis and its role in the modern litigation context.

Q. How effective is the Human Rights Act and do you agree that certain rights are still discovered negatively?

In both of the above examples, the question statement requires the learner to address the key words as underlined. As one academic put it, students ‘often undermine the importance of key words in research questions’ and, as a consequence, ‘present responses that go off tangent’.

Take-home examinations involve students accessing a set of examination questions online and then being given some time to answer them. They can access the questions anywhere but must meet the stipulated timeframe. Typically, teachers set a 6 to 48 hours dateline for their classes. The objective is to retain the rigour of a sit-down examination but allowing for the attempt to be facilitated in a more relaxed setting; for instance, in the comfort of home. Some of the participants have varied this approach by setting pre-reading tasks for their learners and facilitating a quiz before any actual face to face lectures and tutorials. Here, learners are assigned a particular chapter or topic to read up on and then tested via a multiple-choice question (MCQ) format before it is even formally taught to them. The participants in this regard have reflected that this mandates advanced reading but that it does not serve to eliminate the reality of learners memorising the material beforehand. Further, an MCQ style of testing in law modules does not necessarily stimulate critical thinking.

Regardless of the type of assessment method, the data clearly illuminates a shift away from traditional sit-down examinations. The rationale is to create diversity and variety in the way learners approach their tasks. The next two sections will then show how the participants deal with this change by incorporating greater skill sets within their lessons. It will be shown how the emphasis is now on enhancing learner communication skills and that a variety of assessment modes, more than ever, demand the use of English communication skills in the teaching of law.

**Blended Learning and the need for English communication skills**

In line with the perspectives presented in the previous section, the participants have adopted non-traditional approaches in the teaching of law. To enable learners with more opportunities to engage with the subject, institutions have implemented blended-learning measures in their classrooms. In essence, this instructional style advocates a flipped classroom where students take greater ownership over their scholarly pursuit.
Traditionally, law is taught in a rather teacher-centred manner. The exam oriented mindset prescribes a one-way traffic in class. With the shift towards a varied mode of assessment, learners are subjected to less teacher talk and more task-based activities. Examples of such activities form the discourse of this section since, according to the participants, they directly or indirectly blend English communication skills with the teaching of law.

The first evidence of blended learning comes in form of an online portal that all three institutions have established to upload resources for their students. Generally, the course coordinators are responsible for the contents that are made available to the students throughout the term. Reading materials, essential and recommended, are posted on the learning management system so that students can pace their research accordingly. Where assessments involve written assignments, submissions and feedback are performed electronically. The rationale for establishing an online portal, apart from reducing paperwork, is to encourage learners to read around their topics and beyond the primary texts. Online resources do not just include reading material but audio-visual ones as well.

For instance, these could be videos on simulated trials or recorded lectures so that the students can catch up on content as and when they like. Resources are often categorised weekly in accordance with the academic calendar so that learners can read ahead and teachers can then facilitate in-depth discussions instead of engaging in mere chalk and talk. In the words of one teacher from the public University, this ‘encourages a more interactive classroom session where students really learn and not merely listen’.

Second, some of the participants insist that their students participate more actively in class by submitting pre-reading tasks before the actual seminar. Here, learners are expected to read ahead of the seminar and then present a concise summary on the discourse of the topic. In an observation of a criminal law class at the diploma level, a senior teacher, who had taught the subject for more than 20 years, got her students to perform a pre-read on the topic of fraud, make independent notes on this area with the aid of reading material and then come to class ready to discuss the concepts and principles with her. She provided timely prompts during the discussion but allowed her students to lead the discourse instead of her. She then meticulously put down the key points surfaced by students on the whiteboard so that quick reference could be made as and when needed.

Here, the role of the academic is to facilitate and not to teach. To ensure engagement and the effectiveness of this blended learning model, the teachers provide grades and comments on the notes that the learners come up with. The marking rubric for this includes comprehensiveness and the ability to present the material in an original way as opposed to mere regurgitation. This method therefore forces the student to paraphrase and to skim through the multiple readings swiftly to get a macro overview of the discourse. According to all of the
participants, learners who submit chunks and paragraphs that are lifted from textbooks and journals are graded poorly in comparison to peers who make the effort to present in a more authentic manner. For example, the same criminal law teacher at the private institution described how her learners ‘merely copy out the statutory definition of fraud’ in case study responses. Her opinion is that students who are able to paraphrase the legislation and then offer supporting material in form of case law illustration are the ‘better performing ones’.

Learners are also expected to write in full-sentences and not present charts or mind-maps which will otherwise look like any other revision or lecture guide. Further, students are encouraged to work in groups even though their efforts are graded individually. In this regard, some of the participants have reflected that learners generally lean towards the opportunity to work with peers but end up producing identical or substantially similar pieces of writing. For instance, a teacher from the state Polytechnic laments about students who ‘copy and paste from work belonging to others’, saying that this alone defeats the very purpose of independent academic engagement. In his four years with the school, he had come across multiple academic integrity cases and, despite constantly cautioning his students against this in classes, it is to him an ‘intractable issue’.

The third type of blended learning strategy that the participants have described is the manner and form in which their lessons are conducted. In an observation of a contract law lesson, because the learners are already presumed to have done their reading prior to the session, the teacher emphasised more on a problem-solving approach than a traditional lecture. Here, the focus is on discussing hypothetical scenarios and analysing questions that had already been made available on the learning management system. Instead of submitting for formal grading, the answering approach is discussed at length in class and feedback is given instantaneously. Learners are able to compare their responses with that of their teacher and enhance their responses where appropriate.

The objective of a problem-based approach is to shift the educator away from a prescriptive chalk and talk method to one that scaffolds on learners’ strengths and weaknesses. Critical thinking and analysis is inspired in learners to avoid mere regurgitation of material that they derive from the texts. To this extent, the participants have presented similar perspectives on what is required of learners in order to engage effectively with the approach. Since the core basis of such sessions is questions in the form of hypothetical legal scenarios or judicial commentaries and quotes that need examining, learners are expected to read and understand the specifics of these questions; in particular, root words which the examiners have included within the questions are there for a reason and students are expected to pick up on them in planning a written response that is holistic yet succinct.

As previously mentioned, there is a demand on candidates to respond to key words in question statements where a response to a question that begins with “State” could materially differ from one that begins with “Explain”. According to
a teacher from the public University, students are expected to ‘elaborate their responses’ and to ‘demonstrate sharp analysis’.

The data shows that learners are encouraged by this method to read critically and analyse how the words fit into a problem scenario as a whole and then craft adequate responses. In other words, a keen understanding of the written task is foremost to achieving effective learning in this context. An example of a hypothetical legal scenario with ‘catch phrases’ is as follows:

| X plans to enter his neighbour’s house to see if there is anything worth stealing. Afraid of getting spotted, he asks Y to stand guard at the entrance and to call him if he sees anyone approaching. Advise on the parties criminal liability, if any. |

In the above sample, the first key phrase in bold suggests an attempted crime. In other words, the act of burglary has yet to occur. Some of the participants explained that learners who read in haste identify the wrong offence. Consequently, the second key phrase in the hypothesis denotes an act of conspiracy. What is significant is that the facts are silent as to whether the accomplice is aware of the offender’s true intention of entering the premise. Once again, the perspective on how a learner who ‘fails to read between the lines and does not raise the crucial point on defence’ is manifested by a teacher from the public University.

An example of a legal quote which requires learner commentary is as follows:

| The postal rule of acceptance in the law of contract is anachronistic and should no longer be applied in the modern context. To what extent do you agree with this? |

The above question expects that a student understands the key word ‘anachronistic’. Some of the participants have put forth the view that learners stumble on such profound language that are archaic and formal. In this example, those who misinterpret the meaning of “anachronistic” respond in an inaccurate way but could have attempted a guess at it by simply reading further on to discover that its antonym ‘modern’ later on in the same sentence. The issue here, according to the participants, is that some learners of low English communication proficiency are unable to make out the meaning of challenging words even by reading the entire sentence. As one junior teacher from the private institution asserts, some students are ‘intimidated by big words and would rather not attempt the question if there is a choice’.

The objective of such questions is to get the learner to take a stand on the statement and to weigh in on how much he or she agrees with it. It is then telling that the examiner does not anticipate an outright yes or no in the response. On this, all of the participants put forth the perspective that learners
often sit on the fence with their arguments and do not make a compelling case for one side over another. This goes against the fundamental purpose of a legal activity where opposing viewpoints are meant to be considered and the more persuasive and convincing of the two will prevail.

The above illuminates that good English communication skills are vital for excelling in blended learning processes. The final section discusses how the participants imbue such skill sets in their learners and why they feel that theoretical and practical aspects of law should be closely integrated. It also sheds light on the key strategies that the participants adopt to introduce flexible learning methods whilst ensuring consistency and structure in their delivery modes.

**Teaching Methodology**

This final section presents the various methods employed by the teachers of law as gathered from the interviews and class observations. While it is clear that a myriad of methods have been used to suit differing student profiles, cohort sizes, assessment types and lesson content, it is also apparent that the basis involves simplification of legal concepts and deeper learner engagement. The overall style of instruction is one that demands the showcase of written and verbal English skills in one form or another.

The first type of instructional strategy reported here is that of peer review. In a media law class at the public university, it was observed that learners were divided, by their teacher, into small groups of three to four members and engaged in a critical discussion of one another’s written sketches. The class was facilitated on the assumption that the students have already prepared their drafts beforehand and were able to present them to their peers for critique. The teacher provided them with a handout which suggests a series of questions they can work on as a group and points that they can look out for whilst reviewing a sketch.

**Peer Discussion FOR Research Paper (Module: Media and the Law)**

**Instructions**

- a. Give each group participant an opportunity to explain their individual concept and any other relevant details
- b. When your topic is under discussion, write down your group mates’ responses in this handout in the space provided

**Suggested points for discussion**

1. Why have you chosen this research topic? Why do you identify with this area of law?

2. Identify the intended reader of your proposal. What can you assume about him/her with regards to content knowledge and attitudes about the problem and your proposed write-up?
3. What is the current legislation in place? What legal conundrum or possible reforms might affect it?

4. What are the relevant case precedents?

5. What is the current literature base relevant to your study?

6. How does your study contribute to this existing literature base?

Record your observations based on your group’s discussion on your topic area

1. Is your research idea feasible? What possible challenges might you encounter?

2. Would your paper be understood by a non-legal audience? How do you propose to go about simplifying the writing style?

3. Are there any other significant legal developments that have not been taken into consideration by your research?

4. Are the reforms clear? Do you feel that they should be implemented? If not, what would you suggest?

5. Are the case laws consistent in your chosen area? How do the courts arrive at their respective decisions?

6. Do international laws impact your area of research? How does domestic law match up to them?

7. Any other observations:

Through this method, learners are made aware of their errors not through an expert but by fellow students. The teacher in this observed lesson commented that ‘peers can be more forthcoming with their comments’ and that his ‘learners find that they absorb feedback more constructively and positively’. Interestingly, some other participants have further reflected that the groupings in peer review sessions should ideally comprise of learners with different linguistic abilities. For instance, a participant from the private institution, with more than five years of teaching experience, has put forth the perspective that ‘this is to ensure that those with a stronger foundation in language are able to help out the weaker ones’. The downside of this strategy, according to the other teacher whose lesson was observed at the state university, is that higher ability students ‘tend to adopt an air of complacency and may take away less than what they give’, thereby compromising on their own learning. Moreover, according to the participants, it is not always conducive for them to group their learners according to differing abilities since it would entail some form of English diagnostic test or preliminary check on their entrance scores; both of which will be time consuming.
Peer review of sketches allow for learners to surface key linguistic features such as sentence structure, choice of vocabulary, consistency in argument and tone. For instance, a student who tends to write in convoluted sentences might receive feedback on the need for simplification. Consequently, a student who engages in an informal style of presentation may be advised to adopt a third person narrative when putting across written arguments. However, what some of the participants have also reflected on this method is the fact that their respective curricula do not always set aside time for this. Peer review activities are often imbued into tutorials and the participants who engage in them do not do so as frequently as they would like to. In the words of a teacher from the state polytechnic, peer review may be ‘abused by learners who wish to lift material from course mates who have had a head start on their written assignments’.

Another method employed by the participants in this study is that of note-taking. While lectures are mainly delivered using power-point slides, students are expected to make notes of their own. This can be achieved by providing printed handouts of the slides to the learners and at the same time consciously creating extra space for them to record their thoughts and perspectives in. The teacher may include prompts within the core content to ensure that the lesson pace is at a comfortable level. The following is an illustration of how this is facilitated in an English Legal Systems class at the private institution:

![Court Hierarchy](image)

In some instances, the participants do not rely on power-point slides and present charts and mind-maps to elucidate the main points of the lesson. This method, as observed from another corporate law class facilitated at the private institution, allows the student to take down notes in real time and keeps them alert and engaged throughout. As the teacher is presenting the gist of the topic buttressed by verbal elaboration, learners are able to record the content...
effectively. The teacher even allowed for their students to audio-tape their lectures for the purpose of revisiting the material anytime they wish. According to her, it is more effectively for learners to grasp legal concepts by ‘listening to them over and over again’.

Aside from the fact that learners remain attentive through note-taking exercises, most of the participants are also of the view that this strategy aids greatly in the comprehending and internalising of legal content. By physical taking down notes in class, learners are also consciously substituting terms and phrases with simpler ones of their own. They do this intentionally or by asking the lecturer to break down and translate terms that they do not seem to grasp. This then prompts the teacher to repeat or further elaborate on a particular point. The following is an illustration of how one of the participants at the public University provided a structural guidance for his students when deliberating a case study or breaking down a judgment in a Constitutional and Administrative Law class:

<table>
<thead>
<tr>
<th></th>
<th>SUMMARY: Start with a summary of the case (approx. ___ words)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>a. Describe the scenario, and main points of the issue, rule</td>
</tr>
<tr>
<td></td>
<td>and application briefly in your own words. This will be the</td>
</tr>
<tr>
<td></td>
<td>basis for your summary.</td>
</tr>
</tbody>
</table>

NOTES:

<table>
<thead>
<tr>
<th></th>
<th>ISSUE: Identify the issue (approx. ___ words)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>a. What is the legal issue relevant to this case?</td>
</tr>
<tr>
<td></td>
<td>b. Describe it in as much detail as needed to make the</td>
</tr>
<tr>
<td></td>
<td>context clear</td>
</tr>
</tbody>
</table>

NOTES:

<p>|   | c. Are there other, related legal issues involved? If so, |</p>
<table>
<thead>
<tr>
<th></th>
<th>identify them</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th></th>
<th>RULES: Identify the rules in detail (including rule proof) (approx. ___ words)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>a. What is the legal rule that applies to the case?</td>
</tr>
<tr>
<td></td>
<td>b. Define and explain the rule(s) clearly</td>
</tr>
</tbody>
</table>

NOTES:

|   | c. Identify sources where you can find details about the rule(s)          |

|   | APPLICATION: Discuss application of the rules to the facts of the         |
In line with the simplification and demystification of legal language, the participants have also adopted visual methods of presenting the law. This method involves a combination of charts, mind-maps, table and venn diagrams. By grouping main ideas and sub-themes, some of the participants are of the view that learners grasp the concepts more effectively. Consequently, they feel that their learners are more at ease with technical jargon than when it is presented within a complex sentence. In other words, learners who are intimidated by lengthy passage are directed to identify key phrases and words from within and translate them to fit a more comprehensible form. According to a senior teacher from the state Polytechnic, this method not only ‘creates accessibility to learners but also makes it easier for them to revisit the chunky paragraphs with a preliminary understanding of the content’. The following are samples of teaching aids that have been used by this teacher.

**Elements Required to Form a Contract**

- **Offer:** Expression of willingness to enter into a contract
- **Acceptance:** Final and unqualified assent to the terms of the offer
- **Intention to Create Legal Relations**
Some of the participants take conscious steps to ensure that their students acquire this skill of synthesizing material from the main sources. In tutorials or small group sessions at the private institution, a teacher was observed introducing online resources such as popplets to assist his students in the mastery of this technique. His learners can sign up for free individual accounts and commence this visual note recording process with immediacy. This teacher, with a dual qualification in Information Technology, decides to blend both his expertise in his quest to deliver legal concepts effectively. In his words, ‘popplets are a convenient means to sketching out legal concepts in a clear visual format and they make great revision aids’. An example of how popplets, which is a method similar to mind-mapping, can be used in the context of a legal lesson is shown in the diagram below.
As can be seen, it is up to the individual to create fillers and visually decorate their page so that it stimulates their own understanding. According to another teacher from the state Polytechnic, these popplet creations become ‘quick and effective examination guides and allow for learners to add to and subtract from them with ease’.

Another method related by some of the participants and likewise observed in certain lessons is that of skim reading and paraphrasing. Legal research often involves sieving through a huge quantity of reading material and this can be a rather intensive process when students are pursuing more than one module in a given term. These participants strongly advocate that their students skim through material and read for gist to gain an initial understanding of the topic with an overview of it. The students then attend lectures and tutorials to gain insights from the academic who might then direct them to do more follow-up reading. Skim reading allows for them to be saved from having to read ‘irrelevant and redundant bits’.

In this regard, some of the participants have taken it upon themselves to impart skim reading skills to their classes. Generally, these are facilitated in small group settings and a passage is shown to the learners who are given some time, albeit
a restricted one, to read and then pick out the key messages within it. In a
criminal law lesson facilitated at the private institution, the teacher presented
an exemplar of this and codes the essential points of the passage with different
colours. The passage below illustrates this.


Tony Bland was a young supporter of Liverpool F.C. who was
cought in the Hillsborough crush which reduced him to a
persistent vegetative state. He had been in this state for
three years and was being kept alive on life support
machines. His brain stem was still functioning, which
controlled his heartbeat, breathing and digestion, so
technically he was still alive. However, he was not conscious
and had no hope of recovery. The hospital with the consent
of his parents applied for a declaration that it might lawfully
discontinue all life-sustaining treatment and medical support
measures designed to keep him alive in that state, including
the termination of ventilation, nutrition and hydration by
artificial means. The declaration was granted by the
court. The court recognised there was the intention was to
cause death. Lord Goff stated to actively bring a patient's life
to an end is: "to cross the Rubicon which runs between on the one hand the care of the living patient and on the other hand euthanasia - actively causing his death to avoid or to end his suffering. Euthanasia is not lawful at common law" (at p. 865). Withdrawal of treatment was, however, properly
to be characterised as an omission. An omission to act would
nonetheless be culpable if there was a duty to act. There was
no duty to treat if treatment was not in the best interests of
the patient. Since there was no prospect of the treatment
improving his condition the treatment was futile and there
was no interest for Tony Bland in continuing the process of
artificially feeding him upon which the prolongation of his life
depends.

[Adapted from: http://www.e-lawresources.co.uk/cases/Airedale-NHS-
Trust-v-Bland.php]

According to this teacher, who has taught for more than 5 years alongside his
legal practice, activities such as that above ‘encourage students to engage in the
same in their own time and to feel less intimidated about scouring though
multiple pages of literature’. He added that researching cases is unavoidable and
that the students will be required to do so ‘eventually when they enter practice’.
As regards paraphrasing techniques, all of the participants have stressed this as an important skill to have especially when it comes to legal content that consists of direct quotations and case authorities. The participants have put across the perspective that learners do not paraphrase enough or, in some instances, not at all thus leading to issues with academic integrity. As discussed earlier, learners are increasingly assessed through written assignments that are submitted online. Institutions have subscribed to plagiarism softwares such as Turnitin, Urkund and Safe-Assign to generate similarity reports on submitted works. The reports inform the examiner on the resources that the candidate had relied on and whether or not appropriate acknowledgment was given.

All of the participants have reflected that the majority of academic integrity cases derive from a lack of paraphrasing. According to a senior faculty member from the public university, students who infringe academic integrity do so either because they have ‘insufficient citations or inaccurate end references’. This teacher also added that the cases he had come across include ‘little or no effort to paraphrase on the part of his students, rendering the work less original and authentic’. To address this problem, some of the participants have specifically set aside time in their lessons to share on paraphrasing skills. The teacher in question would ‘repeatedly caution his students on the consequences of plagiarism’ and urge that they adopt a more conscious attitude towards the presentation of their written tasks.

In another lesson of this kind observed at the state Polytechnic, the teacher got her learners to analyse a passage in groups of three. The task was to skim through the content for gist and then reconstruct it in the students’ own words. The teacher then proceeded to share a group’s sample at random with the rest of the class and elicits constructive comments and feedback on how effective the construction of sentences were. The groups, whilst able to present the same in terms of content, had differences in terms of style and structure. The takeaway of the activity is that paraphrasing results in a more varied presentation and according to the teacher, an ‘authentic way of presenting work that belongs to others’.

**Conclusion**

This chapter presented the research findings, analysing the perspectives of the teacher participants across the three institutions. Emergent themes drawn from the analysis led to the generation of theoretical propositions, which are discussed in Chapter Six, to follow.
Chapter Six: Theory and Discussion

Introduction

Based on the findings presented in the previous chapter, this study now enters a discourse on the various theoretical aspects that inform the role of English communication skills in the teaching of law in the Singaporean tertiary sector. Drawing on the key emergent themes identified in the previous chapter, this chapter develops four theoretical positions as follows.

The first section develops the proposition that learners’ English language proficiency has a direct impact on their academic performance in legal subjects. It is posited that both reading and writing skills are mutually instrumental in the study of law. The former goes towards enabling learners to grasp legal concepts in a time-effective manner without compromising on depth and analysis (Fajans and Falk, 2011). The latter enhances structure and cohesion in legal responses that convince readers of critical thinking on the part of learners. Together, they provide a firm foundation for students learning to communicate in a legal fashion.

The second section proposes that all students of law should be accorded with academic support in the English language due, at least in part, to a rebuttable presumption that they are inherently proficient in it. Because of the diversity in the profile of students enrolled in Singaporean tertiary institutions, it cannot be assumed that they all possess the necessary English communication skill sets to see them through their respective quests towards the acquisition of legal knowledge. It is further proposed that law is extremely linguistic in nature and its mastery depends on a functional command of the English language. The growing number of transnational students in the Singapore legal education scene widens the gap between learners of native English standard and those of non-native standard. This is especially true of students who are engaged in offshore forms of learning (Chapman and Pyvis, 2012). This section dispels the myth that students of law can already speak and write effectively on enrolment. Conversely, more efforts could be made towards enhancing these skills of communication and providing learners with more support in this regard.

The third section makes the proposition that the enhancement of English communication skills in the legal classroom should become the teacher’s obligation. Teachers of law impart concepts and principles that are often technical and complex. In order for learners to comprehend these effectively, they need to be simplified and translated into digestible forms (Bivins, 2014). This study does not seek to suggest that academics spoon-feed material to their students. Rather, it identifies how teachers may complement student learning through the conscious incorporation of English communication skills in their day to day instruction. This refers to a more deliberate blend of linguistic skills; to be treated as core and not merely ancillary or supplementary to the teaching of law. In doing so, students gradually capitalise on such skills and intuitively apply them in their learning strategies to attain optimum academic results.
The final section posits that English communication skills do not reap benefits solely within the classroom context. In fact, they are skills that are practical and purposive in the legal industry. It is further proposed that legal scholarship should not draw a distinction between classroom and practice. The teaching of law should culminate in skills that enable a student to make a seamless transition from school to the workplace (Morath and Shaver, 2014). This theory applies whether a learner is studying law as a core pursuit or an ancillary measure. The penultimate objective is to create accessibility to the law and not adversity.

**Good English Communication Skills are a prerequisite to Academic Success in Law**

The first proposition is that the rich linguistic overtones of legal literature demand competency and adequacy in the English language. Students of law, across various academic disciplines, are acquiring a whole new language (Skinner, 1957). This raises an interesting and significant point in this research since discourse acquisition and facility are the core objectives of professional education courses. In specific, this section discusses the challenges faced by non-native learners enrolled in such courses. This discussion has implications for Singapore, as well as globally, with the rapid expansion of international and transnational education; which includes legal scholarship.

Moreover, as drawn from the perspectives of the participants in this study, learners, who are not of native proficiency, typically find themselves at a disadvantage in comparison with those who are. In the Singapore tertiary education sector, the medium of legal instruction is English but, according to the findings, the learners differ in terms of language ability. The distinction is more explicit when law modules are delivered amidst non-law specialisations (Owens and Wex, 2010). Owens and Wex (2010) studied the strategies employed by law lecturers who taught students enrolled in commerce courses across Australian universities. A key takeaway from their research was that students of non-native English proficiency found it difficult to deal with legal concepts in a short span of time. To this extent, the participants in this study enunciated the perspective that learners with a weak command of the English language are less able to articulate legal principles and concepts. The findings of this study, as reported in the previous chapter, suggest that current curricula can be enhanced to incorporate the teaching of reading and writing skills to students of law, whether of native or non-native English language proficiency. The benefits of each skill shall now be elaborated on in turn.

a. **Reading Skills**

The research participants have highlighted that learners are confronted with a lot of reading in the pursuit of law. Examples that were raised in the previous chapter included essential legal material that take the form of textbooks, leading judgments, case study scenarios in assessments and seminal works by key authors in the field. Supplemental reading tasks may appear in the form of
tutorial activities, research for assignments or news feeds in media channels. A study by Owusu-Acheaw (2014) found that students need to be able to develop good reading habits in order to keep pace with their module requirements. For instance, the findings of the study indicated that it might be unreasonable to expect that all assigned reading is completed, and that a good learner has to effectively discern from a wide pool of literature. From the perspectives of law teachers in the present study, students who are able to narrow down their choices and justify why these choices are beneficial to their research are more likely to achieve desirable assessment outcomes in comparison to those who get caught in a web of literary content. As presented in Chapter Five, it was found that the teachers of law equip their learners with this skill by getting them to do an annotated bibliography, which acts as a precursor to the final assessment; be it an examination paper or a research assignment. The purpose of this is to ensure that learners know how to prioritise their reading material and not sieve through an endless list, which can have recurrent themes or repeated concepts. In other words, students should be taught how to manage their reading time to maximise productivity and efficiency. That way, they may engage in an extensive but effective coverage of the assigned reading material (Maley, 2008).

The participants strongly agreed that learners should be taught how to look out for updates in the law so that they would not be browsing through material that is irrelevant. While classic legal definitions can be found in cases that are dated, students can benefit from reading commentaries that are current and critical of the older positions. This study found that legal academics could encourage students to regularly consult law databases and to make library visits to keep abreast in this regard. While a substantial part of this will depend on the students’ own effort beyond the classroom, learners can be orientated to this in the form of hands-on sessions in tutorials where they can be prompted to search for material within the law databases to gauge if they are able to do so efficiently. Students can also be encouraged to share what they have read in their own time with their classmates so that a ‘reading culture’ can be consciously fostered (Stranger-Johannessen, 2014).

From the researcher’s own experience in the field of teaching English language communication in law courses, it is observed that while reading legal material can be laborious due to depth and complexity, pleasure can be obtained from sharing what has been read in groups; that is to say, learners may compare their respective views and opinions on reading material and need not feel alienated in their quest for legal knowledge.

The teachers of law in this study have presented the perspective that skills such as skim reading or reading for gist will come in useful. This is due to the massive amount of material that learners encounter in the entirety of their legal courses. Information, such as reported judgments, may be repetitive or circular and learners can be more efficient readers by synthesizing the main points and make notes along the way. As the participants concur, learners are often put off by pages and pages of words but if they are able to translate them into summarised
versions, they can easily refer to these for revision purposes. These summarized versions are, after all, created by the students themselves and serve as ways for them to grasp concepts and principles over and above what had been taught in class. However, learners are not to misconstrue this as an encouragement for last minute work. As cautioned by Reid and Moore (2008), reading skills, no matter how time-efficient, cannot override the benefits of early and thorough academic preparation. This study agrees with their view and does not seek to suggest anything in relation to speed reading techniques.

It is a conclusion of this study that good reading habits do not just entail gathering material that go towards written assignments, tests and oral presentations. They also involve a fair amount of proof reading. This proposition is developed from the consistently emerging theme that student performance in academic tasks is dependent on how much error correction is carried out prior to final submission. Eapen (2010), however, pointed out that it may not always be feasible to provide individual feedback to classes with substantial numbers of students. This is especially true of one of the research sites involved in this study, namely the private institution, where class sizes tend to be relatively large due to manpower concerns. To circumvent this challenge, as discussed in the preceding chapter, some of the participants incorporated peer review of writing sketches in their classes. In the view of Gannon (2001), this is a transferable skill that learners can apply beyond the classroom context. The researcher’s own classroom experience further observes that learners can form study groups and adopt the same method that was prescribed by their teacher. By spotting the errors of peers, learners become more discerning of flaws in their own work and may strive to avoid them under future circumstances and, certainly, in the workplace.

b. Writing Skills

The participants in this study agreed that while assessment modes have varied to include non-written tasks in law courses, writing still remains a core requirement because of the nature of legal practice. Learners are expected to present their ideas in a structured and coherent manner that is accessible to the reader (Murumba, 1991). It is a finding of this study that students are graded according to the quality of their writing, which includes the accurate use of vocabulary, spelling, grammar and syntax. The teachers of law have presented the perspective that their students tend to overlook or underestimate these qualities, often falsely assuming that the examiners are looking out for content over style. This is a misconception as good legal writing involves organisation, planning and strategy. For instance, a study by Richardson, Butler and Holm (2009) demonstrated that business law students, who are not pursuing law as a pure major, welcomed the incorporation of a structured writing guide when crafting answer responses to hypothetical legal questions. It is thus proposed that such skills be introduced to students of law at an early stage and reinforced over time.
The perspective of study participants is that writing a response that is off-tangent would have an adverse effect on the students’ grades. An emergent theme of this study is that students require good English communication skills to be able to tailor their responses to the context of the question. The participants have put forth the observation that learners often dive into written tasks without the careful consideration of the purpose at hand. Indeed, a good writer seeks to understand what the objective of the assessment is before embarking on a response (Bannister, 2002). For instance, in extemporaneous writing, the purpose is to write within a given time-frame. A sit-down examination could include a variety of question types, such as multiple choice, short essays and hypothetical scenarios. Candidates have to consider how much time is needed to be set aside for each and not over-write a response that is clearly disproportionate to the stipulated number of marks. They also need to be mindful of the key words within the question and answer in accordance to the specifications of it. For instance, the participants in this study have reflected that regurgitating the law in a question which is asking a candidate to ‘critically examine’ an issue in law will result in a futile attempt.

When producing written responses to assessments, the teachers of law in this study have observed a lack of originality. As discussed in the previous chapter, some students merely cut and paste sentences and paragraphs from online resources and, in some instances, do not even provide proper or adequate acknowledgement. This reflects negatively on their writing skills. There is nothing wrong with emulating work that are written by others but a student who is able to paraphrase substantive information amassed from the literary base would come across more authentic than one who copies verbatim (Abrahams, 2014). It is a view of this study that good legal writing also involves including relevant material and a response that is superfluous does little to impress examiners. Conversely, learners who offer too little substance in their answers are less likely to score well relative to those who go beyond a basic response to include analysis and critical thinking. The merits of assessments are gauged by a word count or an indicative mark. While some examiners are more pedantic than others in strictly enforcing a particular length of writing, others are more flexible by emphasising on quality over quantity. Yet, candidates who present too little or too much indicate, to the academics in this study, that they are finding it cumbersome to write.

In the previous chapter, perspectives on how structure greatly aids writing were been raised and discussed. The participants are of the view that students can write more effectively if they are able to see where they are going with the task. The objective is to avoid repeated emphasis of similar points or to go off course. A firm writing structure allows learners to extrapolate their ideas and arguments within a given framework. It also indicates to the examiner that the learner is conscious of the demands and expectations of the task. The findings have indicated that the answer structure presented by a candidate may differ from one task to another. Learners have to adapt to the expectations of each and
clarify with their lecturers where in doubt. For instance, a structured response to a problem-based scenario would differ greatly from that of an essay style question. A good writer is therefore one who is malleable in terms of writing style and can demonstrate competence and capacity regardless of the mode of assessment (Pollard-Gott and Frase, 1985).

This study concludes that good writing habits are cultivated by practice. Indeed, students who make the effort to take notes in class are honing their skills because they are recording what their lecturers are saying in ways that they can relate to and understand. By coming up with their own notes, they are in fact internalising material that is covered in lessons and create opportunities to clarify doubts on what they have recorded (Boch and Piolat, 2005). They are then able to expand on the given material and apply legal concepts in a succinct manner. It has been suggested by the participants in this study that students do not practice writing adequately and the lack of it translates to dire consequences under examination conditions when there is a time constraint. The previous chapter discussed how some assessment methods mandate that students write up a summary of a topic prior to it being covered at the lecture. This provides the learner with the chance to engage with the reading material and to capture the essence of the topic in a written form. It is further concluded that constructive feedback should be made available to students on this (Pisan et al., 2002). If flaws are addressed at an initial phase of the course, the quality of writing at the final assessment stage will be enhanced.

**Students of Law can do with more support in the English Language**

The second proposition of this study is that law, as a language on its own, is embedded with sophisticated literary jargon that requires translation and interpretation. If a learner does not have an operative grasp of the English language, it will be extremely challenging coming to terms with technical legal language (Butler, 2013). Not all learners have adequate language skill sets to see them through the entirety of their courses; thereby requiring more support in the fundamentals of the English language. This is despite minimum prerequisites having been met at the point of enrolment in a given course. This study found that students of law in Singaporean tertiary institutions come from diverse backgrounds and that they are not all readily proficient in the English language. The study participants take the view that learners who do not speak and write English as their first language face challenges in picking up legal terms and phrases – a process crucial towards appreciating the way in which the law is analysed and applied.

The above is made apparent, now more than ever, from the increase in the number of foreign students pursuing a study of law and those reading law modules in other disciplines. Research by Kariyawasam and Low (2014) reveals challenges that arise in the teaching of law to business students in Australian universities. Their study takes the view that more support should be given to these learners in comparison to those enrolled in pure law disciplines. However,
this present study goes further to assert that the disparity in language standards will mean that students of law cannot be treated as requiring the same amount of scaffolding or support because they may be enrolled in a range of disciplines. The presumption that all students of law arrive equipped with the necessary language skill sets has to be displaced.

The previous chapter presented examples of the various challenges faced by learners of law in this regard and what their teachers did to alleviate these. It also reflected academics’ perspectives that all students of law should be afforded support in the English language. The key takeaway from this is that some students lack the linguistic basics to appreciate the dexterity of legal discourse and to anticipate the flaws that their responses to the various question types might carry. As illustrated by the participants in this study, the effect of not possessing the necessary English communication skill sets is manifested through the inappropriate or irrelevant presentation of material.

This study also found that some students, who are of native English standard, may differ in terms of their spoken and written abilities. Learners who are strong in the former are not necessarily proficient in the latter. For instance, it is the view of the academics involved in this study that those who are eloquent in speech might not be able to articulate legal thoughts in a formal written manner. They come across as being too conversational and compromise on the depth of the responses. Conversely, those who are organised and structured in their writing might not fully embrace public speaking or shy away from it (Condon and Ruth-Sahd, 2013). Academic perspectives in this study have clearly converged on the point that learners of law require more support in these areas. It therefore cannot be assumed that they are inherently proficient in English communication skills. It is a finding of this study that the pursuit of law demands competency in both aspects, the practical benefits of which shall be discussed in the final section of this chapter.

The presumption that students of law can do without or with little support in the English language has led to inconsistent efforts on the part of institutions. Across the three research sites, it is apparent that the academics have realised the importance of English communication skills in the teaching of law and have even taken individual steps to incorporate them. Yet, it was found that such support does not always come through at the institutional level. Schools with more resources are able to establish dedicated departments to assist their learners with language concerns. However, they are not peculiar to students of law. There are few courses specifically designed for beginning law students; where there are, they are stand-alone ones which do not form part of the core curricula. Institutions, which are not able to afford these resources, leave the incorporation of English communication skills to the discretion of the respective academics.
In all three research sites, there is no requirement for learners of law to complete pure communication modules such as academic writing or research practice. It is a conclusion of this study that the onus of teaching these skills falls on the academics, who can or cannot do so effectively, depending on how much interest is taken towards honing the linguistic abilities of learners and how well-trained the teacher is in this regard. Institutions which have the support of communication experts can offer students support in their spoken and written tasks. This then presents a conundrum. Where instructors of communication skills can certainly advise on language inadequacies and study skills, they might not be legally trained and cannot always identify with how the error came about. Where teachers of law can certainly address content loopholes, they might not be linguistically prepared to remediate language concerns.

The next section proposes a middle ground; that academics of law should take on the obligation of imparting English communication skills in their courses. Further language skills support by colleagues and associates can be considered supplementary to their efforts. This position is in line with that of Freeman and Smith (2013), who argue that students, whether in pure legal disciplines or otherwise, should be accorded the necessary attention as regards language concerns.

**Teachers of Law to teach English Communication Skills**

This section presents a third theoretical proposition that the teachers of law should be the ones who impart English communication skills in the legal classroom. Good legal speech and writing can only come about if the relevant language techniques are demonstrated to learners by the teachers themselves. Cook (2005) argues that the English language is both elegant and powerful. In order for students to reap its benefits and translate it into persuasive spoken and written arguments, they have to be given a rudimentary orientation to it in the context of legal education. This study does not go towards suggesting that academics adopt an overly-elementary approach to language in legal courses. Neither is it the purpose of it to propose that the teachers perform basic remediation tasks. Rather, it calls for conscious and collective efforts on the part of the teachers of law to blend English communication skills with the legal content that they deliver.

Teachers of law can do so effectively by creating opportunities for small group teaching even within larger classroom settings. The researcher’s field experience suggests that this provides students with more opportunities for practice; more practice equates to more room for errors and hence a greater leverage to perform error correction. The previous chapter and indeed, the preceding section, presented how some academics felt that it was not always possible to teach small classes. As related, this is due to manpower constraints and differing institutional objectives. While these challenges are inevitable, what can be done at the level of the academic is to manipulate the way in which they facilitate small group communication. As Finch and Fafinski (2015) put it, learners are
more likely to articulate their thoughts on a given topic in front of fewer people than in a large lecture cohort. This study proposes that lecturers do not use the entire time slot to engage in a one-way delivery to their students. Instead, time should be consciously set aside during the session to examine specific legal issues in greater depth.

For instance, it was presented in the previous chapter how some of the teachers habitually set aside time at the start of every lesson to recapitulate legal concepts that were previously broached. As the students would already have a working knowledge of what was covered and would have, ideally, done further reading around it, the teachers were able to get them to discuss hypothetical scenarios and expect that they come up with a dot point outline on paper. The learners involved in such an approach were required to verbally communicate their thoughts based on that outline. Alternatively, teachers of law could choose to allocate time towards the end of the session for students to reflect on concepts in small groups. This allows for consolidation of lesson material and the learners could be made to pen their reflections on paper. It also serves the purpose of allowing for students who may have questions to clarify their doubts with their peers or with the teacher and to practice even more writing.

The above proposition sits well with the view that good spoken and written communication cannot come about overnight (Schirato and Yell, 2000). Instead, it comes through a ‘process’ (p. 132); one in which the teacher has to create and cater for trial and error on the part of learners. In order to blend English communication skills within the context of law, teachers could review assessment objectives to see how they could align their pedagogical methods to benefit their learners. Across all three research sites, it was found that the academics are directly involved with the design of curricula and that includes coming up with assessment material. It was discussed that a variety of assessment modes, such as role play presentations and research assignments, are now available throughout legal courses in Singaporean tertiary institutions. What this now translates to is a need for the teachers to ensure that their learners have the necessary language skill sets to prepare themselves adequately to meet the expectations of these assessment types. In order to bring this across effectively to learners, teachers can enhance their own pedagogical skills in English communication by attending related courses or tap on their pre-existing attributes in linguistics; as some participants elucidated in the previous chapter. However, this may not always viable in light of institutional constraints and this study makes no further consideration of the linguistic competency of teachers vis a vis that of students.

For instance, written examinations would comprise of both essay and problem based scenarios. Teachers, in small group practice, could get students to identify the key words within the question and to appreciate why examiners have included these for a reason (Taylor and Turner, 2004). As the authors in that study concur, taking pains to analyse the root words in questions reap positive benefits for learners. Where the assessment type is a role play presentation,
students should be given ample opportunities to work on communication aspects such as diction and articulation. Teachers could provide pointers such as when and where eye contact is crucial to put forth a persuasive argument (Chen et al., 2013). Where the assessment is a research assignment, students could approach lecturers on issues such as organisation, structure and sentence flow. According to Blum (2009), at no point in time should students expect that teachers perform editorial services on their work, as this goes against academic integrity and defeats the purpose of an independent research task. Nonetheless, states Blum, it is perfectly acceptable for lecturers to single out the flaws in an initial paragraph and get the student to look out for similar ones throughout the rest of the submission.

While referring learners with specific language concerns to communication experts is definitely beneficial, teachers of law can enhance this benefit by creating more opportunities for practice and application within the classroom (Demirbas, 2013). The approach to be taken in the classroom ultimately varies with the pedagogical style of the academic and the lesson content. This study concludes that the academics should be the ones bringing in English communication skills into their teaching of the law. For it is they who appreciate the technical difficulties that their students have to grapple with in the acquisition of legal knowledge and it is they who can pre-empt and address linguistic inaccuracies on the part of learners.

A Seamless Transition into Practice

The final proposition of this chapter is that English communication skills, which are harnessed in the classroom, have utility in the practical context. The capacity of law graduates to interpret legal concepts, to draft documents and the ability to communicate persuasively are qualities expected of law graduates in the workplace (Christensen and Kift, 2000). As Christensen and Kift articulate, the legal industry is an increasingly competitive one where graduates are expected to assimilate almost immediately. The findings of the present study have indicated that whether a graduate practices as a lawyer or not, the skills that were used to achieve academic success will be the same ones that will benefit them in their careers. In recent years, the Singapore legal landscape has been faced with an oversupply of lawyers, with top law firms accepting trainees on condition that they are not paid and without guarantee of permanent employment thereafter (Chong, 2017). The implication of this glut is that it is becoming harder for law graduates to secure placements in the legal industry and, as such, need to be able to offer more attributes to impress prospective employers.

It is therefore imperative that students of law hone their communication skills formatively instead of expecting that they can be picked up on the job. Firms expect that aspiring lawyers have strong interpersonal skills, be able to negotiate with ease and draft material coherently and succinctly (Osbeck, 2012). While much experience can certainly be garnered over years of practice, a lot can be
done to prepare students adequately in the academic phase. One such manner of preparation would be the honing of English communication skills in law courses.

The current legal curricula in Singaporean tertiary institutions have made provisions for clinical training in recognition of the need for a seamless transition from school to the workplace (Koman and Whalen-Bridge, 2015). In their field study of the incorporation of clinical legal education in the curricula of law universities in Singapore, Koman and Whalen-Bridge found that learners benefited from a coaching and mentoring approach by practitioners in the field. However, at that juncture, it is expected that students come with adequate drafting and interviewing techniques and the supervising lawyers do not have the time or obligation to impart these skills to them. It is a conclusion of this study that more can be done to address the way learners respond to such clinical experiences by ensuring that they have the fundamental English communication skills to assimilate them.

The onus, again, falls on the teachers of law to simulate the learning environment to include as many practical examples as possible. This could come in form of case law discussions, moot court sessions or mock presentations and drafting activities. Learners should be provided with samples of actual court judgments, case briefs or contractual templates so that they may embrace the technicalities of these documents at a preliminary stage. An analogy would be the use of realia in the teaching of English as a second language. Foreign learners of the English language learn more effectively if they are able to have a sensory experience of the vocabulary that they are acquiring (Harmer, 2007). For example, a picture of the Great Wall of China does more for the understanding of English students than a mere description of it. While they may not be physically transported to the site, the adjective ‘long’ or the verb ‘distance’ is more effectively brought across to learners of English because of the tangible effects of visualisation. Some students may also be able to identify with the image as it is well-known or because it represents a landmark from their home country. On a similar note, a video of an actual trial makes more sense to a law student over a narrative on court procedure. While it may not always be practicable to facilitate excursions to the courthouse, a video recording that is easily accessible on the internet may be a good substitute. These examples are harnessed from the perspectives of the study participants as well as the researcher’s own field experience.

According to Owens and Wex (2010), there is more to gain from the practitioners’ expressions, choice of words, body language and tone of voice and students are better able to fit concepts into the context of an otherwise dry and distant learning experience. As Owens and Wex put it, learners who are not intrinsically motivated in legal subjects because they pursuing non-law majors require more motivation on the part of teachers. The previous chapter highlighted a key emergent theme on the simplification of legal jargon that is used in academic material. It is also the view of practitioners that legal language
should be made more accessible to the layman (Yeo, 2000). This study agrees with this view as learners of law are ultimately expected to be able to translate the law in straightforward terms for clients and associates. In the context of Singapore, where English may not be the native language of all residents and immigrants, the skill of translation is certainly a coveted one for learners to acquire. As the teachers of law in this study have observed, conscious translation efforts have already begun in the classroom. Learners need to be taught the appropriate time and place to use legal terminology or risk placing them incongruously. As Garner (2013) found, its obscure and unnecessary use does little for the quality of legal writing. In his seminal text, Garner posits how writing in plain and ordinary English is a quality in itself. This study concurs with the view that learners of law have to be convinced of this benefit so that they can effect the transition from the classroom to the workplace.

A further theme that emerged in this study is that of blended learning techniques in the teaching of law. The participants in this study have exposed their learners to various creative and independent learning styles. The participants believe that more research effort on the part of the latter is required. However, it can reasonably be argued that such research will only reap benefits if learners know what they are looking for and how to go about doing so. As Bintliff and Alford (2011) put it, mere ‘retrieval does not amount to research’ (p. 99). Law students are expected to discern what material is relevant to their learning objectives and what is not. As the participants in this study have observed, some of their learners resort to regurgitating legal content and perform little analysis in relation to research tasks. The purpose of introducing blended learning techniques during the academic phase is to cater for the modern challenges that confront legal education and to allow students to adapt to the evolving legal landscape sooner rather than later (Hess, 2013). This study concurs with Hess’s view that theory should not be separate from practice since law graduates will ultimately draw on transferable skills that were honed in the classroom to apply them in the workplace. In essence, legal education methods have since departed from a traditional lecture approach to incorporate styles that are more learner-centric.

Another key emergent theme identified in this study is that of teaching methodology on the part of the law academics. The participants in this study have shared how they have made individualised efforts to align their teaching methods to incorporate the use of English communication skills. This indicates the recognition of a more deliberate blend of linguistic techniques in the day to day classroom context. The findings in this study illustrate how the participants were more conscious of the use of legal vocabulary in their teaching and how they made efforts to marry the discourse of English with that of law. As Gigauri (2011) argued, the prevalence of legal disputes makes it more apparent that the role of English in the teaching of law should not be underestimated. In her research, Gigauri extrapolated on the benefits of speech activities in the teaching of law such as bolstering the confidence of a learner in preparation for
courtroom litigation and enhancing oratorical techniques such as diction and articulation.

It is therefore a conclusion of this study that good English communication skills have functional and transferrable benefits. They are not merely to be incorporated for academic objectives.

Conclusion

This chapter has outlined the theoretical propositions that were developed from the analytical findings of the study. Together, these propositions serve to address the lacuna in the current tertiary legal education scene in Singapore, having projected the indispensable role of English communication skills in the teaching and learning of law in a globalised age (Archer, Drache and Zumbansen, 2017). It has been shown that successful legal scholarship is dependent on the vitality of sound linguistic skill sets. This, itself, is persuaded by the rejection of a presumption that all law students are necessarily enabled with good reading and writing habits. Indeed, the enablement comes through the efforts of the academics who strive to enhance learners’ experiences with an appreciation that classroom takeaways build up towards desired career tracks and ambitions. The following chapter concludes the thesis.
Chapter Seven: Conclusion

Introduction
To reiterate, the study reported in this thesis examined the teaching of English communication skills in legal education courses in Singapore from the perspectives of teachers of law. Good English communication skill sets are recognised assets in most, if not all academic disciplines. In law, they are by no means undervalued or underestimated. However, a constantly evolving legal landscape demands that more be done to extrapolate from them to derive scholarly and practical benefits for learners. This study has provided insights into how English communication skills can be embodied within the delivery of legal courses, through an interpretivist study of participants’ perspectives which generated theory about the significance and utility of such skill sets within their teaching. This chapter provides a synopsis of the research in four parts. The first part provides an overview of the study; its aim, rationale, the research questions and methods. The second part summarizes the findings of the study. The third part discusses the parameters of the study. The fourth part of the chapter describes the contributions of the study to theory, professional practice and future research.

Overview of the Study
The aim of the present study was to generate theory about the teaching of English communication skills in law courses. In particular, it examined the aims and intentions of the participants regarding their teaching of law courses, the significance that they have attached to the incorporation of English communication skills in their teaching, the strategies that they have employed to include these and the reasons for their inclusion. The rationale of the study was to determine how good reading and writing techniques, from the perspectives of the participants, translate into sound academic and industrial outcomes for learners. The study was guided by a central research question, which was an enquiry on the perspectives of the teachers of law on the teaching of English communication skills in legal education courses in Singaporean tertiary institutions.

This study was situated within the interpretivist framework as expounded by Miles and Huberman (1994). Grounded theory analysis was used to infer meaning from trends and patterns that emerged from the data and to develop theoretical propositions and empirical outcomes (Strauss and Corbin, 1994). In this regard, open and axial coding methods were used to construe theory presented in this thesis (Pandit, 1996). As this study did not involve pure grounded theory methods, selective coding was not used. Data collection was primarily via individual semi-structured interviews, and secondarily via non-participant observation, document analysis and from notes made in the researcher’s diary. The interviews were scheduled and facilitated with a total of 18 academics from three Singaporean tertiary institutions; a public university, a state polytechnic and a private institution. Consent was sought from the
respective heads of the institutions prior to approaching the various academics on their participation in the project. The participants were interviewed in accordance with the ethical guidelines stipulated by the UWA ethics committee and were able to withdraw their participation at any stage in the project. All data was kept in strictest confidence and not shared with or distributed to third parties not privy to the study.

Observations were also made of some of the lessons where the researcher made case notes on the manner in which the participants included aspects of language in their teaching of legal courses. These notes served as prompts for follow-up with the academics in their actual interview sessions and as cues when fleshing out emergent themes during the data analysis stage.

The participants also shared teaching aids that were used in the delivery of their respective courses. This material was analysed to inform on legal teaching methodologies that included the use of English communication skills. The documents were compared across the three research sites for similarities and differences in the approaches employed by the academics in blending linguistic mastery in the teaching of law.

**Findings of the Study**

The findings highlight academic perspectives on how English language proficiency is instrumental to academic success and, by extension, practical accomplishment in the workplace. The participants are of the view that some learners found it difficult to grapple with technical legal concepts. This difficulty is exacerbated by a transnational education culture which results in a diversified student profile of varied linguistic proficiencies. The participants also take the view that learners are not necessarily versatile in both reading and writing; at times being weaker in one than the other. This finding led to the development of the first theoretical proposition; that learners’ English language proficiency has a direct impact on their academic performance in legal subjects. As the practice of law is essentially about communicating or conveying arguments, a linguistic approach to its study is inexorable. It is thus concluded that good reading and writing skills are rudimentary in the scholarly pursuit of law.

The findings also illustrate participants’ viewpoints on how learners’ motivation and interest in the field of law influenced their performance in the subject. The shared view is that learners enrolled in non-law specialisations are less keen on engaging in the discourse of law and the teachers therefore have to adapt their teaching strategies to boost receptivity. It was also found that learners, through the lens of the participants, saw linguistic mastery as significant only if they could relate it to their career aspirations. On the other hand, learners enrolled in pure law courses were deemed to be more receptive towards classroom strategies that can possibly contribute to their vocational achievements.
The above led to the development of the second theoretical proposition; that all students of law should be accorded with academic support in the English language. That is, not all learners, at the point of enrolment, have the linguistic prerequisites to meet the expectations of a legal course. This, in turn, is due to the heterogeneous profile of students enrolled in Singaporean tertiary institutions. This study thus posits that it is false to assume that learners of law are inherently proficient in communicating by way of speech and prose.

The findings also clearly illuminate academic perspectives on how conscious efforts must be made to blend linguistic mastery with the learning of law within the classroom. The participants shared their perspectives on how their pedagogical methods have included the teaching of language fundamentals. Their methods have come across as varied and creative but, at the same time, inconsistent as there does not appear to be a standard approach on this. Across all three research sites, the academics had plentiful discretion over the inclusion of English communication skills in their course deliveries.

This finding promoted the third theoretical proposition; that the enhancement of English communication skills in the legal classroom should become the teacher’s obligation. This can be achieved by the teacher acknowledging that English communication skills are a part of legal pedagogy and not a mere accessory to it. It is a conclusion of this study that if learners are taught the appropriate language skill sets, they will be able to use them to their advantage in conjunction with their legal courses.

It was also apparent how the simplification of legal terminology benefits learner receptivity and how English communication skills are crucial in the context of varied assessment modes and learning techniques. The participants in this study concur that the technical style which is characteristic of legal content should be made more comprehensible to learners. This is in line with practice directions on how courtroom language has since experienced efforts to make it more accessible to the layman. Participants’ perspectives have centred on the fact that learners need to be able to translate verbose legal jargon into plain English when corresponding with clients and associates. With regard to the benefits of linguistic mastery in relation to the diversification of assessment and learning methods, the findings indicate that learners can positively draw on sound communication techniques to cope with the changing demands.

This then led to the development of the fourth theoretical proposition; that English communication skills do not reap benefits solely within the classroom context. English communication skills are crucial in the teaching of law because they also form the very prerequisites to good lawyering. This study concludes that if learners acquire the right language fundamentals in the classroom, they will be able to put them to practical use in the workplace. The participants in this study, many of whom are concurrently in legal practice or have had practice experience prior to entering academia, have opined that employers are more
likely to hire and retain graduates with good linguistic attributes. This view was put forth in light of an oversaturated legal workforce in Singapore.

**Parameters of the Study**

The researcher acknowledges that the study sample is not exhaustive. It includes participants from a single university, a polytechnic and one private institution. However, perspectives have been sought from a range of academics of different levels of seniority, age, gender and experience. Following qualitative research principles, the relatively small sample allowed for a rich and intensive exploration of perspectives from a group of participants who hold expert views on legal education. Further, the existing body of literature does not elucidate many perspectives in this context. This study did not take into account the perspectives of students enrolled in the three research sites due to ethical considerations and the researcher’s own experience in the field which might influence the quality of the data. The same goes for how the study did not involve field practitioners such as judges or lawyers; in particular, those who would have experience working with fresh law graduates. However, the study did involve participants who have had industrial experience or are teaching and practising law concurrently. For instance, some of the academics involved in this study were hired by the institutions on an adjunct basis and are managing law businesses on the fringe. This thesis could therefore inspire future research on the investigation of the same but drawing on the perspectives of other stakeholders such as students and practitioners in different geographical contexts.

The individual interviews that were conducted with the participants were semi-structured in nature. This allowed for an in-depth investigation of the central and guiding research questions with opportunities for follow-up via email and telephone correspondence. One to one interviews allowed for participants of varying levels of experience and seniority to share their views freely. The absence of a focus group approach meant that participants with stronger personalities were not able to influence the views of those with weaker ones. For example, junior lecturers might not have been as candid or forthcoming with their responses in the presence of more senior faculty. Conversely, senior academics who have been teaching for a number of years might not be as vocal about new teaching methods and processes in comparison to their junior colleagues. Focus group interviews would not have been viable in this context due to the demanding and inconsistent schedules of the academics. Yet, it is acknowledged that they are a potentially rich source of data for further qualitative research in this area.

It is also acknowledged that the documents analysed through the participants in this study were not exhaustive. This is due to institutional constraints where faculty members are bound by contractual rules of confidentiality. The documents that were made available to the researcher in this study were samples that were approved for distribution by the relevant department heads.
Even though the lesson materials were mostly created by the academics themselves, they were mindful of intellectual property restrictions. A larger and more varied data pool may have enabled further findings. In light of the potentially limiting data set, the researcher maintained a diary of what was observed in lessons. This included impromptu efforts on the part of the participants that were not captured in any lesson hand-out or worksheet; for example, tuning-in and recap activities that involved the teaching of new legal vocabulary or instantaneous correction performed by the teachers in relation to speech or writing errors that manifested in lectures and tutorials.

Contributions of the Study and Recommendations for Future Research and Practical Applications

The theoretical propositions of this study inform on the role of teachers and curriculum developers, whose obligation is to create a seamless transition for their learners from the classroom to the workplace. Key contributions of the study are outlined as follows:

a. Contribution to Theory

It had been shown that English communication skills occupy a significant place in legal education. Teachers of law must do away with the assumption that all students of law have the required English language proficiency. They have to acknowledge that initiatives must be taken to purposively include linguistic skills in their day to day teaching. This is buttressed by the fact that the Singapore tertiary education scene comprises of a particularly diverse pool of transnational students. As outlined in Chapter Three, tertiary institutions offering law courses in Singapore have already taken steps in recognition of this. This study serves to enhance existing approaches which are not always consistent; that is, there is no specific pedagogical approach towards the incorporation of English communication skills in the teaching of law. While it is acknowledged that the context of teaching and learning would differ from one institution to another, this study hopes to make a contribution to existing theory by suggesting that legal learners are provided with linguistic support throughout the entirety of their courses. Resource planning has allowed for research sites like the public university to provide support in academic writing and clinical legal education to their students. This support has a clear emphasis on linguistic skills and techniques. However, institutions such as the state polytechnic and the private institution have budgetary and manpower constraints and are unable to provide the same to their learners. While it is not the objective of this study to suggest policy changes, it can certainly be considered, by the institutions through the academics, that legal teaching methods may be varied to keenly emphasise the role of English communication skills.

It is recommended that tertiary institutions offering legal courses in Singapore consider how their academics and their curricula can boost the use of English communication skills in their delivery and implementation. Part of the consideration might be a fiscal one, where institutions might need to set aside
the necessary budget to ensure that the academics receive the required training to be able to teach English communication skills in their law classes. This might include staff development courses with the view to consciously incorporate linguistic elements into legal teaching. Examples of such training could include seminars where teachers can share views on the language challenges that their students face in the learning of law, methods that they use in classes to address those challenges and perspectives on which methods work best and why.

The creation of training opportunities provide for keen interaction and learning amongst academics who are often facing students independently and rarely have time to confer with fellow colleagues. For instance, it could be demonstrated to the teachers that it is important to point out key words in practice questions and to remind their students to consider every minute detail that is provided by the examiner. The objective is to cultivate a pedagogical culture that is conscious of the benefits that good reading and writing skills can bring to legal application and analysis. With specialised induction, academics, who often time double up as curriculum writers, will be better able to anticipate the needs of students and pre-empt their weaknesses in dealing with the law.

b. Contribution to Professional Practice

It has also been shown that English communication skills taught in the classroom are of benefit to learners beyond the context of academia. Employers in the legal industry are singling out sound speech and prose as key elements of good lawyering. While experience is built up on the job, early exposure to practical skill sets do more for students than pure theoretical instruction. This suggests a more deliberate instillation of English communication skills in the formative years of legal scholarship to yield enduring results at the workplace. In Chapter Three, mention was made of how such scaffolding is typically made available in the initial phase of legal scholarship but not throughout. It was also discussed how, conversely, other fields such as veterinary, pharmaceuticals, nursing and engineering have aligned learning objectives with the teaching of English communication skills and have since incorporated them progressively and incrementally. This study hopes that cues can be taken from the linguistic approaches applied in these other academic disciplines on the same.

It is recommended that institutions consider enhancing their current curricula to include practical aspects of legal education. While there are modules that broach clinical legal education in Singapore, they are either offered as electives or in the later years of the courses. It is suggested that such modules be made available from the foundation stages through to the advanced phases to ensure consistency and certainty. At present, institutions with greater resources are able to organise legal seminars and symposiums where legal professionals are invited to speak to students on perspectives and challenges in the industry. Attendees at such sessions are able to gain from an experience beyond the classroom and are given the opportunity to engage and interact; further honing their English communication skills. Institutions with fewer resources might not always be able
to facilitate plenary sessions but can tap on alumni resources to provide this outreach effect to their learners. For instance, graduates in practice could be invited to their alma-mater to give talks or guest lectures on specific topics in law. Moot court sessions can also be run by the academics within tutorials to create a conscious blend of English communication and legal skills.

c. Contribution to Future Research

This study hopes to fuel forthcoming scholarship of a similar nature in different geographical contexts and by examining the perspectives and experiences of different stakeholders in the legal industry. Much can be explored from the point of view of students on what they feel is required in terms of English communication skills in their learning of the law. Much can also be investigated from the opinions of practitioners who deal with the challenges of the legal landscape and who might have views on how English communication skills can serve to enhance it. For instance, empirical research could be conducted on the perspectives of senior lawyers with more than 15 years of experience vis a vis junior ones with a smaller practice portfolio.

The same could be done with lawyers who are involved with court work and those who purely engage in in-house practice. There might also be plenty to interpret from the perspectives of policy makers who influence legal curricula and the way in which they are delivered in the classrooms. Potential research participants could include legal professionals working in the ministry and statutory bodies.

It is recommended that further research be facilitated to continually enhance the learning experiences of law students. Much data that potentially informs this area of study can be derived from the perspectives of stakeholders other than the academics. Since the legal field extends to players beyond the classroom, it might be fruitful to investigate their views on the same. Empirical results that yield from further qualitative studies might inform and influence pedagogical aspects of the role of English communication skills in legal education.

The contributions, as outlined above, culminate in learner achievement and success; both academically and industrially. The long term ‘prize’ would be an education model that is sustainable and relevant against the backdrop of a constantly evolving and hugely globalised legal practice.

Conclusion

This thesis set out to inquire on the perspectives of teachers of law on the role of English communication skills in their facilitation of legal courses in Singaporean tertiary institutions. Key emergent themes that are derived from the findings have led to the development of four theoretical propositions which inform on current educational objectives and classroom practices. It is with aspiration that this research may prompt further scholarship in the areas of legal education and linguistics to glean benefits for learners of law. It has been shown that sound English communication skills translate into significant benefits in the teaching,
learning and practice of law. This thesis hopes to make a contribution to the
cause of legal educators, policy makers, curriculum planners, practitioners and
students alike.
References


127


Appendices
Appendix A
Sample Interview Questions

• What level are the subjects that you teach pegged at?

• In your opinion, would you say that law is a challenging subject for your students? If so, what are some of the challenges they face? What is the impact of such challenges?

• What is your view on requirements for students to memorize the law, considering that the exam is a closed book?

• Do you think that articulation and presentation skills are essential for law students? Why or why not?

• What about students who speak well? Do oratorical skills count towards student grades?

• Can you provide me with an example of how students are not able to 'marry' concepts on paper?

• What methods do you employ in your teaching in order to grasp legal principles? Can you provide some examples?

• Which methods work best and why?

• If a student is unclear about certain phrases or terminology, what can they do within or outside of class to address this?

• Do you feel that English proficiency can and should be imbued in the teaching or law?

• Are students penalized for linguistic errors in assessments? If so, how? What is your view on such penalties?

• Would you say that your current law curriculum places much emphasis on the teaching of English communication skill sets?

• Does your institution support your teaching of English communication skills? If so, in what ways?

• What do you think you can do to enhance your teaching of English communication skills?
Appendix B

Checklist of focal points for non-participant observations

- What field of law is covered in the lesson? Is it a beginning stage or advanced stage module?

- What is the profile of the students? Are they an international body and if so, what is their level of English language proficiency?

- Is it a lecture or tutorial? What is the teaching methodology? Is it chalk and talk? Power-point presentation or group discussion?

- What is the level of participation? Is the lesson tutor-led or student-centred?

- What are the modes of assessment? Presentation? Lesson participation? Written examination? Written assignment (individual or group)?

- What material did the instructor use to supplement the lesson? Worksheets? Illustrations? Diagrams? Mind-maps?

- How were case studies presented and what type of follow-up work are the students expected to engage in? Further online research? Primary text research?

- How did the students embrace legal language? New jargon and terminology?

- How did they blend legal language with everyday language or how did they differentiate between the two?

- Did the students slip into any other discourse during group discussions? Did they use their native tongue to communicate the concepts and ideas?

- How did the instructor convey legal terms?

- Can the lesson be video-taped or audio-recorded for further reference?

- Did the lesson conform to or deviate from the given lesson plan? Why? In what ways?
Appendix C

**Statutes**

Legal Profession Act (Singapore) [http://statutes.agc.gov.sg](http://statutes.agc.gov.sg)


Private Education Act (Singapore) [http://statutes.agc.gov.sg](http://statutes.agc.gov.sg)

**Table of Cases**

R v Ann Harris (1836) 7 C & P 446

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