

## **KEYNOTE SPEAKERS**

**Vijay Kumar Bhatia**

### **DIGITALLY MEDIATED LEGAL PRACTICE: IMPLICATIONS FOR LEGAL COMMUNICATION PROGRAMME DESIGN**

The overwhelmingly dominant role of digitally mediated social media in public and professional communication can hardly be overemphasized. Legal practice is not immune to such influences. The new technology has invaded all contexts of legal communication, including the teaching and learning of English for legal purposes. Invasion of new technology is also changing the way negotiation of justice is carried out, especially in the context of what is popularly regarded as ‘trial by media’, which may often seem to influence celebrity trials, sometimes even causing miscarriage of justice. Frequent instances of fake news, unverified half-truths in social media, and misinformation through news stories in the digital media are some of the negatives challenging legal practice today.

Drawing on key aspects of critical genre theory (Bhatia, 2017) to account for interdiscursive performance in the present-day legal contexts, I would like to argue for a cautious and informed approach to legal practice with implications for the design and implementation of English for Legal Communication programmes.

Reference: Bhatia, Vijay K., (2016): *Critical Genre Analysis: Investigating Interdiscursive Performance in Professional Contexts*, London, Routledge.

Vijay Bhatia retired as Professor of English from the City University of Hong Kong. He is now a Visiting Professor at the Hellenic American University in Athens, and Adjunct Professor at the Chinese University of Hong Kong. Some of his recent research includes *Analyzing Genre-bending in Corporate Disclosure Practices*, and *International Arbitration Practice: A Discourse Analytical Study*, in which he led research teams from more than twenty countries. His research interests include: Genre Analysis of academic and professional discourses, including, legal, business, newspaper, and promotional genres; ESP and Professional Communication; simplification of legal and other public documents. Three of his books, *Analyzing Genre: Language Use in Professional Settings and Worlds of Written Discourse: A Genre-based View*, and *Critical Genre Analysis: Investigating Interdiscursive Performance in Professional Communication* are widely used in genre theory and professional communication studies.

**Gordon Y. Lingard**

## **LEGAL ENGLISH, ITS ORIGINS, EVOLUTION AND DIVERGENCE**

Legal English has some origins in the Anglo- Saxon Courts which had discrete terminology with Norse and Germanic linguistic origins. From the Norman Conquest in 1066 Norman French, with Latin linguistic influence became the *lingua franca* of both the Royal Court and the courts of justice. Some Anglo Saxon was incorporated and became part of the lexicon. *Magna Carta* (1215) was written in Latin.

As English became used in the Parliament and the Royal Court it came to be adopted in the courts of law and so “legal English “with its rich mix of language and terminology derived from versions of Latin French and Germanic languages began to develop and flourish in England, Wales, Ireland and later in Britain’s growing overseas colonies. Scotland however having a separate legal system based more on Roman than Common Law retained its own discrete, and to some ears “unusual”, legal terminology.

Divergence began first with the United States becoming independent where terms were used differently. The role of *Sheriff* (an Anglo-Saxon word) is different in the USA, Scotland and England respectively. Old language was retained in some jurisdictions whilst elsewhere it was modernised – *Pursuers, Plaintiffs and Claimants; Garnishee, Garnishment and Third Party Debt Orders*.

Once English was adopted as an official language of the European Union as a result of complexities of translation not only of words but of legal concepts evolved and so what might be called “*Brussels Legal English* “ began to evolve. The big question is with “*Brexit*”, “ *Quo Vadis legum linguam nunc anglicus*” Where do we go from here ?

Gordon Lingard is a retired judge; LL.B.(Hons) London University (as an external student) in 1970; fourth in order of merit (First Class Honours) Law Society Finals 1971; admitted as a Solicitor of the Supreme Court of Judicature 1973. He became a partner in 1975 and by 1993 the firm had 14 partners, 8 Associates & 70 staff; specialised in Civil and Family litigation and was part of a team in a multimillion class action against the then Ministry of Agriculture. In 1979 -88 in local politics as a Borough Councillor and in 1988 appointed a Deputy District Judge. In 1993 -2014 Gordon worked as a full time District Judge County and Family Courts; in 2007 as a Judge of the Court of Protection. In 1997-2011 he worked as an Assistant Secretary of the Association of Her Majesty’s District Judges. He was also a Judicial College Tutor (Civil continuation training and Deputy District Judge Induction) and a Judicial College /UK representative at EJTN “ steering “ meetings in Krakow, Rome and Trier. Since retiring in 2014 he continues to sit as a Deputy District Judge as and when required. From 1997 to date he lectured at the ENM Paris (in the early years in French) and Bordeaux. In 2014 he was the Slynn Foundation Trainer *Judicial Ethics* in Tirana. 2013- 2017 *Legal English* trainer at INM Bucuresti. 2018 Legal Expert “ *Judicial Cooperation Civil matters*” EJTN Bucuresti

He is reasonably fluent in French and has a working knowledge of Italian and German. He attended judicial conferences in Brussels, Brno, Bologna, Rome, Bucuresti, Paris, Rennes, Edinburgh and Belfast; 2 week *stage* in la Rochelle; study visits to both CJEU and the Court of Human Rights.

He serves as a Trustee and Vice Chair of a Relationship Counselling Charity, enjoys travel, gardening and Choral Singing of Ecclesiastical Music, is married with two married daughters and 4 grandchildren.

**Jill Northcott**

**NEEDS-FOCUSSED LEGAL ENGLISH TEACHING AND TRAINING: RESEARCH AND PRACTICE**

I have defined Legal English as “English language education to enable L2 law professionals to operate in academic and professional contexts requiring the use of English” (Northcott 2009:166), but many different approaches to research and practice contribute to this area. In addition to work done in the fields of Forensic Linguistics (e.g. Gibbons & Turell 2008, Mertz 2007); ESP and genre analysis (e.g. Bhatia 2009, Bruce 2002); Corpus Linguistics (e.g. Alasmary 2019); legal translation (e.g. Biel 2018, Sārcēvić 2001, Northcott & Brown 2006) legal professionals and legal professional educators (e.g. Sinsheimer & Herring 2016) also have a contribution to make. Both geographically-focused and domain-specific needs analyses (e.g. Sierocka et al 2019, Deutch 2003) have been conducted and there is now a wealth of information available on the needs of different groups of legal professionals and students. More challenging perhaps, for the practitioner researcher, are the next steps – translating needs analysis into course design and classroom practice.

I will outline the different contributions of research to practice, attempting to distinguish their relevance for different legal English learning needs and illustrate with reference to some earlier and current Legal English courses in both professional and internationalised Higher Education contexts.

Jill Northcott is Head of English for Specific Purposes at ELE, University of Edinburgh. She is interested in research into both professional and academic language learning needs in different disciplines for course and materials design and teaching. In addition to course management, classroom teaching and supervision of PhD and Masters students she writes about ESP and Legal English related matters.