

## Developing Skills of Law Students in Legal English: An Evaluation

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**Abstract:** English is established as the world language in various areas of international activities. Similarly Legal English which is the language of law has become the 'lingua franca' of legal transaction. So, it is indispensable for the students of law to develop the skills in English, a global language for their success in both academic and professional life. This article aims at studying the salient features of Legal English with its various types of jargons, terms and terminologies. This paper also tends to explore in details the causes and methods of developing the English Language skills by the students of law to achieve success as a legal practitioner or a lawyer or a teacher of this subject.

English is established as lingua franca for global communication in this new era of globalization. It is also accepted as a world language not only by its position in most of the continents as a mother tongue but for its ubiquity as a second language.

David Crystal shows about 350 million people speak English as first language and other 300 million use it as a second language. But it is a fruitless exercise to try to estimate the total number of people in the world who now 'know' English as a second language. Actually the present-day world status of English is primarily the result of two factors: the expansion of British colonial power which peaked towards the end of the nineteenth century and the emergence of the United States as the leading economic power of the twentieth century.<sup>1</sup>

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Besides these two factors, the Electronic Revolution and IT industry has drawn English to the apex point. And it is not possible for any language to reach to this height like English in near future. But a language is not an all-purpose instrument, a jemmy to open all doors. A language is not an objective to be pursued for its own sake; it is a means of pursuing various human activities. It varies from profession to profession or group to group. Every group of people, every social activity has its conventions, and its language is one of them. The expressions, jargons, terms and terminologies even words used with connotations of each professional group are generally beyond the consumption of the general people. However these professional groups have got themselves used to the use of such jargons and expressions because language is the art of concealing thoughts.

For a long time, special styles have been developed associated with religion, law, politics, commerce, the press, medicine and science. A detailed linguistic account of any one of these areas would itself require an encyclopedia as the analysis of the language used would require an exposition of the conceptual system that gave rise to it.<sup>2</sup> In this way, when new technologies brought new linguistic opportunities, English emerged as a first-rank language in industries which affected all aspects of society- the press, advertising, broadcasting, motion pictures, sound recording, transport and communications. English is not a luxury, but a practical necessity for learning how to do all the jobs in a community setting out on the road to an affluent society. Now-a-days everybody needs English. Elsewhere, English fills the need both for an educational language and for a common tongue in politics, law, administration and the professions.

Without acquiring proficiency in this global language, we have to face various problems in our day to day life and we shall be unable to keep pace with the advancement of modern science and technology of the west in near future. Receiving higher education

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will be a dream without it since its medium of instruction is also in English. The system of our education is theoretical and books and other research materials are in English. Moreover, good technicians, engineers, physicians or lawyers can not be produced if the features of English language of respective level are not acquired or learnt by our students since linguistic difficulties are inevitable where there is interaction between people from different racial, regional, cultural, social or occupational backgrounds. Though English as a language may indeed have some common characteristics whoever are the participants, there are large differences. So, efforts of learning English language should be essential for one's purpose.

The aim of the article is to explore the salient features of Legal English which is broadly defined as the language of law. This paper also tends to analyze in details the reasons and methods of developing the proficiency in English language as well as Legal English by the students of law.

#### **Necessity for developing the skills in English Language for the students of Law:**

It is indispensable for the students of law to develop the skills in English, a global language for their success in both academic and professional life because of various reasons. The main reason is that we inherited our legal system from the British Colonial Ruler and therefore, most of our parent laws are adopted during that time. Nature of legal education and profession, also, has not changed much. Furthermore, thousands of books available in the District Courts, High Courts and the Supreme Court are all written in English. Although there are Bangla Version of the constitution of Bangladesh and some other legal documents, books of standard law written by famous foreign authors are also in English. A law student should have vast knowledge on international laws, constitution of various countries and organisations, and some other

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aspects which are related to law such as trade, commerce, environment, human rights etc to become a successful legal practitioner or lawyer or a teacher of this subject. But in the whole world wherever we pay our attention, we shall see the rank of English as a *lingua franca*. The glaring example of using English as an official language is seen in the activities of the United Nations which consists of over fifty distinct organs, programmes and specialized agencies as well as many regional and functional commissions, standing committees, expert bodies and other organizations. English is one of the official languages within all of these structures. In 1995-6, according to the Union of International Associations' *Yearbook* there were about 12,500 international organizations in the world. A sample of 500 of these showed that 85 percent (425) made official use of English far more than any other language. So, to know the law and law related aspects in the international organizations, the students must have the command and proficiency in English.

Moreover, Law graduates who want to have the license for practicing law from the Bar Council may face some difficulty in obtaining such license without the basic knowledge of English since proficiency in English is one of the prerequisites for issuing such license.

The students of law are required to learn how to write short essays in English. They have to learn the basic rules of English grammar so that they can write correct sentences in English and use appropriate prepositions. To understand the spirit of law, they need to have knowledge on Legal English which is also different from literary English or simple English language. There are many legal terms and expressions which are widely used in explaining the basic principles of law. There are also many Latin maxims which are required to be studied to understand the basic ideas relating to law since they developed the concepts of law. Legal writing also has its

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own speciality. There are various forms of legal drafting and pleading and all the forms are required to be learnt by the students of law. The drafting of pleadings, the drafting of written statements, the presentation of written arguments, the framing of charge in criminal cases and the writing of judgments constitute an important part of legal language. In this article, it is tried at first to focus on the various and important features and natures of both spoken and written Legal English. Then we shall see how these students develop their skills in this global language.

### **The Language of the Law**

Nature:

“The law is a profession of words”- this dictum opens David Mellinkoff’s classic study *The language of the law* (1963) and it is not possible to find a more succinct way of introducing the language. Whatever the legal domain-government legislation, court room activities or the documentation that constrains our daily lives (contracts, conveyances, regulations, by-laws etc.) -we are faced with the fundamental principal: the words of the law are, in fact, the law.<sup>3</sup>

Legal English, is the style of English used by lawyers and other legal professionals in the course of their work. Its main variation with other professionals is to employ a great deal of terminology which has a technical meaning and is not generally familiar to the layman. It differs from the Grammatical English language which is used to write essays, novels and dramas and also from the “Technical English” which is used to express the ideas relating to science and technology precisely and accurately without any ambiguity. It has the domain of its own. It has its own terminology, its own style and form. According to David Crystal,

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It shares with science, a concern for coherence and precision and shares with religion, a respect for ritual and historical tradition. It shares in the criticisms which these other varieties attract: like science, it is cautioned for its impenetrability; like religion it is thought willful in its mystique.<sup>4</sup>

Legal language is used in a range of legal contents in both written and spoken forms. It is marked with complex grammatical structures; technical lexis, archaic expressions and limited punctuation which together make it quite different from other varieties and all of these unusual features have their roots in the history or the development of English as legal language. The following two may be cited in this regard:<sup>5</sup>

- O I swear by Almighty God to tell the truth, the whole truth and nothing but the truth.....
- You may approach the bench.....

### **Function:**

Language of law has several sub-varieties reflecting its different roles. It is used to regulate society by establishing obligations that must be fulfilled and by ensuring that rights are granted. Although legal language can be difficult to understand, we all come into contact with it on a regular basis. No other variety of language has to carry such a responsibility because the profession is properly more concerned with right, obligations and wrongs. So, legal language has developed such a complex grammatical structure. It has lengthy sentences for it tries to integrate several relevant issues in a single statement. It is repetitive (e.g. the truth, the whole truth...) because it needs to make clear whether a new point applies to everything which has previously been said or just to a part of it. It goes in for coordinated phrases and long lists of items

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(debts, dues, bills...) in order to reduce the uncertainty about whether the law applies in a particular case.

The function of legal language is clearly depicted by Sara Thorne. According to her,

The main function of legal language is referential (to convey information). Its sub-ordinate functions are conative (persuasive) and met a linguistic discussing language itself. It is always formal whether it is written or spoken although a meeting between solicitor and client will be less formal than a cross- questioning in court.<sup>6</sup>

#### **Key Features:**

Written and spoken languages differ in structure and style. In some of the regions written and spoken languages have assumed diglossic proportions. In most languages, the legal register has remained stereo-typed and frozen in vocabulary and syntax. The legal language is farther from even the standard written legal language.

The manner of written legal language is always formal and there are no contractions for negatives or auxiliary verbs and no formulaic utterances like the prepositional phrase '*for the purpose of*' in written document. As it is a traditional form of language, it retains archaic features. It is a public form of language but its intended audience is legal experts rather than the general public.<sup>7</sup>

The typographical features show that this is a modern document since the layout has been divided for easier reading. Traditionally the contents were often written as a solid block with no paragraphs or spacing to mark out the sections of the text. But now paragraphs are marked numerically and sub-divisions make each point clear. Capitalization, underlining and variations in type face can emphasis important lexical items.

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One of the most unusual aspects of old-fashioned legal-drafting especially in conveyances and deeds is the almost complete lack of punctuation. The main cause of avoiding punctuation is that lawyers and judges thought that punctuation was unimportant and confusing. They also thought that the meaning of legal documents should be gathered solely from the words used and the context in which they were used. But in modern legal drafting, punctuation is used or should be used to make the meaning clear to the readers as it is used in ordinary writing. Commas are often omitted in lists; colons and dashes can mark the beginning of a list of subsections, but are also often omitted. Sentences in legal documents are very long and full stops are only used at the end of the documents. The following sentence may be cited as an example of this:

1. There is reserved for the benefit of any adjoining property of the Vendors or their predecessors or successors in title the free and uninterrupted passage and running of water and soil and gas and electricity from and to other buildings.....

A comma following the past participle *reserved* (1.1) and following the post-modified noun phrase *successors in title* (1.2) would make this sentence easier to read.<sup>8</sup>

The lexis of legal language is very distinctive. It is subject specific. Here the ordinary language is used in a special way like '*proposal*' and '*life*', and special language is used in everyday contexts like '*liable*'. The characteristics of the lexis of Legal Language are:

- Common words with uncommon meanings:
  - action=lawsuit,
  - avoid=cancel,
  - hand=signature,
  - presents=this legal document,
  - said=mentioned before,
  - specialty= sealed contract.

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- Old and middle English words no longer in general usage:

aforesaid	thenceforth
forthwith	thereby
hereafter	therefore
heretofore	whereby
said (adjective)	witnesseth
- Latin words and phrases, including some that have become part of the language as a whole (e.g. *affidavit, alias, alibi*):

<i>corpus delicti</i>	<i>per stirpes</i>
<i>ejusdem generis</i>	<i>quasi</i>
<i>ex post facto</i>	<i>res gestae</i>
<i>in personam</i>	<i>retraxit</i>
<i>lex loci actus</i>	<i>sui juris</i>
<i>nolle prosequi</i>	<i>vis major</i>
- Words derived from French (many now in general, e.g. *appeal, assault, counsel, crime, plaintiff, verdict*):

<i>demurrer</i>	<i>fee simple</i>
<i>easement</i>	<i>lien</i>
<i>estoppel</i>	<i>tort</i>
- Use of *-er, -or,* and *-ee* name endings. Legal English contains a large number of names and titles i.e. employer and employee, or lessor and lessee where the reciprocal and opposite nature of the relationship is indicated by the use of alternative endings. This practice derives from Latin.

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- Technical terms with precise and well-understood meanings (“terms of art”)

appeal	defendant
bail	felony
contributory	injunction
negligence	libel

- Less precise terms and idioms, in standard use in daily legal discussion (sometimes referred to as legal ‘argot’)

alleged  
issue of law  
objection  
order to show cause  
strike from the record  
superior court  
without prejudice

- Formal or ceremonial words and constructions in written documents and in spoken courtroom language:

Signed, sealed and delivered  
Whereas... (in contracts)  
You may approach the bench  
Comes now the plaintiff  
Your Honour  
May it please the court  
Hear ye, hear ye, hear ye  
I do solemnly swear.....

The truth, the whole truth, and nothing but the truth

- The conscious use of vague words and phrases to permit a degree of flexibility in interpretation:

adequate cause	malice
nominal sum	as soon as possible
reasonable care	fair division

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- undue interference                      improper
- The use, conversely, of words and phrases to express precise meaning:
  - irrevocable
  - in perpetuity
  - nothing contained herein

- Use of doublets and triplets is also another variation in Legal English. There is a curious historical tendency in Legal English to string together two or three words to convey what is usually a single legal concept. Example:

*Null and void                      Fit and proper*  
*Perform and discharge      Dispute, controversy or claim*  
*Promise, agree and covenant.*

- Use of unfamiliar pronouns. For example:
  - the same*
  - the said*
  - the aforementioned etc.*<sup>9</sup>

The grammar of legal language is complicated by the length of the sentences. Many nouns are abstract: *valuation, bonus, evidence* and *policy*. It is not concerned with the creation of mood nor with description or evaluation, so pre-modifiers are used infrequently except where they can provide exact information: *the first premium, the current monthly payment and the freehold land*. The determiner is also seen: *the Valuer, a Mortgage, the Lease and the Life Insured*. The use of said and aforesaid (meaning mentioned before) as pre-modifiers allows legal documents in any anaphoric references that are made: *the sum of \$7000....the said sum; the period of 45days....the said period*. Post-modification is common since it provides factual information like names, addresses and legal conditions. The sentence structure is usually complex, compound or compound-complex. Few sentences are simple and

none are minor sentences. Cohesion is created through repetition or lexical sets.<sup>10</sup>

The spoken legal language of the courts is also governed by complicated rules. It is different from spoken language in any other situation. It is partly because of the nature of the legal language and partly because of the courtesies and politeness strategies which may dictate that the lawyer acts as an interpreter between the accused and the court. The naming of participants also contributes to the formality of the setting: the judge is called *My Lord* and *Your Lordship*; lawyers address each other as *my learned friend*; and witnesses are addressed by their full names and title- for example, *Mr. Robert*. Most lay people fail to comprehend these rules until they have the experience of acting as a witness. Here witnesses are not allowed to report what other people have said (hearsay) or not allowed to evaluate other people or events (opinion) or to show emotions as humour rather they must simply respond to the questions. Similarly, lawyers are to apply different approaches to ask questions in order to draw more from the witnesses and to introduce evidence or cross-examine witnesses.

Silence is as much communication as language in court. Absence of silence like absence of a word may have many meanings. Silence may denote assent, dissent, doubt and neutral posture. Gandhi used silence as protest. Silence is ambiguous. When an accused maintains silence, it is difficult to interpret whether his silence is meant to delve into memory lane or make a faithful reconstruction or is it a deliberate act of false fabrication.

In the formal legal language, there are mixture of Persian, English, and the regional languages because of the peculiar legal history in this country. Standard English with regional flavour is used by the judge and the lawyer while delivering judgments or arguing the cases. Colloquial English is used in conversation or question-

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answer among the lawyer and their clients and even sometimes between the judge and the lawyer.

Questions often require closed yes/no responses, but equally lawyers may force witnesses to develop their answers by framing questions using wh-question words.

In spoken context, there is no time for lengthy reconsiderations or unfamiliar words and complex sentence structures although the language is always formal.<sup>11</sup>

### **Types of Legal Writing:**

#### ***Statutes***

A Statute is a document that sets out legal rules and has normally been passed by both Houses of Parliament in the form of a Bill and agreed to by the Crown. Actually it is a formal set of rules or rules of conduct which have to be observed. The Government makes policies that establish general principles for guidance and then legislation make them into law: e.g. ....Act.....; The tone is formal and each word is important because a statute has to convey its meaning precisely so that it can be upheld in law. For example, each of the modal auxiliaries has a specific meaning: *may* denotes that you can do something, while *shall* denotes that you must do something.<sup>12</sup>

#### ***Contracts/ Agreement***

A legal Contract is a written agreement between two or more parties enforceable by law. Transaction like selling houses, leasing property or insuring lives and possessions are covered by legal contracts.

In signing a contract, the participants do agree to carry out a series of acts or to fulfill a series of conditions so that there may not be any doubt or future controversy. Since these can be enforced by the law, the language is formal and the syntax is complicated.

All the requisites of a valid agreement should be studied carefully and nothing should be included that would make the agreement void.

Agreements generally begin with the following style: <sup>13</sup>

“An agreement made on the .....day of  
.....between X .....of the one part  
and Y .....of the other part.”

OR

“This agreement made .....between .....  
of the one part and  
.....of the other part.”

OR,

An agreement may begin with “Memorandum of an Agreement” or “Articles of Agreements”. But such a beginning is made where the covenants are lengthy. Just after the title, the date is mentioned and then the names and addresses of the parties are mentioned. Then follow the recitals, if any.

The covenants are generally introduced by the phrase: “Whereby the parties mutually agree with each other as follows”:-, and then by “Now this agreement witnesses (or, those presents witness) and the parties mutually agree as follows:”

**AGREEMENT TO SELL A HOUSE OF A PIECE OF LAND**

An agreement made on the.....day of .....between X, s/o.....resident of.....(hereinafter called “the vendor”) of the one part and Y, s/o.....resident of .....( hereinafter called “the purchaser”)of the other part.

Whereby the parties hereto mutually agree as follows:

- (1) The vendor will sell and the purchaser will buy the house (or a piece of land) as described in the schedule below with all the rights belonging thereto.
- (2) The sale will be completely free from encumbrances.
- (3) The price of the house or the price of land will be Tk. .... of which Tk..... has been paid as earnest money to the vendor (the receipt of which the vendor

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acknowledges) and the balance shall be paid at the time of execution of sale deed.

- (4) The vendor shall deliver to the purchaser all documents of his title to the said property within one month for the full satisfaction of the purchaser in respect of the absolute title of the vendor.
- (5) The purchase shall be completed on the .....day of..... (or within a stipulated period) by the purchaser paying the balance of the price and the vendor executing the sale deed.
- (6) All expenses for the preparation of the sale deed and the cost of stamp and registration charges shall be borne by the purchaser.
- (7) If the purchaser fails to pay the balance amount on the date fixed or within the stipulated period, as the case may be, the purchaser will be liable to pay interest on the unpaid balance of the price at.....percent per annum till the date of completion of the sale.
- (8) If the purchaser shall fail to comply with the terms and conditions of his agreement his earnest money will be forfeited and the vendor shall have the right to resell the property and recover the expenses of resale from the purchaser.

### **Schedule**

**(DESCRIPTION OF THE HOUSE OR OF THE PIECE OF LAND)**



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I, 'X', s/o.....resident of..... by my first and last will bequeath and devise all my movable and immovable property whatsoever to my wife .....absolutely and appoint her sole executrix of this my first and last will.

IN WITNESS whereof I have signed this will hereunder on the .....day of .....

Signature.....

SIGNED AND ACKNOWLEDGED by the aforesaid testator in our presence and each of us in the presence of the testator signed his name hereunder as an attending witness.

1.

2.

### **Methods and Components of developing the skills in English Language for students of Law:**

The mother tongue is so deeply embedded in our inner consciousness that learning a new language requires at first a different reaction to language: one that is a re-orientation and in part a re-organization of consciousness. Therefore special exercises, certain kinds of language drill and carefully devised methods are necessary to help the pupils to form new language habits. There also have to be very many repetitions at first in order to establish these new linguistic responses and to ensure their re-occurrence when needed, and especially to increase the availability of all the elements of the new language as these are learnt: words, structural patterns, inflections, tones, rhythms and pronunciations. Then later there needs a constant use of the language in a variety of contexts and for a variety of purposes: in dialogue, stories, plays, questions, etc. This is necessary so that the new language may become a manageable medium of thought, communication and expression. Then they should think how this

foreign language learning contributes to their education. Language is one of the main activities of mind, and mind is the part of personality. So, the learning of any new language can always help in the linguistic education and in the mental development of a pupil. If the new language is taught in a way that is psychologically sound, it must contribute to the pupil's general growth, because it is sharpening his/her intellect and making it play over many kinds of knowledge and experience. But to promote this, the teacher has to use methods that foster intelligent thought, wider understanding and deeper sympathies, as well as linguistic skills.<sup>15</sup>

Subsequent experiments and discussions with many dozens of language teachers said that a successful lesson needs components of four and only four kinds which are : occasions for use; a sample of language use, exploration of vocabulary , and exploration of ( phonetic, orthographic , or grammatical) form.<sup>16</sup>

Let us see these components in brief:

Component 1: *Occasion for use*

Every lesson should contain a number of clear suggestions which embody a purpose for using the language. Occasions for use, then, should be both useful and specific. It is true that the student normally performs at the end of a lesson, if at all, but a writer or teacher would be wise to begin thinking about them as soon as he has chosen a lesson. Even in the student's book, the planned occasions for use might be listed at the head of the lesson so that the student can form a clear idea of the potential strength of the rest of the lesson. Occasions for use should certainly affect the writing or revision of every other component. So, here teachers should present or uphold the purpose before starting the teaching of the lesson to the students.

Component 2: *A sample of language use*

Every lesson should contain a sample of how the language is used. The sample should be:

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1. long enough to be viable
2. short enough to be covered with the rest of the lesson
3. related to a socio-topical matrix that the students accept as expressing their needs and interests.

The sample may take any of several forms. Sample of teaching is an art. Various types of legal writing should be practised in the classroom. Sometimes students can write various types of writing according to the format provided by the teachers.

#### *Component 3: Lexical exploration*

Lexical exploration refers to those aspects of a lesson through which the student expands his/her ability to come up with, or to recognize the right word at the right time. For a more coherent lesson, it would be desirable to relate lexical exploration not only to the basic sample but also to the projected occasions for use. Students can be given to practise cloze test taken from various legal writing so that they can be able to use proper lexis in proper places as it is known to us that lexis in legal English is very complicated and ambiguous. Without a wide comprehensive knowledge of the legal terminology- how it is used and how it forms an essential part of the general law, it is not possible to fully understand statutes written in English. Besides, teachers should provide clear comprehensive coverage of the essential elements of the Common Law system, its terminology and its culture.

#### *Component 4: Exploration of structural relationships*

The final essential component of a language lesson guides the student in exploring such matters as the relationship in both form and meaning between the third person singular present subjunctive of a verb and the corresponding third person singular present indicative; or between two different ways of embedding one sentence in another; or between the definite and the indefinite article. These relationships are the subject matter of what is usually called “the study of grammar”. Bosco (1970) distinguishes among three modes of representation. Following his analysis, the

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exploration of structural relationships may take the form of drills (enactive mode); charts and diagrams (iconic mode), or grammar notes (symbolic mode). Here students should be allowed to read extracts taken from various types of legal writing to become accustomed with the syntax of legal English.<sup>17</sup>

Translating documents from English into Bengali and vice-versa can also be a good method of developing language skills necessary for the lawyer to work in a bilingual environment.

Besides the above mentioned four components, it is very essential for the decision makers to introduce separate syllabus on legal language with legal drafting /writing. It is expected that the introduction of such a syllabus would be able to make the students more efficient in their future professional life. Legal education system in Bangladesh comprises of four main streams of institutional education recognized by the Bar Council of Bangladesh. Most of our law graduates in our country pass out from around 70 colleges under the National University. Besides, there are four public universities offering four year LL.B (Honours) course and one year LL.M., while the law colleges offer only two-year LL.B. (Pass) course. The third stream of institutions providing legal education in Bangladesh is the private universities which are supervised by University Grants Commission. They offer programmes same as public universities, however, have distinct curriculum and course systems. Some institutions also provide teaching for the students who are enrolled under London University's distance learning programme. They are the fourth stream in our legal education. Bilingual hazards in legal education and in legal profession are well-known in Bangladesh. Neither the government nor any concerned institution in Bangladesh has so far been able to adopt any clear or bold step toward resolving this issue. Only the private universities have opted for unilingual system making English the sole medium of instruction. While

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bilingualism is not unworkable, unilingual system is considered more effective for imparting education.<sup>18</sup>

Considering that legal education has immense impact on the quality of judiciary and on the rule of law in various spheres of national life, and that the present state of legal education in Bangladesh does not sufficiently respond to the needs of modern society and economy, its reforms have become a national need. Our law curriculum, teaching methodology and institutions that provide legal education have generally remained where they were decades ago, incapable of producing law graduates that our nation needs to cope with its enormous problems.<sup>19</sup>

Recently, from the academic session 2006-2007, Faculty of Law in the University of Chittagong has introduced a new subject called Language for Law in the second year of 4 year Bachelor Degree. Now let us have a glimpse of the proposed syllabus for newly introduced subject for the second year students of LL.B (Honours) in the University of Chittagong.

#### **English for Law**

<b>Course No.208</b>	<b>Marks-100</b>	<b>Credit-04</b>
1.	Historical Background of Law and Language	
2.	Importance of Language for Law	
3.	Importance of English as Legal Language	
4.	Meaning of Legal Language and its Scope and Problems	
5.	Problems of Legal Language	
6.	Legal Latin/ Foreign Words and Phrases	
7.	Legal Terms-Meanings	
8.	Legal Maxims- Meanings	
9.	Use of English in Drafting	
10.	Use of English in Judgment Writing	
11.	Abbreviations (Law Reports and Law Journals)	
12.	Use of English in Conveyancing	
13.	Brief Writing and Drafting of Law Reports	

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14. Prescribed Book- 1.*The Long Echoes*- Badrul Haider Chowdhury.  
2. *Enforcement of International Human Rights Law by Domestic Courts*- Dr.M.Shah Alam

It is expected that the introduction of such a syllabus would be able to provide the students proficiency or skill in Legal English besides their mother tongue. But it is done in two or three faculties. Vast majority of law colleges and law faculties have not started it yet. It becomes very essential because approximately 90% students are getting legal education in their mother tongue in our country. Although English may not be considered as an exclusive medium of legal education in our country, the knowledge in respect of the legal language is necessary especially for those who are seeking entry into the legal profession. Furthermore, in Bangladesh academic aspect of legal education predominates with the result that methods of teaching law are mostly lecture-based. It is necessary to emphasise the need for practical methods of teaching law i.e. Socratic Method, problem method etc. Teachers need to devote more time to the preparation of lectures and teaching materials than the delivery of lecture.

### **Legal English Education:**

Prevalence of the English Language in international business relations as well as its role as a legal language within the European Union has aroused a feeling for a long period of time in the international legal community that traditional English language training is not sufficient to meet lawyers English language requirements. The main reason for this is that such traditional General English training is not able to teach the ways in which English usage may be modified by the particular demands of legal practice and also by the conventions of Legal English for it is in itself a separate branch of English.

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As a result, imparting values, non- native English speaking legal professionals and law students are increasingly seeking specialist training in legal English and such training is now provided by a number of firms which focus exclusively on legal language.

In 2006 Cambridge ESOL (English for Speakers of Other Languages), a department of the University of Cambridge, brought out the International Legal English Certificate (ILEC), billed on its websites as the world's first internationally recognized test of legal English. This effectively replaced the out-dated and lesser quality TOLES exam.

The Cambridge ILEC exam was created in cooperation with TransLegal, a firm of lawyer-linguists from the US and Britain based in Stockholm, Sweden.

In 2001 the world's first legal English exam was offered by Global Legal English based on consultations with leading law firms. Whilst the TOLES paper has interesting approaches, it is agreed among academics and leading law firms that it is more beneficial for lawyers to take the ILEC examination, in view of its approval by the Cambridge University ESOL board.<sup>20</sup>

#### **Conclusion:**

At the end of writing, it can be suggested that to bring quality in teaching of law in the institutions of our country, full time teachers in Legal English are required in place of part time teachers. It is also not possible to lay-down uniform syllabus relating to legal language and legal writing in English but it would depend upon the concerned university to prescribe syllabus keeping with the above view. Furthermore, it can be said that sometimes Legal English seems to be difficult not only to general public but also to legal experts for its technicalities. Therefore, it is desirable to simplify the legal language. Instead of using verbosity, idiomatic language or traditional old words it is necessary to use simple language for effective communications. Those in favour of change argue that it

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would make legal language more intelligible to consumers saving much time, anxiety and money and would also greatly simplify the job of lawyers themselves. On the otherhand, those who defend the complexity of legal language argue that its characteristics are the product of centuries of effort to devise an ambiguous, reliable and authoritative means of regulating human society and resolving conflict. In their view, the need for consistency in legal interpretation and for confidence in judgments far outweighs the gain that would come from an increase in popular understanding.

While many lawyers these days accept the desirability of some degree of simplification, there is a natural caution about leaving the safe, chartered domain of traditional legal language and entering into a world that may be hiding a host of undiscovered linguistic pitfalls. In recent years, simplified documents have been used in greater number without causing any harm to anybody, but this is inevitably a slow process.<sup>21</sup>

Besides, the Latin words and expressions may have some historical significance but their wide use in the legal language in our country at present may not be as significant as it was during the British regime.

Legal language as well as law should be simplified as far as practicable. Legal language should be restructured to bring it closer to simple modern English which is intelligible to ordinary graduates of the country. However, simple legal language is a matter of debate because it contains number of technical words and specified words and its use cannot be avoided. But good command over language would make law admissible and application of law would be easy. So, every student of law should develop his/her own proficiency in this Legal English and make a good command over the Legal English due to its necessity in every step of his/her career as a lawyer. Thus if the language used in law is clear, simple to them, it will be convenient for them to implement law

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and in near future they will be able to bring a change in the arena of Legal English. And it is only possible by the new lawyers. At the end of this article, it can be expected that each and every student of law should acquire proficiency in English language besides proficiency in mother tongue .It should also be remembered that we have national obligation to nourish and respect our mother tongue as well as culture. So, the present bilingual character of medium of instruction for law with an emphasis on effective learning of English should be preserved.

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<sup>20</sup> Supra Note 9

<sup>21</sup> Supra Note 2, p.390