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Štěpánka Bilová
the Masaryk University Language Centre
Brno, Czech Republic

ENGLISH FOR INTERNATIONAL TRADE LAW

Abstract. The Faculty of Law at Masaryk University in Brno, the Czech Republic, offers several fields of studies, one of them being the three-year Bachelor's degree programme of International Trade Law. This programme includes two semesters of English for specific purposes which the students take in their first year of studies. However, as the programme is offered as a part time study, there are only 10 lessons of English taught within two days per semester. Preparing a course which would develop the students' language abilities and skills in the international trade law environment appears to be rather challenging under such conditions.

In the paper I would like to share the ideas and experience from re-designing the syllabus for this course of English for international trade law. I describe the process from the original syllabus to a new one in which the teaching situation and students' needs are taken into account. The course intends to include both product and process oriented goals and helps to improve general professional needs. In order to cover the field specific vocabulary, language practice and soft skills development within the above mentioned limited time frame, the students need to work both before and after the classes. The course is going to be piloted this year and we expect further modifications after its evaluation.

Keywords: ESP, syllabus design, needs analysis.

Designing a Legal English Course for International Trade Law Students

Designing a successful course is a complex and challenging task. Necessary steps include needs analysis, setting goals, syllabus production and changing or improving the course after each teaching. The ideal procedure is, however, often limited by obstacles which cannot be removed, e.g. keeping the given syllabus, restricted time, mixed ability groups. In the case of ESP, the teacher designing the course is not always both a language teacher and a subject specialist. This paper deals with the course "Introduction to English for International Trade Law" from the Bachelor's Study

Programme at the Faculty of Law of Masaryk University. The programme was first opened in 2004; it is, therefore, more appropriate to speak about redesigning, or adapting the existing course. After recalling the concepts of course design, we describe the process of modifying the syllabus for Introduction to English for International Trade Law from its very beginnings to a new, innovated, version. We show the motivations and paths leading to the new syllabus, including a rather complicated investigation of the learner group and their needs, and then present the goals of the new course.

Designing an ESP Course

Designing ESP or general EFL courses has been dealt with by many authors. The necessary steps were concisely summarized by Dick (2005) in the form of guidelines. First, we have to decide which type of syllabus we want to create, secondly we need to analyse the teaching situation, e.g. type of assessment and available resources, and the learner group and their needs. In the next step we set the learning objectives. Only then can we start designing a syllabus structure and materials. After the syllabus is written, it needs to be piloted, evaluated and adapted. As Dick (2005) pointed out "syllabus writing is a long process and one which requires constant reflection and revision."

Types of Syllabus

As far as types of syllabus are concerned, various authors use different criteria and terminology, we can recall the division between product-oriented and process-oriented syllabi as described by Nunan (1988). Product-oriented syllabi focus on what the learners will know or will be able to do at the end of the course and are based on graded items, typically grammatical, functional-notional, or lexical. Process syllabi refer to a series of actions directed towards an outcome; they are tasks-based or skills-based and learner-centred. Nunan (1988:12) asserted that a good syllabus should include elements from both product and process oriented syllabi, which is also implied by Hutchinson and Waters (1987) for ESP courses.

Needs Analysis

A need analysis forms a necessary basis for setting the course goals. It is described by Hutchinson and Waters (1987:54) as the analysis of the target situation needs – the kind of language that the learners have to acquire to react adequately in the target situation. Nevertheless, ESP courses can be tricky with identifying the needs because very often, the immediate needs do not correspond to the future professional needs. Hutchinson and Waters (1987:55) say that, generally, students' answers to questions in needs analysis questionnaires often reflect very subjective needs which are usually different from any 'objective' assessment of what they really need. It is, therefore, necessary to combine more approaches to create a profile of the learner. As Huhta, Vogt, Johnson, & Tulkki (2013) specified, "needs analysis for the creation of a profile begins with an investigation into what experienced professionals view as typical contexts, texts, communication situations, etc. in a particular professional field" (p. 14). They also provided a typology of nine research methods that the needs analysts could employ (Huhta, et al., 2013:17–19): non-expert intuitions; expert practitioner intuition; unstructured interviews; structured interviews; surveys and questionnaires; language audits; observations; text-based analysis; and diaries, journals and logs.

Goals of the Course

Nunan (1988:61) described goals as general statements about the long term purposes of a course and identified four areas of necessary goals (Nunan, 1988:25): affective goals which should encourage learners to develop confidence in using the target language; learning goals that aim at developing the ability to assess their learning styles; communicative goals establishing and maintaining relationships through exchanging information, ideas, opinions, attitudes, feelings, experiences, and plans; and cognitive goals covering developing skills in monitoring performance in spoken language.

We can also distinguish product-oriented and process-oriented goals. The product-oriented goals cover (Nunan, 1988) what the teacher hopes the learners will achieve in the classroom, or the real-world communicative tasks the learners should be able to perform as a result of instruction', etc. The process-oriented goals present the process through which knowledge and skills could be achieved, e.g. how learners will improve communication strategies.

Syllabus Design and Further Adjustments

The above mentioned considerations imply that an ESP syllabus should be multidimensional and based on a thorough analysis of the course participants' needs. Hutchinson and Waters (1987) offered a syllabus design scheme which stems from analysing two situations: the actual learning situation and the target situation. Analysing the target situation leads first to establishing general topics and tasks, and then to producing a detailed language/skills syllabus. Taking into account the analysis of learning situation, relevant and enjoyable materials are created. After the syllabus is put into practice, the teacher facilitates student work, monitors their progress and evaluates learner achievement which then leads to further adjustments for future development and improvements in the syllabus.

Course Description

The course "Introduction to English for International Trade Law" is intended for undergraduate students of International Trade Law at the Faculty of Law. It is a compulsory subject which most students take in their first year. It lasts two semesters, there are 10 in-class lessons each semester, however they are scheduled into two sessions (6 and 4 lessons) per semester. The small number of lessons results from the fact that the programme is offered as a part-time study, which is called a combined study mode at our university.

Each double lesson is devoted to one topic, which amounts to 5 chapters in each semester. The first semester is finished with a written assignment, the second one with a written assignment and an examination covering the topics of both semesters.

The students are supposed to be at B2 level of CEFR. There are about 50–60 students divided into 2 teaching groups. Although attending the classes is compulsory, some students can study individually due to specified reasons.

Original Syllabus

The teaching in the course was based on the textbook which had been written by our ESP colleagues and which had needed to be prepared under rather unfortunate, but not untypical, circumstances: it had to be written quickly even though the study programme was completely new, not only at Masaryk university, but also elsewhere since the study programme of International Trade Law is usually offered as a Master's, not Bachelor's programme.

As a consequence, there was not any way how to conduct need analysis and none of the colleagues had any previous experience with the subject of International Trade Law. The topics were recommended by the subject specialist and due to the limited hours of teaching and insufficient knowledge of the audience and their needs, the course resulted in a content-based syllabus when the teacher expected students to have upper-intermediate knowledge of English and some familiarity with the subject specific content, at least in their first language.

Thus, at the very beginning, the course was content based on product-oriented aims. The topics covered especially subject specific vocabulary, they concentrated on explanation of basic terminology. As far as language skills were concerned, the syllabus focused on reading and writing skills. The students were expected to acquire the basic vocabulary of international trade law, to understand simple texts on specific topics, to deduce the meanings of unknown words from a context and explain and compare key terms of international trade law. They were expected to be able to prepare the summary or translation of a given text, and to research answers to the given questions.

The first semester included the following topics: International Trade Organisations, European Community and European Law, Export and Import Transactions, Key Words in International Trade and Incoterms. The second semester covered International Sale Contract, UN Convention on CISG, Agency and Distributorship, International Payment Mechanisms and Documentary Credits.

The in-class lessons were followed by submitting individual written assignments which were a compulsory requirement for a successful completion of the first semester and a necessary pre-condition for sitting an examination in the second semester.

Examination

Up to Summer 2013 the final examination in the course Introduction to English for International Trade Law was in the form of a written test consisting of 50 multiple choice questions which covered all 10 topics. The questions tested comprehension, lexical accuracy, and partly correct translation of terms. This structure of the test is going to be changed dramatically. As all ESP and EAP examinations at Masaryk University are undergoing changes towards their standardisation, a new format of the exam will be introduced in the academic year 2013/2014.

The examination will cover all language skills, and will, therefore, be much more complex. It will consist of an oral examination and a written examination. The written exam will include four parts: listening, reading, writing, grammar and lexis. The listening part will have two tasks (a dialogue with multiple choice for general understanding and a monologue for gap fill for detailed understanding), the reading part will consist of three parts (matching the summaries to the paragraphs, multiple choice for global understanding and multiple choice for detailed understanding), writing is covered by one task – an email, letter, or memorandum. The final part is devoted to lexis and grammar: translation and sentence transformation. In the oral examination, the students must show their communication competences on explaining advantages or disadvantages, giving their opinions, and interacting with a partner.

The need for modifying the syllabus and gradual changes

The first years of teaching the course showed that the expectations concerning both the students' level of English and professional knowledge did not prove right and the content and methods needed to be adjusted. Gradual changes which had taken place annually led into re-designing the syllabus so that it would take into account wider professional needs of the learners as well as the actual learning situation according to the scheme of Hutchinson and Waters (1987).

The first changes had to deal with approaching the subject specific topics; the teacher could not rely on the fact that the students were acquainted with the issues in their mother tongue. Further modifications concerned especially more language practice; the lesson, therefore, included more listening and speaking activities and developing professional communication skills such as presentations and formal correspondence. Although the field-specific content was preserved, the emphasis was placed on understanding the main concepts, and more extensive language practice resulted in shifting some of the content-specific details for homework.

The original written assignments concerned the same topics which were dealt with in the lessons, however, the connection was not really straightforward as they included new elements that did not appear in the sessions. They were, therefore, adjusted so that the students made use of what they learnt in the lessons.

The evident lack of time for sufficient reinforcement of new concepts and practice of language skills was compensated, to a certain degree, by creating e-learning support, i.e. developing a set of interactive tasks which covered and extended the content of the lessons. The students could work with the tasks at any time, but they mostly used them as revision before the exam.

The Way to the New Syllabus

Type of Syllabus

The teaching experience confirmed the theoretical background (Hutchinson & Waters, 1987) and resulted in the call for combination of product and process type of syllabus. The gradual changes also showed this approach to be the most suitable as the students need the language and the skills as well as to understand the processes by which they learn. The new syllabus will thus cover not only what the students will achieve as far as vocabulary, functions and notions are concerned, but it will also deal with professional skills which the students will develop and ways of improving the skills.

Teaching Situation

By teaching situation, Dick (2005) means the constraints we are working under that we cannot change. In our case we have to consider how to approach the small number of lessons, the given final assessment and the fact that the students are not familiar with the subject-specific topics.

Number of lessons. It has been mentioned that the course includes only two in-class sessions per semester, which affects the students' work to a great extent. The teacher meets the students only four times during the course. Two of these are intensive 6-lessons sessions, which can be rather demanding for some of the students considering the fact that both general English and subject specific topics can be difficult for them. The teacher thus needs to accommodate the content so that it is well balanced as far as the difficulty and the dynamics of the teaching is concerned.

On the other hand, longer sessions can have some benefits. They enable the teacher to spread out various language skills more appropriately and practice them more intensively. E.g. one chapter can be more reading focused with only a bit of listening and speaking if we know that the next topic will exploit audio recordings and will be followed by extensive speaking. Another advantage can be that the teacher has more chances to get to know the students' abilities during the long sessions, however, this generally applies when the number of the students does not exceed 20.

The limited number of lessons also deepens the problem of teaching a mixed-ability class as there is not much space left for designing the variety of tasks of different difficulty when we have a busy schedule. We have opted for a common solution with the use of e-learning. If necessary the students can practice the structures, phrases, and grammar before the lesson.

Examination. Even though preparing for the exam does not belong to the aims of the course, the content should reflect the tasks that the students are going to find in their examination. When preparing individual activities we tried to implement the types of tasks that appear in the examination. Fortunately, the new form of examination was being developed alongside with designing the new syllabus, and thus, the examination productive skills tasks correspond to the professional needs of students, and the other parts to their language needs.

Exam practice tasks can be included in all parts of the course, i.e. in written assignments as well as in the lessons, however, as the whole exam is a complex test requiring at least some practice, we decided to devote one seminar particularly to examination practice, where the students will have a chance to trial a whole test and prepare in a better way.

Subject-specific content new to students. The subject-specific topics naturally remain, however, in order to develop them meaningfully, it is necessary for the students to come to the lessons equipped with the basic terms, otherwise, the whole lesson would be spent on explaining the concepts. The model of in-class teaching followed by a written assignment was, therefore, converted into the model of pre-session assignment, in-class lesson, and after-session assignment for each chapter. This also compensated for the small number of lessons as the students prepare the "theory" in advance and the lessons could be spent by reinforcing the concepts and practicing them in an appropriate context.

Learner Needs Analysis

Learner Group. Several years of teaching in the course has shown that the group of learners is indeed very heterogeneous. In the first lesson there is an activity in which the teacher finds out whether the students are familiar with the subject-specific content and whether they are involved in the area of business, international trade, or law. Over the years it became clear that the percentage of learners working or studying in the area related directly to international trade law varies, it is not very high (usually 10–15%), and moreover, there is not a single profile that would be typical.

The students can be divided into three groups: people with some working experience, fresh university graduates and university undergraduates, i.e. those who have just finished their secondary school education, or are studying another undergraduate programme. Even though there is a significant proportion of learners coming from the industry (at least 40%), many of them chose the study programme only because they are required to increase their qualification at work, and it was simply the most attractive option for them. Some learners are working in companies trading internationally, e.g. shipping companies and carriers, some are civil servants, e.g. in international offices, international investment offices, or in customs administration. As for the second group, these are usually graduates of Economics who want to obtain specialization in International trade law. The students from the last group may have very diverse future. Those studying already also long for a specialization added to their first studies which can be e.g. economics, English, social studies. The fresh secondary schools graduates can start studying a five-year law master's programme or decide for any other after finishing the first year.

It is very difficult to identify the common target situations, when some of the learners even do not expect to be involved in international trade law, some learners do not know what they will do, some learners will even change the subjects of their studies. There is a rather high drop-out rate, being minimum 30% in the past years. Some years not even half of the enrolled students finally graduated. Unfortunately, it has not been possible to obtain any information which group of learners dropped out most frequently.

As for their level of English, again the learners are not a homogeneous group. Though theoretically they are required at least B2 level of CEFR, the abilities vary from lower intermediate to advanced levels. There is no introductory test to check the level, it is the learners' responsibility to cope with the insufficient knowledge.

Needs Analysis. From the above description of the learner group, it is obvious that we find ourselves in a typical ESP situation when the learners are not aware of their future professional needs. We therefore opted for investigating the profile by asking the professional working in the field, subject specialists from the International Trade Law department three years ago. Then we started implementing some of the professional needs we learned into the syllabus, monitored and systematically observed students' work in the classes and evaluated their written tasks. Thus we have obtained a considerable sample of immediate language learning needs which are related to the professional environment.

By questioning the teachers of the study programme, we also identified one target need common to all the students before the completion of their studies. Each student is required to use at least one resource written in English for the Bachelor thesis. It is therefore suggested that the students should work on their research and reading skills as well as on text transformation skills and translations.

From the information gathered about the professions from subject specialists, we realized that we are not able to arrive at a typical profile for obvious reasons: since the beginning of the study programme in 2004, there have not been many graduates and their professional careers vary considerably. It is therefore preferable to touch various areas of international trade law and concentrate on such professional skills which are applicable to a broader scope of related professions, e.g. in business. Since the international transactions are centred around contracts, the learners should be able to identify the clauses they need, they should know what to expect from both the content and language point of view, such as typical phrases and sentence structures.

The target needs include: correspondence (emails, letters), presentations, communication with business partners (negotiation, explanation), working with contracts and regulations, other authentic texts and documents within subjects specific fields of both public and private international trade law.

The learners' achievements in the past 3 years showed that about 30% of the group have a very good command of English; they have no problems with language skills or functions. What they need to work on is either subject specific concepts or the proper register. There appeared examples of common situations when some students are very well equipped with oral communication skills and at the same time struggle with written assignments, while some other rely on very good passive knowledge of English but have problems in spontaneous communication, and others are able to work efficiently in English in the professional area, but make rather basic mistakes in general English.

As for the skills, surprisingly, the majority of students need to work on their presentation skills, Internet research skills and both oral and written communicative skills. Most of the learners need to improve their written skills: structuring the text, keeping the register; they have problems with typical mistakes: syntax, articles and collocations. Although speaking may not be seen problematic by the majority of students, many have difficulties with focusing on a topic or expanding the topic. Listening is traditionally perceived as the most difficult skill because the majority of students is not exposed to English much. As for reading, weaker students have problems to find correct answers for comprehension questions and are not able to identify key expressions.

Setting Goals of the Course

Based on the analysis of learning and target situation, the main goals of two-semester course of English for International Trade Law are related to the ability to respond in basic situations appearing in the area of international trade law. The course should help learners to

- get acquainted with the basic notions and areas of international trade law;
- improve their ability to read texts and authentic documents concerning international trade law (such as conventions, contracts, transport documents) and understand their structure and purpose;

- improve their ability to write common legal and business text types, such as letters, emails or memorandums;
- increase their comprehension of spoken English in international trade law context, mainly conversations, discussions, and lectures;
- improve their oral communication skills, mainly in discussions, negotiations and giving short presentations;
- improve their ability to work with texts, i.e. to research information from a variety of sources and to use it in an appropriate way;
- work on improving their skills by providing a set of compulsory and optional tasks supporting developing the abilities.

The new syllabus

The Methodology of Work

In order to incorporate the results of the needs analysis into the syllabus with the tight time limit, we must make several adjustments to the original syllabus. The changes concern mainly the process of acquiring the knowledge and the skills. Furthermore, there will be a more systematic methodology connecting out-of class and in-class activities.

Interconnecting out-of class and in-class work. The first modification has already been mentioned in Section 6.2.3; the model of in-class session followed by a written assignment was transformed into three-phase work, i.e. pre-session tasks, in-class sessions and after-session tasks which maintain close and straightforward links. The pre-session tasks are designed to introduce subject-specific topics in such a way that the students work on developing their language or professional skills as well, e.g. they are to search for information and prepare a minipresentation. The lessons are then spent on practising the topics and skills. The after-session tasks are devised for revision and reinforcement of the issues and activities dealt with in the lessons.

Feedback on out-of class tasks. The practical side must be also taken care of: all students have to hand in the pre-session tasks two days in advance into the University Information System, the teacher goes through the tasks, prepares general feedback to the class. Moreover, the pre-session tasks are designed in such a way that they anticipate typical mistakes (which were identified while observing the learners' work in the previous years) which are then explained in more detail and practiced in the class if necessary.

The students are then supposed to correct any mistakes that are commented on by the teacher and they hand in the corrected version at the end of semester. The assignments are designed in a practical way, so that they are easy to assess, e.g. the translation of a text was replaced by translating phrases in the context. The assignments are not marked, but insufficient or incorrect pieces are returned for corrections; the teacher writes a short individual feedback.

In-class lessons. The in-class sessions include a lot of collaborative work. Even though the students prepare the pre-session tasks individually, they often use them as a basis for further work in class, e.g. they share information in groups, or they have to co-operate on preparing a group minipresentation. The learners also make use of their pre-session work in role-plays and discussions.

Dealing with Mixed-ability Groups

In order to facilitate the learners' work in the course as well as to help them better prepare for the examination, we decided to offer a greater support for weaker students. They are provided with extra material for preparation or further practice, e.g. grammar and lexical points, functions, materials for developing communication and presentation skills. These materials are optional and intended for those who need them.

The instructions for pre-session tasks often include suggestions for improving the work or preparing for the lesson, e.g. tips for successful presentations, or phrases for explaining. They appear in the form of links to the Internet resources and interactive e-learning activities.

Subject Specific Content

As for the subject-specific content, the analysis show that no particular area would need special interest as far as the depth is concerned. The topics will not therefore differ from the original syllabus significantly, nevertheless, bigger attention will be given to more systematic treatment of contracts. The separate issue of the European Union will be left out, other topics will not be dealt with in such details, e.g. types of documentary credit, however, the learners will be given resources where they can find more information.

Content and Skills Syllabus

The First Semester

The first semester includes five chapters which deal with the following subject-specific topics: Introduction to basic concepts, International trade organizations, Export and import transactions, Incoterms and International payment mechanisms. The chapters cover some of the key terms related to public and private international trade law. The learners will practice all language skills, i.e. reading, speaking, writing and listening. The professional skills will include research skills, presentation skills (preparing slides for presentations), writing emails and letters, interviewing and advising. The supportive materials helping with acquiring the knowledge and skills will focus mainly on functional language useful for professional skills and development of subject-specific vocabulary.

After completing the activities of the first session, the students should be able to

- explain the difference between public and private international trade law;
- give examples of professional activities connected to international trade law;
- give details of WTO and other international trade organizations;
- describe transactions involved in international trade;
- explain the purpose and structure of some documents used in international trade;
- identify key terms and ideas in the text and develop vocabulary;
- search effectively for information and transform it into desired product;
- write emails in a stylistically correct way;
- participate actively in a discussion, giving opinions and arguments.

Upon completion of the second session, the learners should be able to

- describe and explain the chart of Incoterms 2010;
- compare advantages of various types of payment mechanisms used in international trade;
- deduce the meaning of unknown words from the context;
- use various strategies to find information in the text;
- interview a client and advise them;
- write letters in a correct way.

The Second Semester

The second semester consists of four subject-specific topics and the last lesson deals with preparing for the exam. The chapters are titled: the United Nations Convention on Contracts for the International Sale of Goods, Commercial contract structure, International sale contract, Agency and distributorship, Exam practice. This semester focuses on contracts; apart from studying important vocabulary and common clauses, the attention is also paid to problematic syntactic and grammatical structures. The students again practice reading, speaking, writing and listening. The professional skills include the second part of presentation skills (structuring and delivering a presentation), writing a memorandum and a report, negotiation. The optional materials concern, apart from functional language and vocabulary building, more detailed practice of grammar and syntax and translation of terms.

Upon completion of the first session, the learners should be able to

- explain the purpose and structure of CISG and find relevant articles;
- understand and explain sample articles of CISG;
- prepare and deliver a short effective presentation;
- identify and describe the structure of a common commercial contract;
- distinguish legalese from plain English;
- use contract templates and term sheets;
- negotiate effectively.

After finishing the second session, the students should be able to

- explain the difference between agents and distributors;
- analyse sample clauses of agency contracts;
- write a short explanatory report;
- recognize how they need to prepare for the exam.

Conclusion

The course of Introduction to English for International Trade Law has had a nine-year history of existence. It started with a syllabus which has been adapted over the years to accommodate the group of learners and future professional needs. This process corresponds to Hutchinson and Waters (1987) and will continue with evaluation and adjustments in the future as well. At the moment we are piloting the course and we plan to use a questionnaire at the end of the first year to obtain the feedback from the students.

The course does not belong to regular legal English courses as the study programme is also quite unique. It was therefore very difficult to identify the professional needs of the learners. Ideally, we would like to stay in contact with the learners to obtain more information in the future which could help us create a more detailed profile of the learners in the sense of Huhta, et al. (2013) for future improvements of the syllabus, so far we have used mainly the method of observation and gathering information from the specialists. As the course is taught only within a very limited number of lessons, the syllabus focuses on the key concepts and skills which are applicable to wider professional needs. We are going to use a series of more detailed questionnaires and surveys to attempt to create a more specific profile of the learners within the professional context.

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