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NEEDS ANALYSIS AND ESP COURSE DESIGN: SELF-PERCEPTION OF LANGUAGE NEEDS AMONG PRE-SERVICE STUDENTS

Abstract. In the context of recent social changes in Central Europe, the article outlines the need for a change in the traditional syllabi for legal English classes. It deals with needs analysis as one of the most important sources of inspiration in syllabus design. First, needs analysis is situated within the methodology of English for Specific Purposes. Then, the rationale for a needs analysis survey among pre-service students in current legal English courses is presented and, finally, the findings are interpreted with respect to the actual target situations that students are likely to encounter after graduation. The article concludes by pointing out that although pre-service students may have vague ideas about the use of English in their future jobs, course instructors should consider their needs and wants because they are crucial for increasing the students' motivation. Instructors and course designers should, however, obtain information from professionals and former graduates as well because that will enable them to address the actual target situations most effectively.

Keywords: needs analysis, ESP, ELP, legal English, syllabus design, pre-service.

Traditionally, legal English courses for second language learners have followed the pattern of teaching significant legal content related to the Anglo-American system of law. Many a student found him/herself having to study about various English peculiarities concerning equity, torts, trusts, land law, etc. Over the past couple of decades, however, the entire situation has undergone a profound change. Globalization has meant that the individual legal systems, previously existing within local legal contexts, are increasingly coming into mutual contact. The continuing integration within the European Union is accompanied by the rising dominance of English, which has become the true lingua franca for spoken and written communication between experts not only on the international level but also domestically since various legal documents, judgments, etc. must be used and

processed by lawyers in their everyday practice. This change is particularly noticeable in the countries of Central Europe, which joined the EU relatively recently.

The teaching of English to novice lawyers at law faculties needs to reflect the broader changes in the society. The new syllabi should not only refocus from the Anglo-American content to the European one but also place more emphasis on new skills that future lawyers will need. Although teaching materials appear to be plentiful, they are often little suited for the ESP classroom. Despite the appearance of some excellent textbooks over the past few years, there are still problems with their incorporation into the existing syllabi.

Syllabus design and course development in the area of English for Legal Purposes (ELP) also needs to reflect the students' target situations. In general, needs analysis forms a key part of the design of any ESP course that operates with the learner-centred approach. After considering the role of needs analysis in ESP and student input in syllabus design, the article reports on a needs analysis survey carried out among pre-service students of law. The survey, intended as an initial diagnostic tool, was designed in order to identify students' self-perceived wants and needs by finding out about their general expectations concerning the use of English during their studies and in their future professional careers.

Legal English and English for Specific Purposes

Over the past two decades, the teaching of English has increasingly come to reflect the actual needs of students. In addition to teaching general English, various specialized courses at language schools, private classes as well as university departments have proliferated, targeting people who use English in their jobs. The demand has partly been driven by the requirements of the 'real world' – companies, businesses, offices and government agencies that need employees fully proficient in English in order to deal with business-related matters. Various providers of language services have been quick to realize the commercial potential of this field and, in the case of universities and non-profit educational institutions, have become interested in 'producing' graduates who are able to do well amid the increasingly harsh competition of today's job market.

This is a general trend in the globalized world where English has assumed the position of a global lingua franca. While other languages may be important in various local regions, the supreme worldwide role of English

is undisputed. In the European Union, English is the most widely used language and all professionals working in the EU are automatically expected to have a fluent command of it. The majority of EU documents are drafted in English and are subsequently translated into the languages of the individual member states.

All this has had an impact on the teaching of English and the rising importance of an EFL field known as English for Specific Purposes (ESP), itself a subfield of Language for Specific Purposes (LSP, cf. Swales, 2000). English language theorists consider ESP as a general field that comprises English for Occupational Purposes (EOP) and English for Academic Purposes (EAP) (Koester, 2012). ESP is characterized by its focus on selected topics relevant for a particular professional field, such as business, medicine, aviation, tourism, etc. In such vocationally-oriented courses, students are introduced to texts, genres, discourses and communicative situations that they are likely to encounter in their professional lives. This gives them a chance to practise some of the communicative skills, specific terminology and relevant issues typical of their fields. In defining the scope of ESP, Widdowson (1983) points out the difference between offering ‘training’ and ‘education’ in the various conceptions. Clearly, ESP practitioners do much more than teach lists of words and stereotypical phrases that students will use in their future professions. This perspective is shared by Flowerdew and Peacock (2001: 18), who argue that ESP is “part of the broader educational process”, which means that “broader competencies will be developed in courses with broader aims, courses which focus on ‘purposeful activity’ rather than specific language”.

It is within this background that the field of English for Legal Purposes (ELP) is situated. Arguably, ELP differs from some other areas of professional English, such as English for business or engineering, in that the particular legal systems in the individual countries are different from each other, a situation that is made even more difficult by the existence of the Anglo-American tradition of common law as quite distinct from the Continental law systems found in the rest of Europe. However, it should be pointed out that teaching ESP/ELP is not to be equated with content teaching in English, i.e. ESP/ELP teachers are not supposed to teach the subject (e.g. a specific branch of law) itself. The latter approach actually forms a well-established educational field in its own right, one that has also recently enjoyed an increase in popularity (cf. CLIL – ‘content and language integrated learning’; Dalton-Puffer, 2007; Coyle et al., 2010).

Needs analysis in ESP/ELP

Any vocationally-oriented course must be based on the fundamental issue of “what learners need to do with English” (Dudley-Evans, 1997:5). Some authors even go as far as to ‘suggest that needs analysis is in fact a crucial feature of ESP courses, cf. Basturkmen (2013), who argues that “needs analysis is [...] a defining, if not the defining, characteristic of LSP”. Needs analysis bridges the classroom situation, typically characterized by the presence of pre-service (rather than in-service) students, and the target environment, in which the newly acquired language skills will be used by course participants. It could be said that course content is – ideally – built around a series of steps that gradually build up the students’ linguistic competencies and skills, eventually leading them to perform well or at least helping them to get a good start in the future target situation.

Assessing the future needs of students requires an informed analysis of their target communicative situation(s). As Nunan (1988:44) points out, “[o]bjective needs analysis results in content specifications derived from an analysis of the target communicative situations in which learners are likely to find themselves.” However, he goes as far as to suggest that “being derived from an analysis of the target language situation, they can be carried out in the absence of the learner” (1988:44). While that may be too extreme a view, it will be noted later on that the self-perceived needs that the participants in vocationally-oriented ESP courses may declare do not necessarily square with the actual linguistic requirements that they will be exposed to in the target professional situations. Yet, the students’ preferences should not be ignored because the preferences are reflected in learner factor analysis and are important in contributing to learners’ motivation. At the same time, however, the instructors may not have a much clearer idea of the future professional needs of their students either (cf. Eslami, 2010:7).

Identifying what the target communicative situations may be is no easy matter. The situations tend to be quite complex and diverse, as well as often foreign to the ESP/ELP practitioner. The complexity of the situation is noted by Dudley-Evans (1997:5), who considers “three aspects, i.e. needs analysis, the analysis of the genres and language related to these needs, and the use of the methodology of the disciplines or professions it is serving for at least some of the time in materials in the classroom, as the absolute characteristics of ESP that distinguish it from other branches of English Language Teaching.” The underlying methodologies refer to the frequent use of certain methods in particular areas, such as problem solving in engineering, case studies in business, and information extraction and interpre-

tation in law. Moreover, students will need English to meet not only their professional but also educational needs, i.e. the educational requirements set by their institutions. This involves reading books, processing cases, writing essays, locating information, etc. in English. Generally speaking, the ESP practitioner is there “to service the English language needs of particular communities” (Aurelia, 2012:5479).

Needs analysis is directly related to the design of ESP courses. It is clear that “the importance of needs analysis lies in the potential of its findings to inform the development of the syllabus of the LSP course in question” (Basturkmen, 2013). Let us therefore consider the issue of where course instructors can obtain relevant information about their students’ needs. The next section deals with the role of respondents in needs analysis by concentrating on how they fit into the design of language courses in general and legal ESP courses in particular.

(Identifying) suitable respondents in needs analysis

As noted above, needs analysis of the target communicative situation(s) is crucial for designing a balanced syllabus. An ESP/ELP language course must include a selection of varied, representative topics while addressing all the relevant skills. There are multiple stakeholders, who all have some role – direct as well as indirect – in the design of the course syllabus. These include the teacher, the students, the current/future employers, the administration of the educational institution, etc. The multiple stakeholder perspective is also clearly articulated by Huhta et al. (2013:10), who, when referencing Robinson (1991), points out that “[n]eeds may be investigated from the perspective of teachers, that of the learners or that of the employers who are funding the language course.”

As regards teachers, there are a number of ways in which language instructors can choose topics for inclusion in their language courses. Some teachers prefer to follow the pattern of specialized (content-oriented) classes, even though that approach is certainly not methodologically appropriate from the perspective of an ESP practitioner. Yet, it is sometimes the case that a lawyer – most typically a native speaker of English – is asked to teach an ELP class and ends up teaching law in English rather than explicitly addressing specific language skills related to the students’ future target situations.

Apart from such content-oriented teaching, some instructors may prefer to adopt an existing course book. The use of a course book has many clear

advantages: a logical structure, a balanced mix of skills, the existence of a teacher's book and accompanying multi-media materials, etc. Yet, many ESP/ELP classes tend to be so specific that it may be difficult to find an ideal course book for a particular group of students: the existing course books are either designed to meet the specific needs of a very narrow community of learners (e.g. in a certain country/university) or they address 'universal' international audiences to the extent that can be too general and may need to be complemented with additional customized materials by the teacher.

It is also sometimes the case that an ESP/ELP course is based on the teacher's intuition. While the teacher may justify this intuitive approach by claiming that they 'know their students best', this typically results in an unbalanced syllabus that is not ideally geared towards the students' current or future needs. Where language instructors lack prior experience with the professional environment themselves, the intuitive approach results in pure guesswork about their students' needs. Needless to say, since pre-service students may likewise have an imprecise idea about their future professional environment, an ill-conceived intuitive syllabus may not be immediately evident as such. The situation, however, is likely to be different with in-service students, who may be quick to point out discrepancies between the course design and their actual needs in the target situations. In-service students, as a rule, are also active in coming up with specific topics, cases and materials, which are typically taken from their everyday work.

In the area of ESP needs analysis, the needs identified by students have been traditionally considered as very important. Various practitioners have pointed out the crucial role of student input in the design of a successful ESP course. Edwards (2000:292), for example, bases this conviction on his experience of teaching business English in multinational companies. He uses the concept of "high surrender value" to describe the immediate transferability of the newly acquired knowledge to the course participants' working environments, i.e. that they "would be able to immediately use what they had learned to perform their jobs more effectively".

That is particularly the case with in-service students, i.e. those who are already in the professional environment and who attend courses aimed at improving their language proficiency. In this connection, Huhta et al. (2013:9) observes that "[t]eaching ESP has always been characterised by a hands-on, communicative approach to language teaching. Learners are taught to accomplish tasks that they are familiar with from their professional environment in the foreign language". In this sense, as suggested above, the in-service students can actually play a very important role in helping the teacher design highly effective course content.

That, however, is impossible with pre-service students, i.e. the typical students who attend tertiary-level language courses at universities. What is even more, not only do they have little (i.e., typically none) prior experience with the profession for which they hope to qualify during their studies but they are also frequently complete novices in the world of tertiary education since compulsory language courses are often placed in the students' first or second years of bachelor-level study programmes. Relying on those students' self-perceived needs to help the instructor design relevant courses may thus have only a limited value. In order to overcome some of the drawbacks of this type of needs analysis, it is suggested that it be supplemented with a reflective analysis carried out among recent graduates who are in a good position to assess the usefulness of the language classes they attended by sharing their fresh experience from the job market and their hands-on experience with the professional environment. It is argued that such 'transferred needs analysis' can bring invaluable insights into the syllabus design of ESP courses (cf. Chovancová, 2013).

In our recent work on syllabus design and innovation, it was decided to adopt an integrated approach that combines target situation analysis, present situation analysis, learner factor analysis, and teaching content analysis (cf. Basturkmen, 2013). For the *target situation analysis*, recent graduates were consulted in order to find out what students should ideally be able to do after attending a legal English course and what language-related activities novice lawyers actually perform in some of the diverse environments in which they find themselves after graduation. For the *present situation analysis*, a questionnaire was implemented among current students with the aim of identifying what students already know and what they expect. The analysis of in-service and pre-service audiences was combined with two types of analyses: *learner factor analysis* intended to make sure that students' diverse motivations and learning styles are addressed, and *teaching content analysis* of the learning environment meant to assess what can realistically be offered in a university course. From among the four components, the next section focuses on the second stage, namely the questionnaire survey carried out among pre-service students.

Needs analysis of the present situation

The analysis of students' needs should take into consideration their necessities, wants and lacks (Hutchinson and Waters, 1987). In my current work on the innovation of syllabi of legal English, a decision was made to

identify some of these elements in order to enable the teachers to modify the course content in a highly effective way. Thus, a questionnaire survey was carried out among first-year students with the aim of assessing the self-perceived needs of new students as regards their legal English classes. The questionnaire included three questions designed to find out about the students' expectations in these areas:

- (1) their legal English classes,
- (2) the use of English in their studies and future professional careers, and
- (3) their wants and needs for the course.

The issues that the students were asked to address were formulated in a general way in order to obtain as broad a range of replies as possible. The intended outcome of the survey aimed to elicit students' self-perceived needs as regards the present situation, the target situation and the teaching content as some of the components involved in the integrated approach to needs analysis. Other questionnaire designs would have been possible; e.g. a multiple-choice format could have provided for a more precise systematization of the data and a detailed quantification of the results. However, that was not the goal of the needs analysis at this stage of the legal course syllabus innovation project: a multiple-choice format, or indeed some other format using closed and more specific questions, was deemed to be too constraining for our purposes since the present questionnaire sought to establish the students' general preferences rather than confirm the teachers' intuitions or determine the percentage spread of answers according to a pre-defined set of criteria.

The questionnaire was distributed in five groups of twenty to twenty two students during the very first lesson of their initial term of study at the Faculty of Law Masaryk University, Brno. The questionnaire was anonymous and the respondents were not instructed by the teacher in any way in order to avoid any possible negative effect on the results. The concentration on first year students was intentional since the questionnaire aimed to establish the students' expectations at the point of their entry into the university environment. In this light, it is not surprising that many of the answers reflected students' prior experience of their secondary school education.

All in all, 128 questionnaires were completed by the respondents. Their replies ranged from quite simple and vague answers to very sophisticated and elaborate accounts of what students expect from the future as regards the use of the English language. While the questions were not meant to establish the students' proficiency in English, many of the individual answers reflect the actual level of the students' competence in English, ranging from

faultless English to rather clumsy styles with lots of mistakes. In this way, the answers indirectly contributed to the analysis of the fourth factor in the integrated approach to needs analysis, which had not been included in the three general questions asked, namely learner factor analysis. Thus, the answers informally indicated that the students' proficiency in practical English may not be on the level expected of their stage in the educational process, i.e. after they pass the national school-leaving examination (equivalent to the B1 level in the Common European Framework of Reference for Languages). However, establishing more precisely the actual entry proficiency level of first year students – and, thus, their language needs as regards the practical language component of ESP courses – would require quite a different format – a purpose-built placement test rather than a general needs, wants and wishes questionnaire.

The qualitative analysis of the data has yielded several major findings, e.g. that while students generally assign importance to English, they are, nevertheless, surprisingly highly motivated to learn the language. At the same time, however, they do not have a very precise idea about their future in-service needs. That, as mentioned above, is something that can be usefully corrected with the 'transferred needs analysis' performed among in-service graduates.

The following sections offer a brief overview of selected responses provided by first-year students. The findings are grouped according to the three questions asked and are complemented with a discussion of the significance of the students' replies and the implications that the answers hold for the teachers' work.

Expectations about legal English classes

As far as the expectations are concerned, a large number of students put legal terminology at the top of their lists – this preoccupation was mentioned, in one way or another, in 48 answers, i.e. by almost one half of all respondents. Students prioritized the need for terminology by calling it different names ranging from "special vocabulary" to "lots of new words". Many students also referred to discussions on legal topics (17 answers), and some also mentioned their expectation to learn about the Anglo-American legal system in general and about US and British law in particular (10 answers). Grammar practice was also mentioned (8 answers); this indicates that some students may be insecure about their practical language skills and may believe that legal English classes are intended to maintain and improve their knowledge of general English, i.e. independently of the legal content.

The answers provided by the students included the following responses:¹

- *I expect to learn new vocabulary and something about law systems in English speaking countries such as Great Britain or the USA.*
- *To conversate about interesting topics.*
- *Many words, no grammar.*

Significantly, as the answers above indicate, the replies provided by students tend to be too general. They lack any elaboration of, for instance, the specific legal topics that could be addressed, as well as the concrete legal skills needed by students of law and/or legal professionals. This is indicative of the fact that students do not have much experience with the legal world and are uncertain about what to expect. It appears that the answers actually reflect some of the topics that are included in the general English syllabus at secondary schools, which attests to the transitional status of first-year university students. While more specific results could be obtained in a needs analysis survey suggesting some legal topics and skills to the students (i.e., breaking the question down into a number of components), the answers point to the finding that students in fact lack clear expectations about the course they find themselves enrolled in as a part of their study programmes.

What this implies for language teachers is that they may have to, at least at the beginning of the course, motivate their students in a suitable way by carefully explaining the structure of the syllabus and generally marketing the course by making explicit those needs that the students may not be fully aware of yet. Thus, teachers should not operate with the assumption that students will be able to automatically relate to some of the materials and engage effectively in some of the tasks aimed at addressing specific legal skills.

Expectations concerning the use of legal English during studies and professional career

When asked to describe what they may need English for in the course of their studies and in their future professional careers, 18 respondents (i.e., about 15 per cent) actually stated they are planning to leave the Czech Republic and find a job abroad. Almost 30 respondents (i.e., one quarter) hope to get a job in an international company and communicate with colleagues and English speaking clients, and 12 respondents said they are planning to study abroad as Erasmus exchange students or do internships. In other words, almost 50 per cent of the respondents have a very clear expectation of their future need to use English actively in their careers. The remaining students who mentioned the need for English and whose answers were not

classifiable among the three basic kinds of answers indicated that they expect to read articles, books and web pages in English, use databases, and attend specialized law classes offered in English at their university. Only two students said they did not know what to expect and only a single one said that s/he did not expect to use English in his/her job but would like to practise it anyway.

The following answers illustrate some of the representative answers provided by the students:

- *Since I'd wish to leave Czech Republic after I graduate, I expect legal English to be extremely important for me. I am also interested in international students relationships, [...]*
- *I hope to move to an English speaking country and practice law there.*
- *I would like to speak fluently english and with knowledge of Legal English I want to try my fortune somewhere abroad.*
- *For communication with foreign customer and for contract preparation.*
- *I would communicate in English with foreign clients or work for an international company.*
- *Maybe in my future employment or to read more difficult texts or just to improve my language skills.*

As shown in the last reply, not all students may be aware of the necessity of having to work with international publications written in English, thus hoping the course will help them increase their ability to process texts written in a foreign language. This indicates that at least some students are aware that English language instruction actually goes beyond merely teaching the language, seeing it as a tool crucial for acquiring further professional knowledge. Arguably, there may still be students who harbour the traditional 'insular' belief that their professional careers are being performed in the domestic context, i.e. with the national law and in their native languages, and that they do not need to engage with the linguistic 'outside' unless they want to.

The inability to understand the real requirements of the professional environment is, of course, something that is found among many pre-service students, as opposed to in-service students who typically have very specific ideas about what their courses should contain. However, since the world of law is very competitive, many students take up administrative positions in law firms, citizens' advice bureaus, etc. soon after starting their studies. In this way, they become confronted with the real requirements beyond academia while still attending the language classes. Experience shows that such students typically have leading roles in the classroom and are happy not only to share various materials in the classes but also sub-

stantially motivate other students. It is from the constructive cooperation with such individuals that teachers can obtain substantial benefits, channelling the enthusiasm and experience of a few into an efficient motivation of the rest.

Actual wants and needs

When asked to list their perceived wants and needs, the most frequent replies (35 respondents) concerned the practising of speaking skills (as one student very specifically puts it, in rather a sophisticated way, “*skills in non-casual communication*”), as well as vocabulary and grammar (“*but not so much ☺*”). Only very few (3 respondents) mentioned writing skills. Five answers indirectly referred to the need to practise reading skills (cf. “*I wanna learn from legal documents*”). No respondents mentioned such skills as listening, note taking, excerpting documents etc. which are very important in the legal world, e.g. in lawyers’ work with their clients.

Selected answers illustrating the respondents’ perception of their own wants and needs:

- *I would like to learn how to name various processes and matters in Czech legal system in English. It is natural to learn from English books of English or US legal systems but I would like to be able to name the Czech specifics.*
- *I wanna learn from legal documents from abroad but I feel I need to improve my skills in non-casual communication.*
- *The more I can speak the better.*
- *Mainly vocabulary and phrases useful in the field of law since I expect everybody here to know the grammar. But doing some exercises with prepositions couldn’t hurt.*

Only one respondent expressed the need for learning the linguistic tools necessary for being able to explain Czech law in English (see above). This is perhaps somewhat surprising since this skill is among the core skills that future lawyers will actually need most, as revealed in the replies among legal professionals. It is evident that in multi-national law firms, or when working for foreign clients active in the Czech Republic, future lawyers will serve as mediators of the local legal context.

The answers reveal that students stress as important those language phenomena that they come into contact during their secondary school studies. Thus, they often refer to vocabulary, grammar and speaking, also generally mentioning the situation in “English-speaking countries”.

As noted above, hardly any of the respondents mention writing skills. This is probably little surprising, given the dominance of the communicative

approach at secondary schools, where writing skills tend to be underemphasized. Thus, while students may intuitively perceive writing to be difficult, they may be convinced that their speaking skills are actually more important and will help them “talk themselves out” of anything. Students do not seem to be aware of the fact that legal communication is primarily recorded in written form, which is – perhaps – the result of a skewed and stereotypical view of the legal profession formed on the basis of TV courtroom dramas that may give the wrong impression of the world of law as consisting mostly of verbal performances in the courtroom. Once again, the fact that students do not place writing among the ‘wants’ and ‘needs’ reflects their lack of experience with the actual world of law. Writing as well as precision-oriented tasks are among the components that the instructors should include in the syllabus despite the fact that they do not feature among the students’ self-perceived needs.

For teachers, this implies that they may have to be attending more to those skills that many students disregard at the expense of oral communication. While writing, listening and reading may not be among the students’ top priorities, the teachers should not opt for an easy way out; they should systematically address these highly important skills. Precision in language proficiency should be sought as a goal, despite the students’ preference of spoken activities and dislike of more demanding skills. The law is, after all, a discipline that relies on the precision of expression much more than other areas of human activity.

It is also recommended, on the basis of learner factor analysis, that course designers take into consideration the fact that students are not yet professionals but young people who also want to derive enjoyment from their studies. This is also one of the motivating factors that they have included in their responses. Being young, they want the lessons to be enjoyable; as some of them explicitly commented, “*I want to play some funny English games*”, “*I only know I don’t want the same lesson as in high school because it was boring*”, “*I want to learn some interesting things*”, “*watch various English films and read interesting parts of books, magazines etc.*”

Conclusion

It is evident that the ultimate goal of ESP classes is to provide targeted language instruction that will address the students’ real communicative needs in various professional situations. It is the teacher’s task to help students to become functional members of their professional communities by

attending to their linguistic needs. However, the designing of ESP courses is marked with a number of difficulties, as illustrated above.

The needs analysis survey carried out among students of law about their expectations, wants and needs has generally shown that students have a high motivation to attend English classes. They realize that legal English is important. Only very few of them say that they do not expect to use English in their future careers, but even those students still want to learn it. Interestingly, some students admit that they are “lazy” but still interested in improving their language skills. This is something the teacher has to take into account – students’ internal motivation thus needs to be supplemented with adequate external motivation that forces students to do work both in the classroom and outside of it. The teacher must make sure that the tasks are demanding and challenging and must see to it that everybody is involved. It is certainly an advantage that the students are fresh secondary school leavers and, in the vast majority of cases, bring good study skills with them.

Designing a learner-centred syllabus that is based on the needs analysis of pre-service students certainly does not mean compromising on course requirements or looking for the lowest common denominator. However, course designers need to look beyond the self-perceived needs of the students by including the valid requirements and observations of other stakeholders – former graduates, the institution’s requirements, as well as the instructor’s own previous teaching experience. The aim is to create a learning environment that is dynamic and stimulating and maximally responsive to the future target situations in which students will find themselves.

N O T E

¹ Students’ answers are cited in the original, unedited form.

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