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The Multidimensional Prospects for L2 English Legal Writing

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Tony Silva
Margie Berns
Dwight Atkinson

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Tony Silva

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Approved by: Nancy Peterson 11/11/2014

Head of the Graduate Program Date
THE MULTIDIMENSIONAL PROSPECTS FOR L2 ENGLISH LEGAL WRITING

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Submitted to the Faculty
of
Purdue University
by
Jongkyung Park

In Partial Fulfillment of the
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of
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Due to a rapidly rising population of international law students in the United States, considering the guiding role of language specialists in L2 legal writing has become more critical than ever regarding academic curricula and research as well as prospective professional practice. Given the lack of rich body of research on L2 legal writing, this thesis contemplates how legal writing curricula and research could be practically beneficial to L2 English learners (especially to those with legal backgrounds), through the researchers own point of view as a L2 English-speaking lawyer. For this purpose, the researcher investigates diverse approaches to L2 legal writing and explores relevant literature within the field of SLS. Current dilemmas in L2 legal writing instruction associated with the intimate relationship between law and language are also addressed. In addition, the unique aspects involved in L2 legal writing are identified and discussed regarding the discourse features of legal writing genres. Through such in-depth examination of the concerns and ideas of ELP researchers and practitioners, the researcher profiles current challenges in L2 legal writing and discovers varying perspectives therein(from ideal to realistic), including the value of interdisciplinary and intersectional cooperation in research as well as practice. Ulti-
mately, pedagogical implications of the research findings and suggestions for further inquiry are discussed.
1. **INTRODUCTION**

As the population of international students in US law schools has been rapidly expanding in recent decades\(^1\), it has become a critical issue to address their linguistic needs for English as an essential medium of academic achievement and professional practice. If the international students are already practicing law professionals with substantial experience or possess academic law degrees from their home countries, they usually pursue advanced degrees—such as post-J.D. programs including LL.M. (Master of Laws) or J.S.D. (Doctor of Juristic Science) programs rather than J.D. (Juris Doctor) programs—while studying in US law schools. Most LL.M. programs, in fact, comprise international students, and many of them exclusively admit foreign law graduates and foreign-educated lawyers; according to data released by the American Bar Association\(^2\) (ABA) in 2013, a total of 9,401 foreign law graduates were enrolled in advanced post-J.D. programs offered by 202 ABA-approved law schools in the US.

Since law school curricula and many tasks assigned to law students demand a fairly high level of English proficiency, most law schools require applicants to demonstrate a certain level of English proficiency as a prerequisite to law school admission by submitting official test scores, such as TOEFL and/or IELTS scores. There might

\(^1\)Regarding a detailed analysis of the reasons for this situation, see Silver (2006).
be concern, however, that this requirement might not be enough to guarantee that students are fully prepared with sufficient English skills for successfully functioning in law school curricula. Similar to other assessment methods, English proficiency tests cannot 100% accurately represent those applicants’ English skills; the test scores are more likely to be a result of short-term cramming as the lawyers are savvy enough to achieve the required test scores even if they are not highly proficient in practicing English.

Accordingly, as an institutional response to such consistent growth in international student populations, many law schools now offer various types of English programs for legal purposes (hereinafter referred to as “ELP programs”) in association with their law school curricula—whether they be meticulously designed regular programs, supplemental extra-curricular courses, or ad hoc measures. Typically, law school ELP programs tend to comprise pre-semester courses in legal English that intensively deal with case reading, class debate, and legal writing, though each specific course varies depending on respective institutional situations, including policies and financial budgets. It seems that these ELP programs are very popular among prospective international students since many students feel an urgent need for improving their English skills in order to actively engage in law school curricula.

Nevertheless, little research has been done within the field of Second Language Studies (hereinafter referred to as “SLS”) regarding the relevant issues and actual situations of ELP. Similar to many other English for Specific Purposes (ESP) areas, ELP could have been considered limited to a specific audience, whereby it would not have been attractive enough to be solely attended to by ESP researchers. In
addition, the extreme exclusiveness and technicality of the law discipline and legal language might have been perceived as an exorbitantly high threshold, preventing ESP scholars from accessing it; moreover, partially due to disciplinary insularity of law, there has not been much close cooperation between English departments and law schools, which may have discouraged many ESP researchers from developing interests in ELP programs. Regardless of past reasoning, ELP presently not only bears diverse issues greatly worthy of highlight but also deserves serious attention as an independent research area.

First, those enrolled in post-J.D. programs in US law schools mostly consist of international L2 English speakers holding law degrees and/or having considerable practical experience as lawyers in their home countries since post-J.D. programs usually require law school applicants to have such a background as a prerequisite for admissions; such characteristics uniquely shape these L2 law students in that they are already professionals in their disciplinary content areas while amateurs in terms of their language skills, skills that will be essential for them in exerting their legal expertise in this new context. This property of the L2 law student population is somewhat different from that in other disciplines in which students simultaneously acquire language skills and professional knowledge without previous experience or professional expertise. In light of such a distinction, legal English education needs to take a different approach given that there is a considerable discrepancy between what students possess in terms of intellectual capacity and what they can actually express in terms of L2 linguistic ability. In many circumstances, those who do not have sufficient language skills will try to compensate for such linguistic weaknesses with their
content knowledge and legal reasoning skills. Even though this may work as a short-
term strategy, the linguistic constraint imposed on their cognitive capacities should
be relieved some day if they are to play active roles as competent legal professionals
in international contexts. Such a unique status for L2 law students demands much
discretion on the part of ELP researchers and practitioners.

On the other hand, ELP program content is also a crucial element that distin-
guishes ELP programs from other kinds of ESP curricula. It is commonly known
that law is quite a complex discipline that requires a high degree of intellectual ca-
pacity; however, what makes law even more disparate from other disciplines is the
extraordinary interface between “the subject knowledge” and “the language” that
conveys the subject knowledge; the law comprises the language. That is, one must
understand the concepts of legal terms in advance in order to interpret the content
of legal knowledge. Candlin et al. (2002) precisely described this point as follows:

. . . Although in any discipline language is used to communicate
ideas, information, and opinion[s] about the content of the subject matter,
in law, language and content are more intimately integrated. Law, after
all, does not exist naturally in its own state; it is constructed, interpreted,
and negotiated through language. Legal concepts and the language that
expresses them form a dense, precisely interwoven texture which blurs the
distinction between language and content. Moreover, in law, language
does not always simply serve as the vehicle to express the subject matter;
on occasion it actually constitutes the subject matter . . . . Also, all of the
major legal skills are language-based: advocacy, interviewing, negotiating, as well as the various types of legal writing. (Candlin et al., 2002, p. 313)

Reflecting on this perception, Bhatia’s (1989) earlier concern that language skill has not been given enough emphasis in legal education seems even more significant. The language of the law is now regarded as important as the law itself, and attention to legal language is even more imperative for L2 English learners. Given that legal terms contain sophisticated concepts associated with subject matter, understanding legal knowledge is not separable from understanding legal terminology. It is inevitable, then, that the study of law should demand extreme accuracy in the use of language. Further, due to such an obscure border between law and language, it has been a perennial dilemma for ESP specialists to maintain a well-balanced focus between language skills and legal subject knowledge when developing ELP courses and materials, as will be discussed later in the following section.

Aside from the previously mentioned issues directly related to ELP programs, we should also take account of the ongoing needs of international law professionals concerning their English proficiency. Even if international lawyers are not currently law students in US law schools, they are potential L2 English users who likely want to improve their English skills in order to handle various English-demanding tasks during their academic as well as professional careers. For example, due to the increasing influence of the common law system across the world, comparative research has become an essential task for many lawyers and legal scholars even in countries adhering to the continental law system. Likewise, when these lawyers and legal scholars are faced with unresolved legal problems, foreign law references can be quite the
persuasive authority in the absence of applicable laws or precedents in their own legal systems. Even though US law does not have a binding effect in other jurisdictions, it has a strong political impact, which is why many countries give attention to US Supreme Court decisions. As a result of such a trend—that is, referring to foreign legislation or court precedents in the common law system—English skills have become indispensable qualities in people pursuing academic research as well as professional practice regardless of their countries of origin. Consequently, studying in US law schools has become the most attractive career route among international lawyers and law scholars.

All things considered, English competence is now more than necessary for those who engage in legal studies and practices all over the world, and US law schools are where those specific L2 English learners are most densely populated. At present, ELP programs facilitated by law schools may be common forms of ESP programs that exclusively care for the linguistic needs of the targeted audience, L2 English speakers with legal backgrounds. In spite of such an acute need for appropriate ELP curricula for these L2 English learners, however, there seems to be no corresponding amount of research at this time; thus, my research question considers how ELP curricula and research could be practical and beneficial for L2 English learners with legal backgrounds. To explore the relevant issues associated with my research question, I first tried to find as many references as possible within the existing field of SLS research. After preliminary searching for available literature regarding my research question, I confirmed that a rich body of research addressing ELP-related issues within the SLS area does not yet exist; rather, most research dealing with ELP issues focused on one
particular area among various language skills—legal writing, which I would attribute to the property of writing; writing is the most convenient form of assessment for academic progress and the most common form of academic product exposed to public audiences. In addition, legal writing skill is an essential quality for legal professionals as well as law students.

Hence, I decided to narrow down my original research question to the following: how can legal writing curricula and research be practical and beneficial for L2 English learners with legal backgrounds? Regarding my research question, it seems necessary to define the term “legal writing” for the sake of clarity. In fact, “legal writing” sounds so generic that it might embrace a wide variety of written genres concerned with legal purposes, legal methods, and legal issues, though it is not restricted to them. Likewise, it is inevitable that I must include diverse legal writing genres in this discussion in order to meet the actual needs of L2 English learners. If they are to function as promising law students in English-speaking-schools as well as competent legal professionals in global contexts, then English proficiency in various legal writing genres is indispensable for them; therefore, it would be a more reasonable approach to accommodate such diverse styles of legal writing into one single genre of “legal writing” on the surface level while taking account of their divergent contexts distinguished by their scope, content, and aims, on the other hand, as is discussed later in this thesis.

In an attempt to investigate diverse approaches pertaining to L2 legal writing, I, in this thesis, review research literature addressing the relevant issues of L2 legal writing within the ELP context considering my own perspective as a L2 English-speaking
lawyer and potential law student in the US. I give more attention to current literature given that dated research might not appropriately address the present issues of ELP; however, foundational ideas about legal writing evolved from an earlier time are relied upon as a solid background. In addition, I consider L2 English students with legal backgrounds as a primary focus group due to their particularity, as mentioned above. Through an in-depth examination of the concerns and ideas of current researchers and ESP practitioners, I not only profile current challenges in L2 legal writing but also discuss varying perspectives—from ideal approaches to realistic ones, including the value of interdisciplinary cooperation in research as well as in practice. Accomplishing these goals, of course, first requires identifying the features of L2 legal writing. Ultimately, the pedagogical implications of the research findings and suggestions for further inquiry regarding ELP are discussed.
2. LITERATURE REVIEW

2.1 Needs Analysis for L2 Learners

Legal writing can be discussed as an extended part of L1 composition, and it may be seen as one of the communication skills needed by lawyers, who should command native English as the medium of legal writing. It is no surprise that legal writing researchers may assume that the lawyers or law students would be native or L1 speakers of English; my impression on past research is that the primary concerns of legal writing scholarship within the legal educational context tended to lean toward investigating the severe cognitive complexity of legal language and the rhetorical strategies for professional legal tasks rather than the linguistic aspects thereof. Moreover, writing skills did not receive as much attention as speaking skills in legal education since many lawyers’ tasks frequently involved oral skills, such as interviewing, negotiating, and defending, rather than writing documents, as is well reflected in Harris (1992) in which the author stated that “academic legal writing is an underdeveloped area” to emphasize the important role of writing. However, just as Bhatia (1987) made a clear distinction between the “written language of the law” and the “spoken language of the law,” legal writing should be recognized as a distinctive domain from other areas associated with oral skills. In addition, SLS researchers have long since acknowledged that L2 writing strategies have their own characteristics that are very different from L1 writing styles (Silva, 1993), which indicates that L1 composition theories will not
be perfectly adequate for addressing L2 writing instruction; rather, it seems obvious that L2 legal writing education calls for more specific approaches to serve the special needs of ELP students.

Yet, how can we gain a precise picture of what ELP students actually need? Despite the comprehensive expertise and cumulative experiences of ESP researchers and practitioners, this is a difficult question to answer since it is accompanied by varying issues that need to be taken into account as key elements affecting the respective needs of L2 learners. In Deutch (2003), such obscurity is well implicated as the author reported on the results of a needs analysis for academic legal English courses in Israel. The analysis consisted of interviews with 27 law lecturers and a third of 113 lawyers who answered questionnaires examining their linguistic needs in a global context as well as in an individual context. In addition, Deutch (2003) divided the target needs into short-term needs, which stemmed from the academic demand of the institutions, and long-term needs related to the prospective legal practices of the lawyers. To be specific, the questionnaires presented to the participants in this research study comprised five categories, as follows (p. 129):

(a) The extent of English language use

(b) The importance of the English language

(c) The necessary linguistic skills

(d) The required genres

(e) The sources of the required material
In fact, each theme from the above-mentioned questionnaire is critical to consider for understanding any group of L2 English learners; however, some results from this research study may make sense only in an Israeli context. For example, regarding (b), the importance of the English language, the author stated that the traditional Israeli legal system has been heavily relying on a common law system due to its historical ties to the UK. Recently, American law and court decisions have come to exert increasing influence on Israeli law and judgments as key sources of comparative reference because of the US’s strong political and cultural leadership. Within such an environment, it was quite predictable that all of the participants would acknowledge the importance of English in the legal area even though Hebrew is the official legal language of Israel. Of course, such results might not have held had the participants been from other countries in which the influence of the common law system was marginal.

On the other hand, regarding (a), the extent of English language use, the author mentioned that elective courses that required considerable English skills in order to understand English texts as comparative reference resources tended to be a rather new subject area, for which there was no satisfactory authority in the existing Israeli legal system. This educational context resembles the legal situation in other countries, and such a lack of appropriate references indicates that English is already seen as indispensable for academic research purposes as well as for indigenous law school curricula related to international legal issues—though many locally grounded subjects, such as criminal law, are still closed and rarely demand English skills at this time.
Meanwhile, an analysis of Deutch’s (2003) results reveals a drawback in that Deutch (2003) downgrades the serious role of writing skills in ELP. As a suggested solution for helping Israeli law students, the author claimed to set priorities for the feasible and efficient operation of legal English courses. For example, as reading was selected as the most essential skill for law students and lawyers while writing skills were given relatively low importance in response to (c), the necessary linguistic skills in the questionnaires, Deutch (2003) claimed that “writing skills should not be part of the English language course in Israeli law schools” (p. 135). In addition, Deutch’s (2003) speculation that Israeli law students did not have sufficient knowledge in subject matter led him to regard such a deficiency as an additional obstacle to teaching them English writing skills; however, while a certain degree of priority given to a reading course at the expense of a writing course might be a good strategy in a given timeframe and relative context, eliminating a writing course altogether sounds somewhat hasty. Moreover, when it comes to the situation of ELP programs in US law schools, the importance of writing becomes even greater, and general international law students enrolling in post-J.D. programs in US law schools are already equipped with expertise in L1 legal writing, which implies that they are qualified for L2 legal writing courses and even deserve them.

On the other hand, Deutch’s (2003) attempt to focus on feasibility and average goals in ELP programs should be respected as well. According to the responses to (d), required genres, in the questionnaire, “articles” ranked highest for law lecturers and “legal documents” scored highest for lawyers among other genres, including books, court decisions, and legislation; thus, the author suggested that setting priorities
among the different legal genres was necessary for the sake of practicality in the ELP programs. While many lawyers utilize professional translation services or obtain the assistance of L1 English-speaking lawyers for international communication, the call for linguistic self-sufficiency is also rising in today’s competitive legal market; therefore, it would be wise to concentrate efforts on more frequently used genres in L2 legal writing, as Deutch (2003) claimed.

Eventually, Deutch (2003) further pointed out several constraints that might have hindered the effectiveness of the need analysis in his research study. First, he worried that the varied language proficiencies of the students would impede the full achievement of goals. Second, he argued that the varying degrees of subject matter knowledge would affect the extent of the respective students’ achievements in legal writing; hence, he claimed that the ELP course material should not exceed the legal content that had already covered in the students’ previous legal courses. Third, he believed that, for optimum efficiency, the overlapping area between academic and professional needs should be satisfied first and that unique professional needs, which would be somewhat remote from the students’ immediate contexts, should be subsequently attended to. Fourth, the limitations of time and budget were also mentioned as realistic constraints, constraints that are usually beyond the control of ELP teachers.

Last, Deutch (2003) articulated that the lack of legal education for language teachers would be the main problem for ELP courses. In fact, it is difficult to find those who are both lawyers and language professionals at the same time so that they can deal with both issues together in an adept manner. Rather, it is a reality that most language teachers do not have legal backgrounds, thereby undermining the credibility
of ELP courses. Harris (1992) also pointed out the low accessibility of legal text as the main obstacle to interdisciplinary collaboration between law faculties and ESP practitioners; hence, Harris (1992) suggested reexamining the notion of “thinking like a lawyer” as a way of renewing the previous “knowledge-based approach” with a “skill-based approach,” which might qualify ELP teachers for greater expertise.

Overall, a needs analysis is an effective means for discovering the reality of a learning environment as well as a learner’s specific situation, which is an essential guideline for identifying the ideal focus of ELP courses for particularly defined learners. It is regretful, however, that the needs analysis in Deutch (2003) did not include direct assessments from L2 students. Although the author explained that these L2 students were not qualified to provide an accurate evaluation due to their lack of clarity regarding their needs, such a view seems quite dangerous in neglecting the voices of L2 learners, who are the ultimate subjects of ELP programs. Despite this limitation, Deutch’s (2003) research is worthy of close attention not only because of its rareness as a needs analysis of law students but also because of its implications for desirable ELP program development. At this time, there seems to be no other publicly available research on L2 law students’ needs analysis conducted in the field of SLS. Even so, I speculate that the results of Deutch’s (2003) questionnaires would not deviate far from the reality of other countries, though there might be minimal variation.
2.2  Textual Features and Discourse Structures in Legal Writing Genres

To better understand the teaching contexts of L2 legal writing, substantial knowledge on legal texts and discourse patterns is necessary, which should precede methodological concerns. To that end, identifying conventional structures of legal genres is worthwhile, and there have been occasional attempts at describing the features and characteristics of various legal writing genres.

Howe (1990) examined 20 scripts written by law students and teachers in order to discover common discourse patterns in academic legal papers, especially in problem-question writing. According to Howe (1990), problem-question essay writing comprises a pattern of giving legal advice in a presented scenario, regardless of authority in recommending a solution; however, the student should be able to prove his or her legal knowledge at the same time. Such a double task imposed on the student gives rise to the distinctive characteristics of the discourse structure of problem-question writing, which the author identified as consisting of the following eight major units: the question part, divided into two units (a situation and an instruction), and the answer part, divided into six units (a forecast, a statement of the issue, a statement of law, authority [case law or statute], the application of the law to the facts of situation, and an opinion) (p. 222). The situation illustrates a sequence of events or a set of facts, and the forecast is a brief overview of the answer that follows. According to Howe (1990), the statement of the issues is the most crucial part of the entire answer since it shows the capacity to discern what matters in a particular case; thus, Howe (1990) described it as a basic legal skill, “taking an everyday situation, described in language common to the man in the street, and reconceptualising it into legal prob-
lems” (p. 223). Meanwhile, reference to authority in case laws and statutes is used to support the law and, therefore, to justify the argument made in the writing. As such, Howe (1990) argued that the three units of the law, its authority, and the application of law to the facts are the central discourse units common in any problem-question writing situation.

Most importantly, this research study provides a precise framework for the basic structure of a typical legal writing genre—syllogism in problem-solving question writing; however, the author’s description of the syllogistic organization of legal problem-solving question writing is not new to international law students. Considering the legal practice experience they possess, it is reasonable to expect that L2 English learners with legal backgrounds are familiar with the concept and the procedure of syllogistic writing; moreover, the syllogism is the basic underlying feature of legal reasoning and the fundamental principle pervasively exploited in legal studies due to the essential deductive nature of legal logic. In other words, legal text has its own formal discourse structure to express internal logic and the process of reasoning. To be specific, the syllogism is composed of three steps: a major premise (the law as authority), a minor premise (the facts of the case), and a conclusion. To initiate this syllogistic sequence, the facts of the case that will be treated as the material objects of the analysis must first be identified. In this step, the essential issues of the case are sorted so that they function as minor premises in relation to the relevant laws and precedents (the major premises) applicable to them; thus, the importance of selecting

3 This notion and the following illustration of syllogistic structure are based on my background knowledge that I attained from my previous experience as an attorney.
material facts cannot be exaggerated. Goodrich (1984) referred to this process with poignant illustration, as follows:

Legal discourse is argumentative rather than necessary or scientific. In any given instance, the predominant ideological characteristic of legal argument is the highly selective manner in which it “particularises” or translates a series of sociological relations and conflicts into a narrow set of legally relevant facts or issues. (Goodrich, 1984, p. 206)

Reflecting on my previous experience as an attorney in Korea, defining material facts was always the most critical part of professional legal writing, such as delineating the lawyer’s opinion and the statement of the attorney. Defining material facts maintains focus on the core issues and enables the entire writing to seem well-oriented to the appropriate solution for the respective problem. If the choice of material facts strays from the proper path, then the subsequent discussion would be digressive—if not useless. As such, most legal writings begin with an initial section titled “The point at issue,” “Summary of this case,” or “Condition of facts” that briefly illustrates background facts and conditions in which mundane events are reconceptualized into legal terms and definitions. This reconceptualization becomes a preliminary foundation on which a syllogistic reasoning procedure can be initiated. It also contributes to easing the lawyer’s tasks of finding relevant laws and precedents corresponding to the selected material facts; however, the real challenge lies in the ability to discern the material facts, which demands comprehensive legal subject knowledge that cannot be acquired without substantial legal study. This is why Howe (1990) recommended that “legal language teachers should take . . . first year law school” (p. 235), though
Howe’s (1990) recommendation does not sound like a realistic solution to the problem of providing productive ELP programs, considering the extra burden language teachers would take on.

Above all, what impresses me about Howe’s (1990) research is that the overall structure of legal problem-solving question writing was proven to be similar to that of current legal writing in Korea. To my surprise, this discovery suggests that the formal organization of legal writing has no salient differences in the US, which adheres to a common law system, and Korea, which is categorized as a continental law system. This could mean that the features of legal writing are universal in spite of different legal systems and different law content. If so, then concerns regarding the context-sensitive nature of legal knowledge could be relieved in that it would be easier to develop a generic legal writing course applicable or adjustable to any legal system.

Fortunately, recent analysis of legal problem-question genres partially satisfies curiosity about intercultural gaps in legal discourse, indicating that there are common discourse patterns as well as differing characteristics across different jurisdictions and cultures. Tessuto (2011) compared the features of legal problem-question genres in the UK and their equivalent, “Pareri,” in Italy by analyzing model answer text data in both legal systems. According to Tessuto (2011), legal problem-answer writing in both languages seemed to share the generic goal of legal communication—aiming to offer an advisory argument to relevant legal issues—though they exploited somewhat differing rhetorical and grammatical devices as means to persuading the readers. For example, Tessuto (2011) suggested that the English legal writing genre presented a more cautious attitude in its arguments while the Italian legal writing genre used
somewhat definitive expressions in conveying their authors’ opinions. Given that the
disciplinary roots of the legal cultures in both of the countries are not identical—
the UK belongs to a common law system whereas Italy belongs to a continental
law system—such stylistic differences in the writings may be conceived as marginal
compared to their shared discourse features.

Discourse analysis of legal writing genres, however, is not restricted to the legal
problem-question genre. For example, Feak et al. (2000) presented an interesting
analysis of law review journal articles, which are frequently read by law school stu-
dents, scholars, and law practitioners. Feak et al. (2000) attempted to find the main
discourse features of academic legal research papers, especially in comparison to the
Create a Research Space (CARS) model,\textsuperscript{4} which was proposed by Swales (1990) and
has been widely followed in general research article introductions. To this end, the
authors analyzed the introductions of student-written research papers (“Notes”) pub-
lished in three law review journals—Michigan Law Review, Stanford Law Review, and
Columbia Law Review—and proposed a modification to Swales’s model on the basis of
the difference between the Notes and other research paper genres, which is elucidated
in the following:

In this model article introductions are crafted to reveal a gap in the
research or a missing piece in a research story, thus creating a niche for
the work. \textit{Note authors, however, create their research space differently in
that their space is not a gap in knowledge or the research, but a problem
in the law.} Moreover, while a review of previous literature is an impor-

\textsuperscript{4}The CARS model consists of three move structures: establishing a territory (Move 1), establishing
a niche (Move 2), and occupying the niche (Move 3; 1990, p. 141).
tant step in the CARS model, this step is absent in Note introductions. Note introductions make reference to three types of previous work: articles written by scholars, articles in non-scholarly publications such as newspapers and magazines, and primary authority such as the Constitution, legal cases, acts, and laws . . . . References to previous scholarly work, if any, are primarily used to support an assertion or fact. (Feak et al., 2000, pp. 202-203)

From my point of view as a lawyer, Feak et al.’s (2000) observation seems quite straight to the point in that it touches on, whether inadvertently or intentionally, the intrinsic discrepancy between legal genres and other disciplinary genres; that is, law is basically grounded on authority established by democratic consensus as to what is righteous—not on what is true. Unlike many disciplines in the humanities or natural sciences, law does not seek knowledge of what is true or false as law is originally created by human beings and not by nature. Rather, its ultimate goal is to find out what should be right or wrong and to reconcile conflicting interests of concerned parties through the name of justice. This is why legal research needs authoritative references that support arguments, and previous work, whether scholarly or practical. Likewise, given that the data used in Feak et al.’s (2000) analysis showed a high degree of uniformity in terms of problem-solution discourse patterns, revising the model of legal research paper introductions seems quite a convincing and reliable suggestion; however, they report in a subsequent comparison that Notes from the Harvard Law Review showed different types of discourse patterns, which indicates a limitation of the corpus data in their original analysis based on the three law journals. Therefore,
it would make sense to conclude that conventions for publication vary depending on respective law review journals, yet such variance might not undermine the significant similarity discovered among academic legal research papers.

Ultimately, Feak et al. (2000) appear to have considerable experience as teachers of ELP programs for international students, which might have inspired their motivation toward researching effective legal writing curricula. Given this, their overall analysis of legal research papers in this article yields enlightening information that is useful to other researchers and practitioners. Conversely, although their previous analysis (based on discourse and genre analysis) might be able to provide valuable insight into a more refined structure for academic legal research papers, still, it cannot be denied that there would be some limitations deriving from the low accessibility to subject matter knowledge and a lack of legal terminology comprehensibility. Above all, given that L2 writing is significantly distinguished from L1 writing, the most important issue is whether the results are applicable to L2 legal writing contexts; while the previous analyses of the discourse features of legal writing genres might well contribute to supplying pedagogical implications for legal writing, they still leave room to suspect how such findings could be practically beneficial within L2 writing contexts. This brings us to inquiring about what kinds of challenges L2 legal writing curricula confront in reality, as will be discussed next.
2.3 Problems and Challenges to L2 Legal Writing Curricula

2.3.1 Issues in teaching L2 legal writing

As briefly mentioned earlier, the extreme complexity of legal subject knowledge is a high threshold for ELP practitioners to overcome when teaching L2 law students. On the other hand, those L2 students who already have legal content knowledge in their academic or professional backgrounds may be faced with an opposite distress since their English skills may not parallel their legal expertise. In any circumstance, as legal content knowledge and the language of the law are intimately connected to each other, disproportionate emphasis on either aspect might not accomplish the goals of effective L2 legal writing curricula; according to Bruce (2002), maintaining a balance and producing the best synergy between content and language has been the main challenge that ELP teachers have to overcome.

Bruce (2002) was teaching an English for Academic Purposes (EAP) course about legal problem-question answer writing to first-year law students at Hong Kong University. In fact, legal problem-question answer writing is the core and most common legal genre in that the writers of legal genres, usually lawyers, need to evaluate given situations, to predict possible outcomes, and to suggest appropriate advice to the readers and that this particular genre is also the most popularized format of academic assessment for law students. (Perhaps this is why it attracts more attention from ESP researchers than other legal writing genres.) More specifically, the legal writing program at Bruce’s (2002) university was combined with the content knowledge of Tort, though it was added to the regular law curriculum as an adjunct course.
As the university intended to teach writing skills through a legal content curriculum, Tort, in this case, it was inevitable that the language teachers of those courses had to acquire substantive knowledge in that subject in order to understand the legal context upon which their linguistic and rhetorical expertise would operate. This acquisition of legal knowledge would be even more imperative if they were to address possible questions and give feedback.

Regrettfully, it was not clearly stated in this research study as to how the language teachers made efforts to attain the content knowledge of Tort; however, the author provided some hints as to how such attainment could become feasible in reality; for example, the teachers limited the focus of legal writing to “Negligence,” which is a subtopic of Tort, so that they covered the core content knowledge to the extent that they could actually draw on it during legal writing instruction. On top of that, the author gave a sensible caution to language teachers as to qualifying conditions that should be taken care of.

Carefully constructed curricula can limit the scope of the content to the point where EAP teachers can gain in-depth knowledge of a narrow area of substantive law. As they teach the course, and read around the subject, they will consolidate that knowledge. What is important is to make it clear to the students that they have law tutors and law books to follow up [on] legal questions, and that the EAP teacher is an informed amateur with expertise in written and spoken argumentation applied to their legal content. There are dangers in pretending to be infallible on
questions of law, even within a narrowly defined area of law. (Bruce, 2002, p. 325)

Presumably, the language teachers in Bruce’s (2002) research study, including the author, seemed to have been well equipped with extensive content knowledge within the scope of Tort in that they were able to address off-topic problems, which were illustrated as discriminating arguable points from non-arguable points, which occur frequently among novice law students. Usually, the main criterion distinguishing arguable from non-arguable points is whether certain issues are intended to be argued over, which is entirely decided by the intention of the question makers. To a great extent, such discerning ability is irrelevant to writing skill itself but depends on a writer’s discretion as to what area of legal knowledge is being asked about in order to solve a given problem-question. Provided that the legal problem-question involves controversial issues over which potential debate may arise, strictly speaking, it is difficult to say that language teachers should be held responsible for assessing such delicate issues pertaining to content-specific knowledge. Indeed, if they are to address such problems, they have to be broadly as well as deeply informed about general legal content knowledge, which does not sound feasible; nonetheless, the argument of Bruce (2002) that writing skill is not only a matter of language but also a matter of reasoning—the crucial element in legal analysis and interpretation—is appealing. Bruce (2002) delineated this idea by presenting a model comprising a language-content spectrum in order to show “how legal reasoning and argument serve to bridge language and content in their curriculum” (p. 326) as depicted in the following figure:
As represented in the above diagram, Bruce (2002) viewed each element of legal writing (such as legal content knowledge, legal reasoning process, and rhetorical structures) as a collective, consecutive procedure, illuminating the intimate relationship among those steps in legal genres; however, he asserted that such a functional approach might be adaptable to any ESP genre writing as well. Bruce (2002) suggested that a L2 legal writing course should be planned according to a stream of reasoning process that links content knowledge at one end of spectrum (as the legal dimension) with rhetorical structures at the other end of the spectrum (as the linguistic dimension). According to this framework, constructing proper rhetorical structures through correct legal reasoning is a key strategy of L2 legal writing. Such an idea, that linguistic and rhetorical skills are inextricable from content knowledge as well as from the legal reasoning process, facilitates a partnership between law faculties and ELP specialists in legal writing curricula; thus, the L2 legal writing course depicted in this research could be an adequate model demonstrating how language teaching can be systematically implemented through content teaching within the particular scope of legal discourse.

Bruce (2002) showed a potential approach to achieving effective L2 legal writing instruction by means of synthesizing language in a specific disciplinary context and
in subject matter content. For example, Bruce (2002) offered advice on how to wisely use rhetorical tools such as concession, contingency, and end-focus so that L2 writers could precisely express legal reasoning in a proper rhetorical structure. In particular, Bruce (2002) presented sample answers to authentic legal problem-questions as well as typical rhetorical structures of varying discourse levels (by issue, sentence, and paragraph) in order to show how diverse rhetorical devices could be applied in a sophisticated manner.

Overall, Bruce’s (2002) article is a vivid report of how the author tried to provide effective writing strategies not only in terms of linguistic devices but also in terms of legal reasoning through considerate reflection and refinement of legal writing programs. In addition, it includes important implications for future research on L2 legal writing in that Bruce (2002) values the essential role of disciplinary substantive knowledge and actively tried to integrate the content matter with the language. Given that the value of a legal argument relies on how persuasive it will be to readers, to appeal to and justify the writer’s perspective, it is essential that the writer creates a logical sequence and constructs a balanced argument that is not partial or biased; needless to say, such a task demands solid legal content knowledge and logical analysis. Another merit of Bruce’s (2002) ELP course lies in its practical aspect. Usually, international law students tend to be reluctant to spend much time on an ELP course since they may regard it as subsidiary to legal subject classes that immediately satisfy their disciplinary purposes; they might want to spend their time more efficiently by not devoting extra time to an exclusive language course; therefore, such a writing course
that combines legal content knowledge with linguistic skills would be preferable for them.

2.3.2 Issues in material development for L2 legal writing

Admittedly, L2 writing is significantly distinct from L1 writing; therefore, it would be reasonable to consider such differences when it comes to the matter of L2 legal writing, as is well elucidated in Candlin et al. (2002). Candlin et al.’s (2002) research reviews 37 books on legal writing currently available in order to evaluate their suitability for L2 learners in legal contexts and suggests ways of developing legal writing materials that might better serve the needs of L2 learners. To this end, the authors acknowledged some meaningful aspects of those legal writing materials under review, aspects that might contribute to L2 legal writing; they not only provided general writing strategies (not specialized strategies for legal genres) but also offered a guide for useful legal methods, such as IRAC,\(^5\) that might facilitate L2 writing competence. The IRAC method was defined as a standard organizational format in legal writing genres comprising the following reasoning procedure steps: identification of the issues, identification of the applicable rules, application of the legal rules to the material facts, and the conclusion (though the titles of each step can vary depending on regional contexts and are flexible in other related legal genres). In addition, the authors saw another benefit of current materials in that the materials help L2 law

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\(^5\)The IRAC model in the US is equivalent to the IPCAC model in the UK (Bruce, 2002; p. 329), which comprises the following four steps: (1) identify the relevant issues, (2) identify the relevant principles and cases, (3) apply the pertinent principles and precedent cases to the problem facts, and then (3) draw conclusions. Likewise, there are many other versions of the IRAC model across countries, though the core elements of them will be quite similar.
students be exposed to various legal genres for academic and/or professional purposes. For instance, they included case briefs and problem-solving essays, the most common types of legal writing in law schools, and other genres, such as office memoranda and legal letters, frequent styles of legal writing, especially in legal practice.

Notwithstanding such utility, Candlin et al. (2002) recognized the limitations of current legal writing materials within L2 legal writing contexts. Through in-depth examination, they concluded that most of the materials under review, in spite of their valuable content featuring general writing strategies based on legal methods, did not perfectly fit with the purpose of aiding L2 learners. The materials were found to be biased in that they targeted native English speakers rather than second language learners. In addition, their validity was often limited to a local context due to the varying legal systems across different regions. What is interesting is that the authors’ understanding of the reasons for the existence of such a problem includes not only the difference between L2 and L1 writing in terms of language skills but also the provincial nature of law, which is subject to local contexts. The following statement elucidates this perspective:

Further, such materials are frequently written for a specific audience in a particular country and thus may not have equal relevance for audiences from a different country. Law, unfortunately, is not as universal a discipline as, say, business or science and does not travel as well across national, cultural and legal boundaries.\(^6\) (Candlin et al., 2002, p. 302)

\(^6\)This disciplinary characteristic of law has received salient recognition by many scholars. For example, Bhatia (1989) pointed out that ESP for law lacked market potential since law does not travel well. Likewise, Candlin et al. (2002, p. 315) noted prior awareness of this problem when citing Swales’s (1982) similar concern.
Indeed, the context-sensitive nature of law has been one of the major dilemmas in developing effective legal writing materials. Whereas legal writing material inherently needs to reference a particular legal system as background context, a certain degree of generalization is necessary in developing language materials in that learning and teaching are assumed to draw on particular norms and standards. Therein lies the conflict. If the teaching material is too general to reflect a local context, then it will not be able to meet the authenticity needs of L2 learners, who might want to understand it within a concrete context rather than within an imaginary one. The need for authenticity in legal writing material is more than crucial since legal issues cannot be discussed in a vacuum; legal issues are always based in a particular context in which a particular law operates. Likewise, it is also important for ESP specialists to incorporate authentic content into legal writing materials so as to maintain proper relevance to the real practice of law, and the standards of legal writing are subject to the boundaries of specific legal systems rather than being universal. On the other hand, if the content of the teaching material is heavily embedded in a particular local context, then it will lose wide utility. The more specified the legal writing material is, the less it is useful to a broad audience. As such, it does not seem easy to reconcile both opposite requests in developing legal writing materials.

Eventually, Candlin et al. (2002) suggested some ways to develop L2 legal writing materials that would be easily accessible as well as practically helpful to L2 learners. First, they discussed how to customize legal writing materials to the specific needs of an L2 audience. With a focus on the learning environment of L2 learners, they put much emphasis on an interactive learning process that involves L2 students in
actual legal writing practice. As one way of facilitating opportunities for students to actively participate in the learning process, they suggested the potential benefit of computer-mediated networks, through which various resources for legal writing could be shared and easily accessed. Given the dramatic progress of computer-assisted learning technology at present, this suggestion seems quite feasible if ELP teachers are willing to take advantage of such tools in their classrooms. Further, Candlin et al. (2002) signified the importance of research-based materials, which are grounded in systematic analysis as well as reliable theories.

As a whole, the authors offered “language-based” and “genre-based” approaches as alternative remedies for the current situation, remedies that concentrated on the linguistic aspects of legal discourse rather than on the legal content. In other words, they argued that legal writing materials for L2 students should focus more on teaching the legal language and the concept of discourse communities rather than on the subject knowledge underlying legal writing. Consequently, the assumption that “legal content varies considerably between legal systems” while “the conventions of legal writing remain more constant” (Candlin et al., p. 314) makes good sense. Furthermore, Candlin et al. (2002) expected that once core language-based materials applicable to a broad range of contexts were developed, then they could be manipulated for the respective needs of local contexts. This is an attractive argument to some extent in that it suggests a seemingly plausible solution that might achieve the ambivalent goals of legal writing materials.

However, ELP teachers should note that such a language-centered approach also requires sophisticated treatment to be exploited to the fullest within a L2 legal writ-
ing context. Reflecting on my previous experience as a lawyer, the characteristics of legal language are peculiar in that each word in legal discourse has its own definition distinguished from its ordinary meaning due to the prescriptive nature of law and to the strong formality of legal language. As such, it has been a widespread perception among lawyers that language skill is inextricable from capacity for legal reasoning. That is, neither will the meaning and interpretation of legal language be separated from legal content knowledge, nor will it lend itself independently to literal interpretation, which is allowed in general linguistic analysis.\footnote{A comprehensive bibliography of various research regarding linguistic and discourse analysis of legal language can be found in Levi (1994).} In a sense, the question of how to integrate the multiple aspects of legal content, law language, and L2 language skills—and how to reconcile the delicate relationship among them—is the biggest challenge for ELP specialists in developing effective L2 legal writing materials in the future.

### 2.4 Prospects for Corpus-based and Genre-based Approaches

Collectively, the preceding L2 legal writing literature seems to employ a genre-based approach, which draws on insights from legal discourse genre analysis. For instance, Candlin et al. (2002) explicitly promoted a genre-based approach as an ideal solution for current challenges to L2 legal writing material development, and Bruce (2002) discussed the balance between legal content and language skills regarding the nature of legal genres. Likewise, other studies investigating textual features and discourse structures of legal genres implicitly revealed that their frameworks drew on the concept of genre analysis; therefore, it would be helpful to note the basic meaning
of “genre” within an ESP context. Notably, Bhatia (2014) defined “genre” as the following, with an attribution to Swales (1990), who contributed to the foundations of genre theories in ESP:

Taking genre, after Swales (1981b, 1985 and 1990), it is a recognizable communicative event characterized by a set of communicative purpose(s) identified and mutually understood by the member of the professional or academic community in which it regularly occurs. Most often it is highly structured and conventionalized with constraints on allowable contributions in terms of their intent, positioning, form and functional value. These constraints, however, are often exploited by the expert members of the discourse community to achieve private intentions within the framework of socially recognized purpose(s). (Bhatia, 2014, p. 13)

Bhatia’s (2014) above-mentioned idea implicates the extreme complexity as well as the rigid formality involved in legal writing genres. Indeed, a genre-based approach has been commonly adopted by many ESP scholars due to its functional value in their respective disciplines for academic and professional purposes, including for legal writing. Conversely, there has also been comparable interest in a corpus-based approach. In particular, when it comes to the matter of L2 English learning in an ELP context, a corpus analysis methodology can offer valuable insights into L2 legal writing genres. In addition, corpus tools have been used to learn about particular disciplinary

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8“A genre comprises a class of communicative events, the members of which share some set of communicative purposes. These purposes are recognized by the expert members of the parent discourse community, and thereby constitute the rationale for the genre. This rationale shapes the schematic structure of the discourse and influences and constrains choice of content and style” (Swales, 1990, p. 58).
discourses by making use of authentic language as a reference resource, especially in writing tasks (Flowerdew, 1993; Thurstun & Candlin, 1998; Lee & Swales, 2006). In the L2 English learning for legal purpose, corpus-based approaches tend to focus on the outcome of the investment, on, say, how much or in what way the use of the corpora might contribute to improving L2 learning.

Fan and Xunfeng (2002) represent a result-oriented view regarding corpus tools in L2 English learning and legal discourse. The authors created a bilingual—English and Cantonese—corpus of legal texts in order to see how useful it might be to L2 learners. For data collection, undergraduate students in Hong Kong were selected as subjects and were asked to solve legal problem-questions with reference to the online bilingual corpus. Then, they responded to questionnaires about the perceived utility of the bilingual corpus in terms of a four-point scale (extremely useful, very useful, quite useful, or not useful), which was followed by group discussion about their opinions. More than 95% of the participants suggested that the online bilingual corpus was useful, and more than half of them evaluated it as “very useful.” Through group interviews, it was reported that many students felt the online bilingual corpus aided them in understanding legal text more easily as they could refer to both language corpora simultaneously. That is, they were able to shift from one corpus to the other instantly, thereby complementing their overall comprehension of the target texts. Although the authors were concerned about the inherent limitations of the bilingual corpus (which could be related to the complicatedness of legal language and to the participants not having enough content knowledge to understand the complex structure as well as the difficult meanings of the legal text given in the tasks), the overall
responses of the participants suggested the potential utility of the bilingual corpus in an ELP context.

In spite of the positive evaluations of the online bilingual corpus for legal English learning processes, however, there seem to be some defects in Fan and Xunfeng’s (2002) study. First, their way of assigning scale points in the questionnaire as to the usefulness of the corpus is somewhat biased in that only one point on the scale represents a negative attitude whereas the other three points were all positive. Such an uneven distribution on the scale might have influenced the answers of the participants. In addition, the question itself presumes that the corpus is useful, thereby implicitly eliciting positive responses from the participants. Further, provided that additional resources other than the bilingual corpus could have contributed to the given problem-solving tasks, there should have been a control group to compare results and confirm the accuracy and credibility of the authors’ analysis. In this sense, it is regretful that the overall analysis of this study seems too vague to be relied upon.

Another case of a corpus-based approach is well articulated in Hafner and Candlin (2007). In this study, the authors investigated how law students perceived and exploited online language corpus tools in professional legal training courses. For this purpose, they electronically tracked the users’ corpus tool search logs, collected partial background information (including English proficiency and technological proficiency), and conducted individual interviews with the participants. To be specific, students in the legal writing course of the Post-graduate Certificate of Laws (PCLL)

\[9\text{In this study, a specifically developed online corpus tool called Legal Analysis and Writing Skills (LAWS) was used, which comprised 114 legal cases (797,000 words) from three subject areas (p. 307).}\]
program at the City University of Hong Kong were encouraged\textsuperscript{10} to use the online corpus tool as linguistic support to discover the lexico-grammatical features of legal professional genres and to ensure their correct usage of lexical phrases in writing assignments. As was anticipated, the corpus tool’s concordancing technology offered good opportunities for the students to learn the discourse features of authentic legal communication at their convenience.

Interestingly, however, some problems were revealed in the participants’ attitude towards the tool. First of all, through the participants’ search logs, the authors observed “a tension between the need to access domain-specific knowledge and the need for language-specific knowledge” (p. 312), as was witnessed when the students used the corpus tools not for patterns of lexical phrases but for full-length legal documents associated with their assignments. The authors speculated that such a phenomenon might have been caused by the students’ perceived identities as apprentice lawyers, though other possibilities could not be eliminated. In other words, the authors saw the students’ perceived gap between academic and professional practices as the main problem needing resolved in advance in order to promote the students to better utilize the corpus tool.

I speculate, as a lawyer, that law students tend to regard language skills in legal writing as something subsidiary or assistant to content knowledge. Considering the position of L2 law students, whose main goal is to be successful in law curricula and not in a language course, more specifically, it is highly likely that there is little

\textsuperscript{10}It is notable that the students participating in this study were neither obliged nor forced to use the LAWS corpus tool. Rather, the use of the tool was totally voluntary because this study intended to observe how the online corpus tools might enhance self-motivated learning of L2 legal writing.
motivation for equal achievement in language proficiency and subject knowledge; there is no desperate need for it, even though these students are aware of their linguistic deficiencies. Given that many L2 law students are not inclined to spend much time on English learning, it is tempting for them to locate complete writing samples to refer to instead of learning individual expressions laboriously, though this is not a desirable situation. Ultimately, though, this is a matter of the attitudes of the users rather than a problem with the corpus tool itself.

A second problem in Hafner and Candlin’s (2007) study is that a specialized corpus tends to be perceived as redundant since it contains exorbitant information for users to sort out, and sometimes users are overwhelmed by the enormous number of sources, which makes them feel difficulty in finding the most relevant results. For the sake of efficiency, users need to identify trustworthy data as quickly as possible with little effort; therefore, sheer methodological assistance in handling the online corpus tool is not enough. Rather, the authors claimed that subject-specific legal knowledge that would enable users to discern and interpret relevant data among the abundant resources should be taught to the users in advance of their engaging with the tool. Again, this issue highlights the crucial role of content knowledge in language learning, especially when it coincides with the acquisition of particular disciplinary knowledge. In this sense, effective language learning in ELP cannot be achieved alone without a sufficient level of subject matter knowledge, and this reminds us of the need for a balanced focus between legal content knowledge and linguistic skills in L2 legal writing curricula, as previously discussed.
Last, the response of the student-users in Hafner and Candlin (2007) revealed that they felt the specialized corpus tool was exclusively centered on language and thereby restricted their creative writing processes. The authors pointed out that such negative impressions of the corpus tool as being quite mechanical might be due to users’ unfamiliarity with corpus tools. From my perspective, however, such discomfort seems to be associated with classic blame against corpus tools. In fact, corpus-based methodologies have been consistently criticized for self-complacency in that they often do not consider the socio-cultural context in which a particular lexicon is used (Widdowson, 1998; Gavioli & Aston, 2001; Mishan, 2004). In other words, the pragmatic aspect of context should be taken into account for appropriate interpretation of meaning underlying a given text, but a corpus and its “examples” of authentic language are likely to be separated from original texts and other contextual clues. This decontextualized nature of corpus tools undermines their utility in language learning, which is even more significant for L2 learners. As they have little intuition regarding how to negotiate the meaning of a given text without its context, there might not be much of a chance for them to exploit the corpus to the fullest when they are faced with actual writing tasks.

Yet, corpus-analysis has merit as a useful methodology for identifying the particular features of legal genres. For example, Hartig and Lu (2014) compared legal writing texts of expert and novice writers based on the question of whether the features of “Plain English” might differentiate their writings by means of corpus analysis. Plain English refers to a US national campaign to promote the simplifying of “legalese,” which has been characterized as legal jargon overwhelmed by abnormal styles such
as repetition, Latinism, nominalization, long and complex phrase structures, double
negations, and a high degree of modality (Candlin et al., 2002, p. 303). In fact, le-
gal writing has been notorious with general public audiences for its textual obscurity
and extraordinary complexity; thus, in this study, the authors examined 10 sample
memos extracted from publications of legal experts and 26 international student
memos, which were split into low-rated and high-rated groups by writing instructors
in order to see whether the frequency of Plain English features distinguished ex-
pert writing from novice writing by affecting how the writing teachers evaluated their
quality.

In the analysis of the corpus data, Hartig and Lu (2014) discovered that the
features of Plain English were significantly less frequent in the writings of the expert
writers than in those of the novice writers, though there was no observed correlation
between the number of features and the grades that the high-rated and low-rated
novice writers received. The authors speculated that the evaluation was based more
on how well the writers expressed subject matter knowledge than on how frequently
they used the features. Such a result, that Plain English features do not offer a clear
distinction as to the assessed quality of L2 legal writings, indicates that these features
are not an index of good writing; hence, the authors concluded that the pedagogical

Likewise, similar reform recognized as the “Koreanization of legalese” has also been taking place
in Korea in recent decades, by which lawyers are encouraged to use precise words and sentences in
legal documents in order to enhance the clarity of legal texts. In addition, such a movement profits
national legislation in that it raises accessibility to legal language for lay people who lack professional
legal knowledge.

The “memo” (memoranda) is a common legal genre in professional legal practice, in which an at-
torney presents his or her analysis of a given legal problem and preliminary legal solution. Typically,
there are “internal memos,” reviewed by peers and/or supervisors, and “official memos,” which are
intended to be sent to clients.

In this study, the authors narrowed the focus to two features of Plain English—the passive voice
and nominalizations—for the sake of convenience and accuracy regarding the corpus analysis.
value of Plain English for L2 legal writers could be appreciated only when sufficient legal knowledge was foregrounded. Overall, this study is exemplary in showing how corpus-based text analysis can be used to resolve inquiry concerning whether certain linguistic choices—passive voice and nominalization, in this case—contribute to the perceived quality of L2 legal writings.

Given the ambivalence of the corpus-based approaches presented above, ELP teachers need to be cautious and not consider corpus tools as a panacea for language learning in a specific discipline. At the same time, however, they also need to be aware of their advantages in highly-technical areas of legal writing. Overall, it might be ideal to combine the virtues of both corpus-based and genre-based approaches so that they can complement each other in obtaining the goal of successful ELP practice and research. In this regard, the claim of Flowerdew (2005) that “corpus-based methodologies have been informed by genre principles of text analysis, while at the same time it has been shown that genre theories can profit from corpus-based methodologies” (p. 329) illuminates a worthwhile message for the way in which both approaches could be synthesized in L2 legal writing. Just as Flowerdew (2005) asserted that many corpus studies are, in fact, genre-based in nature, the previous literature on corpus-based approaches cannot be taken as absolutely irrelevant to the notion of genre; after all, a corpus as a resource is a tool deliberately devised to comply with the lexico-grammatical features of legal genres; therefore, it is meaningful to ruminate over what Bhatia (2014) stated about the notion of genre.

To sum up, each genre is an instance of a successful achievement of a specific communicative purpose using conventionalized knowledge of lin-
guistic and discoursal resources. Since each genre, in certain important respects, structures the narrow world of experience or reality in a particular way, the implication is that the same experience or reality will require a different way of structuring if one were to operate in a different genre. (Bhatia, 2014, p. 16)

The “conventionalized knowledge of linguistic and discoursal resources” can be conceived as embracing the diverse corpora present in legal discourse. In this respect, it would be misleading to distinguish a corpus-based approach from a genre-based approach. Rather, it is desirable to refrain from imposing an inadvertent dichotomy between corpus-based and genre-based approaches in order to adequately address effective pedagogical strategies for L2 legal writing. As was suggested by Weber (2001), a study in which L2 learners found meaningful relationships between generic structures of legal genres and particular lexical items through concordancing, an integrated perspective of genre-based and corpus-based approaches will advance a comprehensive understanding of the true nature underlying L2 legal writing. In addition, promotion of computer-mediated technologies such as online search engines and online legal databases\(^\text{14}\) is expected to reinforce the credibility of the corpus.

2.5 Bridging the Gap between Law and Language in L2 Legal Writing

As may be inferred from the previous review, the primary dilemma of ELP curricula dwells in the nature of legal language, in which subject matter knowledge and language skills subtly interact with each other. Indeed, this is why many researchers

\(^{14}\text{Westlaw and Lexis Nexis are online legal databases widely used in the law profession.}\)
have been interested in interdisciplinary cooperation between subject teachers and language teachers. From the preliminary stage of curricula design to the actual implementation stage of teaching and assessing, the relationship between law experts and language specialists plays a critical role in legal writing curricula; thus, it would be meaningful to more closely examine how such a partnership could be realized in actual ELP practice.

In Northcott and Brown (2006), the authors illustrated the delicate process of legal translator training supported by a combined contribution from ELP teachers and legal specialists. In this project, a short training course about legal terms and concepts was devised to prepare legal translators from Central and Eastern European countries to translate EU legislation into respective national languages. Seven excerpts extracted from the videoed data of the training course documented how the interaction between language and law was managed by ELP teachers, who were responsible for mediating between legal specialists (who were lacking linguistic expertise) and legal translators (who did not have substantial legal knowledge). The target audience for this program was somewhat similar to the target audience for L2 legal writing programs in that it comprised qualified legal translators, who had their own expertise in translation.

Here, the difficulties of legal translation corresponded to those peculiar to L2 legal writing. In order to properly understand the meanings of legal terms, a tactful grasp of the concepts should precede since legal terms denote the concepts themselves. Such a concern is exacerbated when legal terms denote meanings different from ordinary definitions; moreover, as legal terminology is the byproduct of a particular legal system, different legal systems have different legal terminologies, and even identical terms
will have different meanings in different legal systems. Except for minor differences between translation and writing processes, this study is relevant to other cases of L2 legal writing curricula in that it clearly demonstrates how an international audience—legal translators, in this case—could benefit from a systematic partnership between legal experts and language teachers; likewise, I expect such an inter-field partnership, in which the mediating role of a language specialist is essential, might be modeled in other researchers’ methods.

15The difference between legal translation and L2 legal writing lies in the absence of a need to translate legal terms into another language. In other words, it is not necessary to find a particular term denoting a counterpart with an equivalent meaning in a learner’s language in L2 legal writing. In fact, it is difficult to find meaning equivalents for particular legal concepts in different legal systems. This process becomes even more difficult when the same concept does not exist in another legal system.
3. DISCUSSION

3.1 Limitations

Thus far, I have reviewed various studies dealing with major issues involved in L2 legal writing curricula. Notwithstanding the many interesting findings and meaningful implications thereof, there are some limitations as well in the present study. First, this research only represents literature within the mainstream SLS and, thereby, excludes publications from other disciplinary areas in which the main focus lies in law or linguistics, though such a restricted scope was chosen to examine insider views on L2 legal writing within the SLS field, more specifically. Such restriction indicates that some issues concerning L2 legal writing might have received more attention than other issues, whereas some issues that might have been salient in other disciplines might have been marginalized in this review.

Moreover, given the limited availability of literature on L2 legal writing within the field of SLS, it was not feasible to elaborate on a single theme in this research. Instead, I tried to encompass diverse aspects associated with my research question—how legal writing curricula and research could be practical and beneficial to L2 English learners with legal backgrounds—so that this review could explore a wide range of themes and raise basic awareness of such divergent issues. The primary purpose of the present study is to delineate multiple perspectives toward L2 legal writing curricula as well as to define the relevant dilemmas therein. Presumably, such an approach is one way to
discover comprehensive insight into possible solutions for those issues regarding the practicality of L2 legal writing curricula. More profound and concentrated research with a narrower topical scope might have been attractive if there had been richer reference sources.

Last but not least, due to the nature of this literature review, the present study is not free from the criticism that it is not grounded in empirical data that might have provided the research with an authentic context. It is regretful that there are practical difficulties in accessing the actual data of ELP programs in US law schools since it is not a publicly open resource. If there were law schools or legal writing programs at Purdue University, then it would have been more viable to conduct an empirical research study and to collect data from them. Considering such realistic constraints, this literature review is the best alternative for addressing my research question.

3.2 Identifying Relevant Factors in L2 Legal Writing

As mentioned in the introductory part in this thesis, it is reasonable to accommodate diverse styles of legal writing into one single genre of “legal writing” on the surface level while taking account of their divergent contexts distinguished by their scope, content, and aims, on the other hand.

As such, there are a couple of factors of L2 legal writing that must be considered in order to adequately address the varying contexts of L2 legal writing. The primary factor dividing legal writing context derives from a difference in content and aims, which is ostensible between academic legal writing and professional legal writing. In
law schools, the student builds up a theoretical foundation and reasoning skills in legal analysis for academic purposes (which can be a short-term goal), whereas s/he would need to cultivate professional writing skills as a prospective lawyer (which can be a long-term goal) at the same time. To be specific, whereas the most typical academic legal writing genre is problem-solving question, as mentioned before, professional legal writing genres are much more diverse; to list only some of them, legal memoranda, legal letters, statements of claims, defenses, affidavits, legal opinions, and letters of advice are all typical types in professional legal writing. Accordingly, the intended audience for academic legal writing is usually a subject matter teacher or other peers who share disciplinary knowledge, but the professional legal writing should consider a client who is likely to be a lay person in terms of legal knowledge as well.

Meanwhile, other factors such as regional and cultural contexts should be considered as well in L2 legal writing. As addressed earlier, legal systems enormously differ depending on countries, states, and jurisdictions. In addition, institutional and educational systems for law vary across those regional boundaries. Even among the US, UK, and Hong Kong, all of which are based in common law systems, there are institutional differences in the ways of teaching and fostering prospective law professionals,\(^{16}\) not to mention the diversity of law curricula themselves; moreover, the type as well as the size of the L2 learner population will vary depending on the countries, regions, and schools, since L2 learners are not evenly distributed in all geographies.

\(^{16}\)For instance, some countries have post graduate level law school systems whereas other countries have binary educational systems consisting of undergraduate degrees and subsequent vocational training programs. The US law school system is a typical example of the former, and the UK system, in which academic substantive knowledge and vocational training are separated into a binary curriculum of a Bachelor of Laws (LLB) and a postgraduate certificate in Laws (PCLL), belongs to the latter.
For example, there is a large number of Asian L2 students in law schools located in California whereas schools in the Midwest are less popular. Considering such variance, L2 legal writing curricula also have to reflect those various factors associated with local contexts.

As can be inferred by the review of relevant literatures, L2 legal writing demands a multifaceted approach rather than random or ad hoc strategies. Only a systematic language curriculum that is interwoven with substantive content knowledge and facilitated by language teachers’ meticulous preparation will bring successful outcome.

### 3.3 Pedagogical Implications

#### 3.3.1 The Role of ELP Teachers in L2 Legal Writing

In spite of the linguistic expertise of ELP teachers, still, it cannot be denied that there remains some amount of suspicion regarding whether L2 legal writing is something “teachable” by language teachers since they are usually conceived as lacking substantive knowledge of legal content. Just as in any other ESP course, substantive knowledge of law is essential for maintaining the authenticity of the content in L2 legal writing programs, and it is not realistic to eliminate the legal content to exclusively deal with the language. As such, the current situation, in which legal writing teachers are not always lawyers, appears to pose the most serious obstacle to effective L2 legal writing curricula. Of course, the role of the language teacher as an immediate arbiter in the classroom cannot be underestimated, especially when L2 learners have questions about given writing tasks; thus, language teachers need to be well prepared
with comprehensive knowledge at least to the extent that is relevant to the writing course. At the same time, they should be careful not to trespass upon the role of the subject teachers.

L2 legal writing does not solely rely on linguistic strategies, but, rather, it also depends on subject matter knowledge accompanied by legal reasoning. For valid and trustworthy L2 legal writing curricula, language teachers should be able to express logical connections between each element in legal issues, which can only be understood through comprehensive legal knowledge and reasoning skills. In this sense, legal writing is not limited to the matter of how to write, but it also concerns the matter of what to write. The IRAC method discussed earlier, which is a widespread rhetorical structure comprising the syllogistic reasoning process of legal analysis, is one example that well represents this point. Besides, whether the rules are prescribed statues or precedent cases confirmed by court rulings, determining the rules relevant to the given case totally depends on the writer’s content knowledge. Fortunately, such an IRAC method is considered common wisdom for legal analysis, and most L2 students in LL.M. programs\(^\text{17}\) are already familiar with it as they have internalized a “legal mind” through their practice (during which they exploit the IRAC method). Not only as law practitioners but also as law students, they are trained to apply the IRAC method through various curricula requirements such as course examinations and essay assignments. Indeed, in law schools in Korea, a strong emphasis is put on a rhetorical structure corresponding to the IRAC, thereby encouraging students to brainstorm

\(^{17}\text{As mentioned in the introductory section, most international students in LL.M. programs have previous experience in legal practice as well as a primary law degree from their home countries—unlike those students in J.D. programs.}\)
and outline premeditated tables of content prior to actual writing. Likewise, much of the rhetorical advice offered by Bruce (2002)—for example, “to take account of the opposition’s actual or likely arguments” (p. 331) or “to treat each plaintiff’s action separately” (p. 332)—comprises basic principles associated with logical sequence. In this sense, substantive legal knowledge seems to be a prerequisite to the rhetorical realization of the relevant reasoning process, but language specialists are not supposed to satisfy such a demand, in reality.

Therefore, the most plausible approach is for language teachers to focus on providing rhetorical advice rather than advice on other parts pertaining to legal content knowledge, by which they can facilitate the linguistic realization of legal analysis; however, this is not to say that the role of language teachers should be restricted to linguistic skills only. From a holistic view, legal reasoning and content knowledge are inextricable from rhetorical structures, as was suggested by Candlin et al. (2002; discussed in the earlier review); thus, L2 legal writing instruction should be based on thorough curricular planning that integrates substantive legal knowledge and language skills simultaneously—as should the pedagogical materials. In this regard, language teachers should prioritize their own expertise in writing over other responsibilities, which subject matter teachers should take on. Within legal writing programs, teaching of the relevant content knowledge should be limited to the extent that it optimizes the writing instruction itself. Likewise, language teachers need to concentrate their efforts on helping L2 learners to acquire technical terminology and to adapt to the lexico-grammatical features of legal genres, which actually occupies a large part of writing skills. In the highly professional genres that constitute le-
gal writing, imprecise use of words and ambiguous expression can be a main culprit undermining the overall quality of writing.

On the other hand, such a focus on linguistic aspects does not deny the efforts that language teachers should make to attain legal content knowledge. In fact, it is greatly valuable and rewarding for them to learn relevant legal content because it will help them to make sense of what they teach; however, one thing they should be careful about during such endeavor is not to reach hasty generalizations based on what they learn. Generalization is tempting as it makes teaching a lot easier; however, what they learn about law for instructional purposes is likely to be a narrowly defined area within a vast territory still unknown to them. With that caution in mind, their attempts to incorporate subject-specific knowledge into writing classes could infuse L2 legal writing curricula with greater credibility. On top of such efforts, they need to recognize that L2 learners in legal writing programs will have independent goals and differing expectations. Given that most L2 students are already professionals with their own expertise in law, their choice to discern what kind of help would serve their own needs better should not be underestimated. Such respect for L2 learners’ autonomy will also alleviate language teachers’ burdens since they ultimately have to set priorities in implementing L2 legal writing curricula due to the constraints of time and budgets.

3.3.2 Linguistic Features of L2 Legal Writing

Obviously, developing and implementing effective L2 legal writing curricula is a complicated task that demands consideration of the compound factors that have been
discussed so far. For instructional purposes, however, a certain degree of stereotyping as well as formally considering “what is L2 legal writing like” would be worthwhile. On the other hand, a tension between form and content is not avoidable as focusing primarily on formality cannot but harm the overall quality of what is being taught, thereby hindering L2 writers’ creativity and originality. Admitting the coexistence of generic features as well as potential variations therein, I anticipate that the following aspects of L2 legal writing will shed light on an ideal L2 legal writing curriculum.

First, the complexity of legal language is a recurring issue identified as the most cumbersome obstacle to L2 legal writing, and the plain English movement is ongoing nationwide as a remedial response to such an obstacle. At the same time, we cannot neglect the peculiar advantages of legal language since any professional jargon has its own value within an insider community of a particular discipline or profession in which it functions as an inner group language for professional communication. This view is in line with the contemplation of Hartig and Lu (2014), who suggested that while their research outcome “may support the value of Plain English reforms in legal writing for society at large, it does not necessarily support their pedagogical value for learners who wish to enter the legal discourse community” (p. 88) as to the question of whether the features of Plain English benefit communication among legal professionals. As of yet, I think it is not certain whether or how Plain English could contribute to the advanced legal writing proficiency of L2 learners. Likewise, language teachers in L2 legal writing curricula might have to ponder the utility of plain English within academic and professional contexts rather than blindly follow it.

18Detailed guidelines for Plain English can be found in Garner (2013).
19For an opposing perspective on jargon, see Allan (2001).
Second, language teachers should give attention to the gap between academic and professional legal writing genres. Reflecting on my experience as a law student and a lawyer, it seems natural that students are more inclined to rely on authorities and detailed content knowledge than professionals do since they have to concentrate on the specific procedure of problem-solving tasks in order to prove their substantial knowledge to those who evaluate their writings; on the other hand, law practitioners tend to focus on the conclusion of legal reasoning rather than on the process involved therein because, as expertise grows, one prefers to assume more about general principles and to elaborate on particular points of issues instead, for the sake of efficacy in the writing. Moreover, this approach also works out well for clients, who need to expedite decisions for imminent legal problems. Typically, clients want to skip over the complex debate on the relevant legal issues and go straight to the conclusive advice because the complicated struggles of lawyers will only be confusing to a layperson’s comprehension. Hafner (2013) suggested another observation on the difference between novice and expert lawyers by comparing their writings. According to his analysis, novice lawyers tended to display a more academic writing style that overemphasized the analysis of law and that underemphasized the analysis of facts. This discrepancy was taken as a result of the transitional process of moving from the academy to professional expertise. As such, the differing writing conventions in academic and professional contexts indicate that language teachers should be sensitive to the varying needs of L2 learners so that the students can appropriate L2 legal writing programs for their own goals and objectives.
Third, even though typical legal writing manifests an argumentative structure, this does not necessarily mean that legal genres are aggressive and/or confident. Ironically, hedging is a pervasive rhetorical device used in legal writing as a way to express a lack of assurance and certainty. Indeed, it is a common feature of legal writing through which lawyers reserve definite advice and provide tentative opinions instead as to what measures should be taken or to what would be the best solution. In a sense, hedges function as linguistic markers conveying that the argument is based on particular conditions or hypothetical situations. Hedges are features that are indispensable for lawyers due to the lawyers’ conflicting responsibility. While they have to provide a plausible solution for the problem as a consultant, there cannot be perfect prediction regardless of best efforts. Likewise, they have to give potential options to prevent the worst situation that might happen, which still cannot be eliminated. In any circumstance, they need a means to justify their possible fallacies. Given that academic legal writing asks L2 students to simulate the role of lawyers who provide legal advice to clients, L2 learners need to use hedging skills in their writing tasks.

There are several ways to hedge. Commonly, writers make somewhat equivocal conclusions by using tentative modal verbs\textsuperscript{20} such as “likely,” “may,” or “seem” in case that their predictions on the case will not prove to be true later. Another device for hedging is the insertion of provisos such as “unless” or “providing,” by which the argument can be interpreted as conditional, signaling that the final outcome would

\textsuperscript{20}An example of a hedge of modality comprises the following: “It may be concluded at this stage that it is most likely that the jury will find Percy dishonest” (Howe, 1990, p. 231).
depend on the accomplishment of a manifested condition that is yet uncertain.\textsuperscript{21} Hedging is also frequently employed by lawyers when they affirm basic facts in the case (considered shared between the lawyers and clients) as the premise of consultation, which suggests that such advice would be valid only when such facts stay consistently true. It is tricky for L2 learners to adeptly appropriate the features of hedges since they have to convince the reader of the validity of their arguments while escaping the risk of fallacy. In this regard, hedging as a linguistic technique could be another challenge for language teachers who are willing to offer more practical advice to L2 learners.

Last but not least, language teachers should be aware of the need for “appeals to authority” in L2 legal writing. Here, “authority” means legitimate reference resources, such as codes, statues, and precedent court rulings, as authorized statements given by the courts. Typically, precedents address the issues of when particular rules can be applied to a certain case or how particular rules can be interpreted in certain ways. In this sense, authority functions as external support that attests to righteousness, and this is how legal writing is distinguished from other disciplinary genres. Presumably, the essential role of authority in legal writing seems to derive from the very property of law and legal systems, which exist as “authorities” themselves that everyone must conform to; the legitimacy of legal arguments depends on how much the arguments approximate to those authorities. Hence, language teachers need to understand accurately how authority plays a significant part in L2 legal writing.

\textsuperscript{21}Feak et al. (2000) observed stereotypical hedges employed in excerpts from law review journals. In these texts, sentences were relatively long and unnecessarily evasive, indirect, and indefinite. In addition, meanings were ambiguous due to double negation and equivocal expression.
As a whole, legal writing is a relatively conservative and invariable area when compared to other disciplinary genres in that the degree to which originality is allowed is lower than in others. This implies that it could be rather easy to teach or acquire the rhetorical skills of legal genres; nonetheless, what language teachers should not overlook is that the above-mentioned characteristics of L2 legal writing are not static, and they do not comprise a fixed model. Given that such generic features are mere descriptions of legal writing rather than necessities, they should be used as linguistic support, not as constraints that hamper L2 learners’ creativity.

3.4 Implications for Future Research

Despite the vast reach of ELP, little research has been done; however, the previous discussion and review of literature on L2 legal writing has opened up further themes to be researched in the future. In this regard, I would like to list the prospective approaches that might advance research in this area, which is not limited to L2 legal writing but extends to the broader context of ELP.

First, as discussed earlier, much ELP research does not sufficiently take account of the differences between L1 and L2 legal writing; however, L2 legal writing has distinctive characteristics from L1 legal writing in that most L2 students in LL.M. programs have competence in their L1 legal discourse but lack language proficiency in expressing such expertise. Given that this language barrier is compounded by a lack of native intuition, L2 legal writing research should consider how to contextualize L2 legal discourse so that L2 learners might ease the acquisition of control of meaning by leaning on clues from their expertise.
Second, as Hartig and Lu (2014) pointed out, professional legal writing received less attention from ESP researchers than academic legal writing received. Although they attributed this focus to the relatively low accessibility of professional legal texts, I speculate another possible reason might be that professional legal writings are usually taken as emphasizing practical skills that can only be attained by vocational experience rather than through academic research; however, professional legal writing is not only closely related to academic legal genres, but it also bears many unknown issues worthy of interest from researchers. Therefore, I expect the boundary of ELP research could be further expanded beyond academic legal writing.

Third, a considerable amount of ELP research has been favoring legal writing over other domains. Such a lack of balance calls for research on other language skills that might have been in the shadow. Potential research topics are unlimited, including speech acts, debate, negotiation, interviewing, advocacy, and court appeal, and they will broaden the territory of ELP.

Fourth, as was claimed by Candlin et al. (2002), development of L2 legal writing material needs to be based upon substantial research, not on ad hoc practice. With discreet consideration of varying needs and contexts, developing flexible teaching materials readily amenable to diverse local contexts can be viable project. On the other hand, universal content such as international law could be an alternative base for L2 legal writing materials since they are shared among different legal systems, thereby mitigating the contextual discrepancy.
Finally, varying perspectives on L2 legal writing provoke an acute need for intersec-
tional as well as interdisciplinary cooperation^{22} in prospective research for ELP
curricula. Whereas interdisciplinary research requires close relationships between law
and language specialists, intersectional research is meant to be an organic collabora-
tion between research and practice. In both cases, the borders of interface are not
clear-cut since all elements are intimately correlated. In fact, it is undeniable that
ESP specialists have been somewhat excluded as outsiders in legal education, which
I would attribute to the common prejudice that language proficiency is something
innate or that writing skills are merely subordinate qualities to substantive legal
knowledge, implicating the treatment of linguistic expertise as nonessential to legal
writing; however, the nature of ESP being combinable with any disciplinary content
should be seen as particularly valuable. Contributions of language specialists in spe-
cific content areas not only have enormously promoted the interdisciplinary research
trend but also have enhanced the quality of subject content; nevertheless, a power
imbalance between subject specialists and ELP teachers is unavoidable in actual ELP
curricula since language programs are used as assistance, facilitating the main subject
course. As such, their relative positional inequality in curricular cooperation should
be seen as the cost of the broad utility of ESP. Rather, what is really important here
seems to be a mutual trust in respective expertise. Likewise, it is desirable for ELP
research to be connected with actual curricular practice. A complementary relation-
ship between research and practice is realized when research becomes more valid and

^{22} Although Dudley-Evans (2001) distinguished the types of cooperation into three kinds—
cooperation, collaboration, and team-teaching—depending on the intensity of partnership, I do
not follow such a distinction here.
practical thanks to the wisdom of practitioners while practice can be informed by systematic research outcomes rather than random intuitions. Eventually, this will enhance the feasibility of an ideal ELP curriculum, thereby satisfying the varying needs of L2 learners.
4. CONCLUSION

L2 legal writing requires a multidimensional approach that is interdisciplinary, intersectional, and intercultural. Language teachers need to tactfully integrate complex legal content knowledge with language skills in order to provide practical linguistic support to L2 learners. For that, the research and practice of ELP should be organically connected for mutual benefit. At the same time, the context-sensitive nature of legal writing should be treated in an appropriate manner since legal discourse always occurs within a particular sociocultural context. Above all, the unique properties of L2 writing and the relative vulnerability of L2 learners should be fully attended to given that the main challenge of L2 legal writing is to translate the underlying legal analysis based on content knowledge into proper rhetorical structures representing logical sequences. Ultimately, L2 legal writing is an ongoing process in which L2 English learners participate in a global legal discourse community while constructing their identities as members of legal academies and professions that share the same interests, conventions, and disciplinary culture. Ideally, the essential role of language experts should be helping L2 learners ensure their linguistic competence so that they freely mingle in the field of worldwide legal communication. Fortunately, in spite of the discrete local boundaries of law, the prosperity of ELP research looks promising as the globalization of the legal discourse community progresses continuously.
REFERENCES
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