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ENGLISH FOR LEGAL PURPOSES: A CORPUS-BASED LESSON PLAN

Porto Alegre

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Trabalho de Conclusão de Curso apresentado como requisito parcial para a obtenção do grau de Licenciada em Letras - Inglês pela Faculdade de Letras da Pontifícia Universidade Católica do Rio Grande do Sul.

Orientadora: Profa. Dra. Heloísa Orsi Koch Delgado

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ABSTRACT

English has become an international language and mandatory skill for those who want to live, study or work abroad or even in Brazil. In that scenario, mastering English is a requirement demanded by most universities and employers worldwide and, because of that, candidates who want to distinguish themselves have been seeking to be proficient not only in general English, but in specific areas of the language. With that in mind, we will briefly talk about the importance of learning English for Legal Purposes (ELP), a field of English for Specific Purposes (ESP), which has become one of the most arduous professional languages to learn due to legal systems that differ significantly from one culture to another. The main scope of this paper is to propose an alternative lesson plan focused on law students and professionals who intend to gain real-life language skills for the legal scenario. The methodology we used to design the plan was corpus-based because it allowed us to elaborate activities which are representative of the level and terminology demanded in the legal area. We chose to use as our corpus Cambridge's *International Legal English Certificate* (ILEC), because it consists of a reliable source of the ELP language. For this reason, we built a legal corpus to find out the most frequent terms used in ILEC and, based on that, suggested exercises to complement the materials already available for ELP students. The language used on the lesson plan is authentic - extracted from the United States Supreme Court – and serve as a means to study legalese with genuine materials extracted from real life situations.

Key Words: English for Legal Purposes. ILEC. Lesson Plan. Corpus-based Methodology.

RESUMO

A língua inglesa se tornou não só uma linguagem internacional, mas também uma habilidade obrigatória para aqueles que querem morar, estudar ou trabalhar no exterior ou até mesmo no Brasil. Neste cenário, dominar o inglês é um requisito exigido por grande parte das universidades e empregadores em escala global e, por esta razão, os candidatos que objetivam se distinguir dentre os demais têm procurado tornarem-se proficientes não só em inglês geral, mas também em áreas específicas dessa língua. Com isto em mente, trataremos brevemente da importância de se aprender Inglês Jurídico (ELP), um campo do Inglês para Fins Específicos (ESP), o qual se tornou uma das linguagens profissionais mais difíceis de aprender em razão dos sistemas legais que se diferenciam significativamente de uma cultura para outra. O objetivo principal deste trabalho é propor um plano de ensino alternativo para estudantes de direito e profissionais jurídicos que pretendam adquirir habilidades linguísticas efetivamente necessárias no cenário jurídico. A metodologia utilizada para criar o plano de ensino foi baseada em *corpus*, porquanto ela nos permitiu elaborar atividades representativas do nível e da terminologia exigida na área jurídica. Escolhemos utilizar como *corpus* o exame de Cambridge *International Legal English Certificate* (ILEC), uma vez que ele consiste em uma fonte idônea da linguagem jurídica. Por esta razão, criamos um *corpus* dessa área para encontrarmos os termos mais frequentes do ILEC e, com base nestes, sugerir exercícios que complementem os materiais já existentes para estudantes de ELP. A linguagem utilizada no plano de ensino é autêntica – extraída da Suprema Corte Norte-Americana – e serve como um meio para se estudar a linguagem jurídica através de materiais extraídos de situações reais.

Palavras-chave: Inglês jurídico. ILEC. Plano de ensino. Metodologia baseada em *corpus*.

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ABBREVIATION LIST

BEC –	Business English Exams
CAE –	Certificate in Advanced English
CEFR –	Common European Framework of Reference for Languages
CL –	Corpus Linguistics
CPE –	Certificate of Proficiency in English
EAP –	English for Academic Purposes
EBP –	English for Business Purposes
EFL –	English as Foreign Language
ELP –	English for Legal Purposes
ESP –	English for Specific Purposes
FCE –	First Certificate in English
ICFE –	Certificate in Financial English
ILEC –	International Legal English Certificate
KET –	Key English Test
PET –	Preliminary English Test
TOLES –	Test of Legal English Skills

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1 INTRODUCTION

English is a language that has spread around the globe in such a vast way that it has become an international language and mandatory skill for those who want to live, study or work abroad or even in Brazil. The amount of people who seek for an opportunity to have an experience in a foreign country, whether through exchange programs or job vacancies, are continually growing and, consequentially, so are the dispute for those openings. Because mastering English is a requirement demanded by most universities and employers worldwide, candidates that want to distinguish themselves have been seeking to be proficiency not only in general English, but in specific areas of the language.

With that in mind, this paper turns its attention to one of the fields of study that focuses on a specialized language teaching area: English for Legal Purposes (ELP). We chose to work with legal English because it is a challenging area for both learners and teachers as it presents other factors rather than mastering the language very well. One of them is to have a considerable amount of knowledge of the legal area, an aspect that we will discuss later.

Although there is material available¹ for those who want to study legal English, we observed that it either focuses on specific exams - ILEC or TOLES - or is based on textbooks that do not use authentic materials. By *authentic materials*, we mean examples of language produced by native speakers for some real purpose of their own rather than using language produced and designed solely for the classroom. This means that the texts and listening recordings contained in the materials we looked at - although based on realistic situations - were created for the specific purposes of language learning. Therefore, the main scope of this paper is to propose an alternative lesson plan, which focuses on law students and professionals who intend to gain real-life language skills for the legal scenario.

We created this plan using corpus-based methodology, because it allowed us to select words and expressions that are representative of the level and terminology demanded in the legal area. We chose to use as our corpus Cambridge's *International Legal English Certificate* (ILEC), because it consists of a reliable source of the ELP language. Therefore, we selected the most frequent terms in ILEC and

¹ They are usually quite expensive or need to be ordered from international websites.

suggested, based on these findings, activities that might help the candidate to master legal language for their everyday use.

As for the structure, in the first chapter, we review the concepts regarding English for Specific Purposes (ESP), focusing on English for Legal Purposes (ELP). In the second chapter, we introduce a theoretical framework to corpus linguistics. In the third chapter, we give an overview of the ILEC exam, detailing its structure and objectives and, then, explain the methodology used to build the legal and the reference corpus. Lastly, we present the lesson plan and describe its steps and tasks suggested.

2 ENGLISH FOR SPECIFIC PURPOSES

The lesson plan we designed in this paper was focused on the needs of law students and professionals who intend to gain language skills related to the area of legal studies, which can be classified as *English for Specific Purposes* (ESP).

ESP is considered to be an area or sphere of *English as Foreign Language* (EFL) teaching and, therefore, is an approach to teaching English. The definition of ESP is complex, being even not a consensus among language specialists. Anthony² explains that:

Some people described ESP as simply being the teaching of English for any purpose that could be specified. Others, however, were more precise, describing it as the teaching of English used in academic studies or the teaching of English for vocational or professional purposes.

With the intent to put an end to the doctrinaire confusion, Dudley-Evans and St. John³ created a definition for ESP that involves absolute and variables characteristics. Brunton⁴ quotes the authors when he says that, in order to define if a certain area of teaching is considered as ESP, it should have the following absolute characteristics:

- a) ESP meets specific needs of the learners.
- b) ESP makes use of underlying methodology and activities of the discipline it serves.
- c) ESP centers on the language appropriate to these activities in terms of grammar, lexis, register, study skills, discourse and genre.

As for the variable characteristic, the author lists the following:

- a) ESP may be related to or designed for specific disciplines.

² ANTHONY, Laurence. English for Specific Purposes: What does it mean? Why is it different? *On-CUE*, v. 5, n. 3, 1997. p. 9-10. Available at: <<http://www.laurenceanthony.net/abstracts/ESParticle.html>>. Accessed on: April 22, 2015.

³ The definition can be found in: DUDLEY-EVANS, Tony; JOHN, Jo St. *Developments in English for Specific Purposes. A Multi-Disciplinary Approach*. Cambridge: Cambridge University Press, 1998.

⁴ BRUNTON, Mike. An account of ESP – with possible future directions. *English for Specific Purposes* Issue 3 (24), v. 8, 2009. Available at: <http://www.esp-world.info/Articles_24/An%20account%20of%20ESP.pdf>. Accessed on: April 22, 2015.

- b) ESP may use, in specific teaching situations, a different methodology from that of General English.
- c) ESP is likely to be designed for adult learners, either at a tertiary level institution or in a professional work situation. However, it could also be aimed to learners at secondary school level.
- d) ESP is generally designed for intermediate or advanced students.
- e) Most ESP courses assume some basic knowledge of the language systems.

From this guide of characteristics, we can extract that ESP is a teaching approach focused on the learner's needs, not necessarily bounded to a discipline, but rather to teaching methodologies that focus on a specific variety of language use. In this sense, Hutchinson and Waters⁵ call attention to the fact that:

ESP is not a matter of teaching 'specialised varieties' of English. The fact that language is used for a specific purpose does not imply that it is a special form of the language, different in kind from other forms. Certainly, there are some features which can be identified as 'typical' of a particular context of use and which, therefore, the learner is more likely to meet in the target situation. But these differences should not be allowed to obscure the far larger area of common ground that underlies all English use, and indeed, all language use.

Another important aspect regarding ESP is the importance of using authentic materials. Because ESP targets the student's needs in a specific area, the didactic activities should be relevant for this specialization, which stresses the importance of using up-to-date and representative language used in real life situations⁶.

ESP can be subdivided accordingly to the specific area it approaches, as it is the case of *English for Academic Purposes* (EAP), *English for Business Purposes* (EBP), *English for Legal Purposes* (ELP) and many others. As already mentioned, we will focus on this last specialist area.

⁵ HUTCHINSON, Tom; WATERS, Alan. *English for Specific Purposes: a learning-centered approach*. Cambridge: Cambridge University Press, 1991, p. 18.

⁶ BOJOVIC. Milevica. Teaching foreign languages for specific purposes: teacher development. *The proceedings of the 31st Annual Association of Teacher Education in Europe*, 2006. Available at: <<http://www.pef.uni-lj.si/atee/978-961-6637-06-0/487-493.pdf>>. Accessed on: April 26, 2015.

2.1 ENGLISH FOR LEGAL PURPOSES

The terminology used to describe the language applied in the area of Law is a troubled one. Some scholars used to employ the term *Legal English*, however this terminology can be misleading because it can both refer to *legalese*, which is the actual specialized language of the legal profession, or to Anglo-American law (Common Law)⁷, which is the legal system adopted. Because of that, the term *English for Legal Purposes* (ELP) has been favored to describe the approach to the study and teaching of legalese.

Moreover, we should determine the focus of ELP as a teaching approach, which is the study of a wide range of forensic materials, such as private wills, court judgments and summonses and all documents or oral records of law-related English.

ELP is considered a particular challenging area for the learner and for the teacher because of the proximity between content and language. According to Gibbons⁸:

Law is language. It is not solely language, since it is a social institution manifested also in non-linguistic ways, but it is a profoundly linguistic institution. Laws are coded in language, and the processes of the law are mediated through language.

That complexity is clearly evidenced in legal translation, where the professional must regard the meaning of the term in a given context. In other words, it is essential that a language professional is aware of the legal effect of the term to decide upon the most appropriate equivalence or explanation to convey the message given.

In addition, various legal terms are polysemous, which means that they have one meaning in the ordinary language and a special meaning in a particular legal system. It is the case of the word *consideration*, which, in General English refers to the *act of considering*, and in ELP, it acquires the sense of *a benefit that must be*

⁷ NORTHCOTT, Jill. Legal English. In: PALTRIDGE, B; STARFIELD, S. (Eds.). *The Handbook of English for Specific Purposes*. Blackwell Handbooks in Linguistics. Oxford, UK: Wiley Blackwell, 2013. p. 213-226.

⁸ GIBBONS, John. Language and the Law. *Annual Review of Applied Linguistics*, 19, p. 156-173.

*bargained for between the parties, and is the essential reason for a party entering into a contract*⁹.

This becomes even more intricate for the Brazilian student if we take into consideration the differences in the American and British legal systems (Common Law), based on precedents, compared to the Brazilian (Civil Law) system, where codes are the main source of law. Therefore, not only the terminology will be different, but also the way their legal system works presents many particularities that do not exist in the Brazilian legal system. For example, in the United States, only the defense can appeal from an unfavorable decision whereas in Brazil both prosecution and defense can do so.

Another obstacle that might challenge the teaching and learning of ELP is that, in many cases, there is one word in one legal system that designates two different institutes in another. The term *smuggling*, for example, corresponds to both *descaminho* and *contrabando* in the Brazilian System; and *shoplifting*, which exists in one system and do not have an exact equivalent¹⁰ in our System. Regarding the teaching activity, ELP is an area of ESP that requires an extra preparation and effort. First, because the teacher will not only have to learn the meaning of the term in English, but also how it relates to the Brazilian legal system, in order to contextualize the terminology to be grasped. Moreover, he¹¹ will have to keep up to date in terms of procedures and terms that have been created or that have gained a new meaning.

With this in mind, our lesson plan proposes exercises that try to facilitate learning by the exposure of the student to authentic materials in order to get them familiarized with the terminology and structure used in legal contexts.

⁹ LEGAL DICTIONARY. Available at: <<http://dictionary.law.com/Default.aspx?selected=305>> Accessed on: May 13, 2015.

¹⁰ This specific category of crime does not exist in the Brazilian Penal Code, so the analogue crime in Portuguese would be *furto simples*, which is “subtrair, para si ou para outrem, coisa alheia móvel.” Moreover, *furto simples* is the equivalent of theft in the American system and does not differentiate the place where the crime happens.

¹¹ We use he/him/his to refer to both men and women.

3 CORPUS LINGUISTICS (CL)

In this study, we chose to use corpus linguistics as our methodological approach on the ground that it will allow us to have a reliable source (or representativeness) of the terms most commonly used in ILEC¹² and, therefore, create a lesson plan that will be more faithful to the level and terminology generally used in ELP.

Although many novice researches in the field may instantly think of theories of language when dealing with corpora, corpus linguistics is, in fact, a methodology that has been gaining force as a primary source of studying language. That does not mean, however, that it is not intrinsically and directly connected to language theories. The use of a corpus allows the researcher to view and describe language in a much broader way, assisting him in the task of testing the hypotheses formulated by diverse theories of language or even creating new ones based on the corpus' findings.

Furthermore, corpus linguistics should not be confused as other areas of linguistics, as McEnery and Wilson¹³ explain:

Corpus linguistics is not a branch of linguistics in the same sense as syntax, semantics, and sociolinguistics and so on. All of these disciplines concentrate on describing/explaining some aspect of language use. Corpus linguistics in contrast is a methodology rather than an aspect of language requiring explanation or description. A corpus-based approach can be taken to many aspects of linguistic enquiry.

As for its definition, the word *corpus* alone already aids that task, in the sense that it means a *collection of written or spoken texts*¹⁴. Sardinha¹⁵ describes corpus linguistics as: “*a linguística de corpus ocupa-se da coleta e da exploração de corpora, ou conjunto de dados linguísticos textuais coletados criteriosamente, com o*

¹² It is important to highlight that although ILEC is not a corpus-based exam, Cambridge English Language Assessment has created a Cambridge Learner Corpus (CLC) that includes ILEC as well as other Cambridge Exams. However, this corpus is not composed of the exams itself – as we intent to compile – but rather of scripts of students who took the exam, which is used to find out about common mistakes made by the candidates.

¹³ McENERY, Tony; WILSON, Andrew. *Corpus Linguistics: an introduction*. 2nd edition. Edinburgh university press: 2005, p. 2.

¹⁴ OXFORD DICTIONARY. Available at: <<http://www.oxfordlearnersdictionaries.com/>>. Accessed on: May 15, 2015.

¹⁵ SARDINHA. Tony Berber. *Linguística de Corpus*. Baurueri: Manole, 2004, p. 3.

propósito de servirem para a pesquisa de uma língua ou variedade linguística". We could summarize from Sardinha's words, that corpus linguistics is a methodology that, through the compilation of texts – either written or spoken – analyzes the data collected in order to test a linguistic theory or simply to describe and examine language.

However, for the corpus to have a functional status, it must be stored in a computer and in a machine-readable form so as that it can read and analyze each individual word. Although originally researchers had to compile and analyze corpora manually, nowadays computers play a major role, because they allow the researcher to have more accuracy and error-free analyses, as well as sort through the corpus much faster. In this sense, Kennedy¹⁶ states that:

With modern software, computer-based corpora are easily accessible greatly reducing the drudgery and sheer bureaucracy of dealing with the increasingly large amounts of data used for compiling dictionaries and other information sources. In addition to greatly increased reliability in such basic tasks as searching, counting and sorting linguistic items, computers can show accurately the probability of occurrence of linguistic items in text.

Moreover, the data collected into a corpus can be analyzed in a quantitative or qualitative way¹⁷. In the former, the focus is on the frequency of certain words - their number of occurrences - in a given corpus. One of the functionalities to perform such analysis is the *frequency list*. The qualitative approach, on the contrary, needs the analysis of the researcher to verify which terms or expressions should be considered *candidates to terms* before comparing them to a *reference corpus*, which we will describe later in this paper.

When compiling a corpus, some aspects should be taken into consideration. The first is that the texts selected to compose the corpus should be authentic, which means that it should not have been written specifically to serve as base for a linguistic research¹⁸. The language should be a spontaneous and natural production made by native speakers¹⁹. In addition, the corpus should have a *representativeness*, i.e., it needs to be representative of the language or type of language that will be

¹⁶ KENNEDY, Graeme D. *An introduction to corpus linguistics*. New York: Longman, 1998, p. 5.

¹⁷ CARTER, Ronald; McCARTHY, Michael; O'KEEFFE, Anne. *From corpus to classroom*. New York: Cambridge University Press, 2007, p.

¹⁸ ZANETTIN, Federico Zanettin. *Translation-Driven Corpora*. Manchester: St. Jerome Publishing, 2012, p. 41.

¹⁹ SARDINHA. Tony Berber. *Linguística de Corpus*. Baurueri: Manole, 2004, p. 19.

analyzed²⁰. This aspect of corpora is intrinsically connected to the size of the corpus, in the sense that the larger the corpus, the more representative of the language it will be²¹.

In terms of types of corpora, a corpus can be divided in many different ways. As for its scope, a corpus will be *general* when it is compiled without a specific linguistic research in mind and represents language in general. Usually, these type of corpora are very large and contain different genres of text (academic, fictional, etc.) with spoken and written language in order to balance²². On the other hand, specialized corpora are compiled with a special research focus in mind and represent a particular portion of language.

Corpora can also be written or spoken (composed of transcripts of a spoken conversation). Furthermore, a corpus can be synchronic, when represents language in a specific period of time, or diachronic, which “allow us to look at the language developing or changing or sometimes, remaining the same, over a period of time”²³.

In a dynamic corpus, the texts and materials that form the corpus are constantly being altered as a way of reflecting the changes in language use. On the contrary, a static corpus does not allow the researcher to include or exclude its texts. In addition, a corpus can be monolingual, when it only contains one language, or multilingual, when it has more than one.

Finally, a study corpus is designed for the researcher to observe and describe the language use in the texts compiled in the corpus, whereas a reference corpus represents texts that will provide a comparison pattern for the study corpus.

As for the relation between corpus linguistics and language teaching, McENERY and Gabrielatos²⁴ state that CL has influenced teaching English as a foreign language in two major ways:

Research findings point towards the aspects of learner use which should be prioritized in language instruction and aid the compilation of pedagogical and reference materials at different levels of

²⁰ McENERY, Tony. *Corpus Linguistics: Method, Analysis, Interpretation*. Future Learn: Week 1, part. 1, 2014. Available at: <<https://www.futurelearn.com/courses/corpus-linguistics>>. Accessed on: September 20, 2014.

²¹ SARDINHA, Tony Berber. *Linguística de Corpus*. Baurueri: Manole, 2004, p. 22.

²² KENNEDY, Graeme D. *An introduction to corpus linguistics*. New York: Longman, 1998, p. 20.

²³ McENERY, Tony. *Corpus Linguistics: Method, Analysis, Interpretation*. Future Learn: Week 1, part. 3, 2014. Accessed on: September 20, 2014.

²⁴ McENERY, Tony. GABRIELATOS, Costas. English corpus linguistics. In: AARTS, B.; McMAHON, A. (Eds.). *The Handbook of English Linguistics*). Oxford: Blackwell, 2006, p. 52.

competence. The examination of learner language also affords insights into the process of language learning.

In the next section, we describe the methodology used to compile our specialized corpus based on ILEC exam in order to create a lesson plan for ELP.

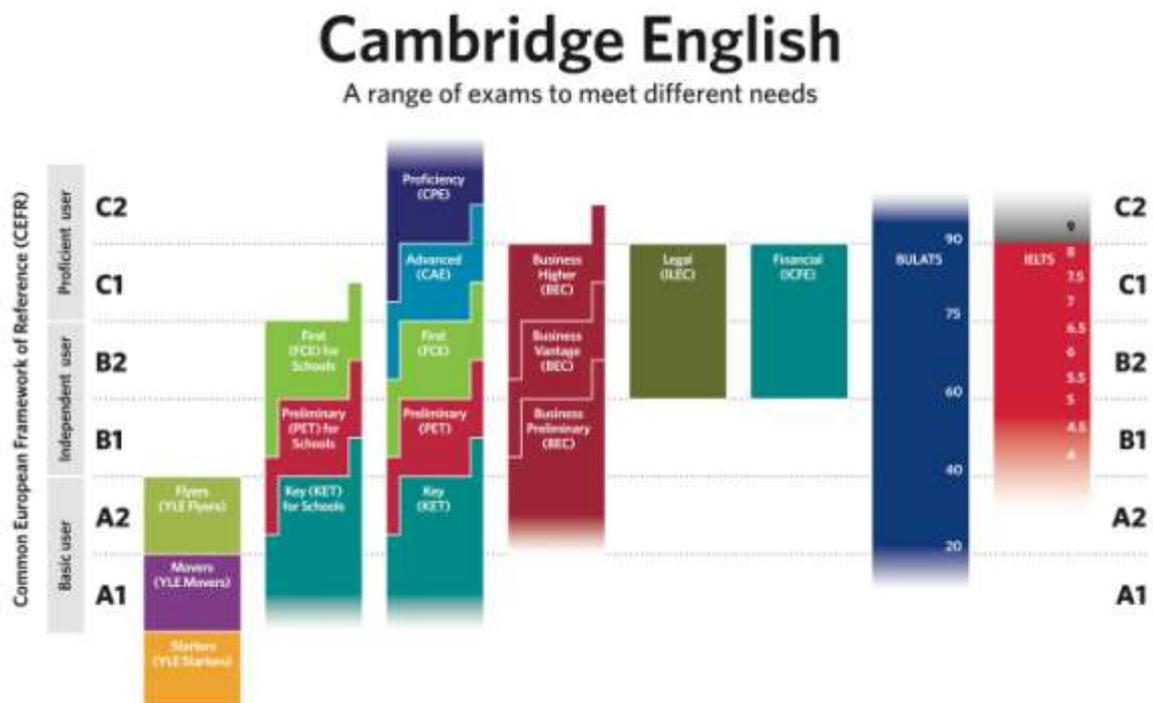
4 CORPUS METHODOLOGY

We chose to use as our corpus the Cambridge's ILEC exam because it is a certificate recognized and accepted worldwide as a way of prove one's proficiency in ELP. Therefore, the terminology used in ILEC will provide us with a reliable source of ELP language use.

4.1 ILEC

Institutions recognize Cambridge's English examinations worldwide as a proof of one's competence in the English language. Its assessments cover a wide range of language ability levels and include general English, as well as professional and academic English. Furthermore, Cambridge exams cover all levels of the CEFR, a guideline created by the Council of Europe in order to standardize one's ability to speak a foreign language:

Figure 1 – Cambridge's exams according to CEFR



Fonte: <http://www.cambridgeenglish.org/cefr/>

The University of Cambridge, one of the world's oldest and most prestigious universities, not to mention the largest in the United Kingdom, develops the examinations. The institution is composed of 31 Colleges, which themselves are grouped in six major schools: Arts and Humanities, Biological Sciences, Clinical Medicine, Humanities and Social Sciences, Physical Sciences, and Technology.

University faculties organize teaching and research into individual subjects, subdivided into Departments. University of Cambridge ESOL Examinations (or Cambridge ESOL), the board responsible for developing an extensive number of English tests, is part of the Cambridge Assessment Department.

The first Cambridge English Examination created was the *Certificate of Proficiency in English* (CPE) in 1913, which is today the highest level of General English certificated.

The *Cambridge English: Young Learners* is a set of three tests directed at children who are currently in primary or lower-secondary education²⁵, which are *Starters*, *Movers*, and *Flyers*. The candidates are not granted a grade, but rather a maximum of five shields in each of the following skills: speaking, listening, reading and writing. If they achieve a total of 10 or more shields, it means that they are ready to move on to the next Cambridge English test.

Furthermore, the General English Exams are divided into five different levels: *Key English Test* (KET), *Preliminary English Test* (PET), *First Certificate in English* (FCE), *Certificate in Advanced English* (CAE) and *Certificate of Proficiency in English* (CPE). Among these exams, the student has a wide range of choice, which means that he can certificate his level of English as he improves his skills. The first three exams (KET, PET, and FCE) have two modules: one for public and one for schools. The latter has exactly the same level and certificate, only targeting the interests and experiences of schoolchildren.

As for the specific English exams, there is the *Business English Exams* (BEC), the *Legal English Certificate* (ILEC) and the *Certificate in Financial English* (ICFE). BEC is divided into three levels: *Preliminary*, *Vantage* and *Higher*, whereas the *Financial Exam* is composed of only one exam.

For the purpose of this paper, we selected the *Cambridge English: Legal exam*, also known as *International Legal English Certificate* (ILEC).

²⁵ In Brazil, it would be equivalent to children from six to twelve years old.

4.1.1 The exam

ILEC is a high-level qualification test that aims to certificate that the candidate has the language skills necessary to succeed in an international law career. In order to do so, the questions focus on all four areas of language skills (reading, speaking, listening and writing) and are designed using real-life situations the candidate might encounter when working as a lawyer abroad. Therefore, the candidate should be familiar not only with legal terms, but also with the practical procedures involving legal actions.

The public target for ILEC is both lawyers and law students who want to either work in the field of law internationally or enter into Law School or an ELP course in an English-speaking university.

Because ILEC focuses on English for Specific Purposes, Cambridge ESOL develops the exam in partnership with *TransLegal*, a European firm of linguists-lawyers, which guarantees that the content of the questions will be as realistic as possible.

As said before, ILEC exam is one of the Cambridge exams that focuses on English for Specific Purposes and, hence, refers to levels B2 and C1 of the CERF, which means that the candidate should already have a good general English background in order to take the exam. The candidate that undergoes ILEC must achieve a Level B2 or above to receive a certificate, which can contain one of three grades: C1 Pass with Merit, C1 Pass or B2 Pass.

In terms of content, the exam is restricted to some areas of law, which are *corporate, business associations, contract, sale of goods, real property, debtor-creditor, intellectual property, employment, competition, environmental, negotiable instruments, secured transactions and aspect of international law.*

4.1.2 Structure – reading part

The ILEC focuses on four areas of language skills - reading, writing, listening and speaking- , and each area account for 25% of the total marks. Since the reading part is the section that provides the most amount of legal terminology, we will only use that part as our corpus.

The first part of the exam is the reading, which is composed of six other subsections with a total of 54 questions and around 2,500 words to be read. In the first three subsections, each correct answer accounts for to one mark while in the three last two marks are attributed for one answer. Therefore, the time allowed for this skill is 1 hour and 15 minutes.

The purpose of the reading section is to show that the student can “complete tasks based on law-related texts; read and understand law-related texts; demonstrate a variety of reading skills, including skimming, scanning, deduction of meaning from context; and select relevant information to complete tasks”²⁶.

The multiple-choice cloze is the first part of the reading section and it is composed of 12 questions (six for each text), in which the student must read the text and chose, among four possible answers, the one that completes the gap correctly. The focus of these exercises is on lexis, like *semantic precision, collocation, fixed phrases and linking words or phrases*, as seen below²⁷:

²⁶ CAMBRIDGE ENGLISH. Available at: <<http://www.cambridgeenglish.org/exams/legal/whats-in-the-exam/>>. Accessed on: September 30, 2014.

²⁷ All the examples in this section were extracted from ILEC 2007, which is one of the texts that composes our corpus.

Figure 2 – ILEC reading skill – Part 1 sample

Part 1

Questions 1 – 6

Read the following extract from a textbook on contracts.
 Choose the best word to fill each gap from **A, B, C** or **D** below.
 For each question **1 – 6**, mark one letter (**A, B, C** or **D**) on your answer sheet.
 There is an example at the beginning (**0**).

Third party rights

Where third parties have (0) rights over the subject matter of the contract (1) to the sale and these rights would be affected by rescission, then this could be a bar. The most obvious example is where goods obtained by fraud from the original owner have been sold on to an innocent third party. In these (2), the contract of sale between the rogue and the owner is voidable only and where the rogue having bought the goods sells them to a third party in good (3) for valuable consideration, then title passes to that third party.

In the context of third party rights a rule has evolved (4) to companies going into liquidation. Normally a person who is (5) to become a shareholder by reason of a false representation can rescind the contract against the company. (6), when the company has gone into liquidation, rescission would obviously prejudice the claims of the company's creditors. In this case it is not possible to rescind such a contract.

Example:

0 **A** acquired **B** realised **C** collected **D** gathered

0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	A	B	C	D

- 1 **A** successive **B** ensuing **C** subsequent **D** following
- 2 **A** positions **B** circumstances **C** states **D** occasions
- 3 **A** trust **B** confidence **C** promise **D** faith
- 4 **A** relating **B** concerning **C** referring **D** bearing
- 5 **A** instigated **B** prevailed **C** induced **D** assured
- 6 **A** Therefore **B** However **C** Meanwhile **D** Hence

Fonte: <http://www.cambridgeenglish.org/images/22578-ilec-reading-paper-2007.pdf>

In the second part of the reading, which is called *open cloze*, the student must read one text that contains 12 gaps and find the right word for each one. Differently from the first part, here the focus is on structural items, such as *conjunctions*, *prepositions*, *pronouns*, *auxiliaries*, *quantifiers*, etc.

Figure 3 – ILEC reading skill – Part 2 sample

Part 2

Questions 13 – 24

Read the following letter of advice from a lawyer to a client.
 Think of the best word to fill each gap.
 For each question **13 – 24**, write **one** word in CAPITAL LETTERS on your answer sheet.
 There is an example at the beginning (0).

Example:

O	W	H	E	T	H	E	R									
---	---	---	---	---	---	---	---	--	--	--	--	--	--	--	--	--

You have sought advice regarding (0) a “comfort letter” you signed in conjunction with a loan facility is contractual in nature, because if (13) is, your company is liable to pay the debts of Agra Ltd, (14) of your subsidiaries.

The facts you provided are (15) follows. You are the CEO of Compravi Inc, which owns Agra. Agra is a member of the Futures Exchange. Two years ago, you entered into negotiations (16) the plaintiffs, Seafield Bank Ltd, for the provision of the funds necessary to begin to carry (17) trading on the Futures Exchange. Seafield sought assurances with regard (18) the liability of Compravi for the repayment by Agra of any sums lent. (19) response, Compravi provided a “comfort letter” and Seafield subsequently granted a loan facility to Agra. Last year the commodities market collapsed and Agra ceased trading. Seafield demanded repayment.

In my view, a successful outcome would be dependent on (20) the court construes the last sentence in the “comfort letter”, (21) states: “It is our policy to ensure that the business of Agra Ltd is (22) all times in a position to meet liabilities to you under the above arrangements.” The statements made in the letter do not impose any obligation (23) Compravi that is enforceable in law. Indeed, no assurance was given that such a policy would not (24) reviewed in the light of changing market conditions. Consequently, Compravi should not face liability in this matter.

Fonte: <http://www.cambridgeenglish.org/images/22578-ilec-reading-paper-2007.pdf>

The third part of the reading exam is the *word formation*, where the focus is on *affixation* and *compounding*. The student has to read two texts with six gaps in each. On the right side of the text, in the line correspondent to the gap, there is a base word and the candidate must use this base form to make a new word that fills the gap correctly.

Figure 4 – ILEC reading skill – Part 3 sample

Part 3

Questions 25 – 30

Read the following description of a negotiable instrument, taken from a textbook on commercial law. Use the words in the box to the right of the text to form one word that fits in the same numbered gap in the text.
For each question 25 – 30, write the new word in CAPITAL LETTERS on your answer sheet. There is an example at the beginning (0).

Example:

0	P	R	O	M	I	S	S	O	R	Y				
---	---	---	---	---	---	---	---	---	---	---	--	--	--	--

Commercial Paper — A Negotiable Instrument

Commercial paper is an unsecured short-term (0) note issued by both financial and other companies. It is often issued by large firms with unused lines of credit at banks, increasing the (25) that the loan will be paid off when it becomes due. For this reason, interest rates on commercial paper are relatively low in (26) with other corporate fixed-income securities and this has meant that (27) it has been one of the most cost-effective means for financing the short-term needs of large, creditworthy business enterprises.

Commercial paper (28) are exempt from the Securities and Exchange Commission requirements for registration. This means that commercial paper cannot have a (29) of more than nine months.

With the advent of derivatives and new asset-backed structures, commercial paper programs are now available to finance a range of businesses and assets. Commercial paper is sold (30) through agents or dealers and is not underwritten by investment banks.

0 PROMISE

25 LIKELY

26 COMPARE

27 HISTORY

28 TRANSACT

29 MATURE

30 EXCLUDE

Fonte: <http://www.cambridgeenglish.org/images/22578-ilec-reading-paper-2007.pdf>

As for the fourth part, the focus is slightly different because the candidate has to be attentive to the details of the reading to comprehend the main ideas (gist). In the multiple matching, the candidate has to read six statements and one text with four sections. Each statement must be matched to a paragraph or a section of the text and, in some cases, more than one statement can correspond to the same section of the text. It is imperial that the student grasps the main idea of the text to find the correct statement, as seen in this example:

Figure 5 – ILEC reading skill – Part 4 sample

Part 4

Questions 37 – 42

Read the questions below and the extracts on the opposite page from a website article about Canadian real-estate law.

Which section (A, B, C or D) does each question 37 – 42 refer to?

For each question 37 – 42, mark one letter (A, B, C or D) on your answer sheet.

You will need to use some of these letters more than once.

There is an example at the beginning (0).

Example:

0 A famous principle of land ownership should not be understood literally.

0	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	A	B	C	D

- 37 The court upheld the validity of the purchase.
- 38 Work done on the defendant's property was deemed to be legitimate.
- 39 A proprietor is at liberty to take action to safeguard property, within reason.
- 40 An obligation may continue to exist even when one property is not adjacent to another.
- 41 An interested party was unaware of relevant documentary evidence.
- 42 The judgment in the case was based on analysis of precedents.

Canadian real-estate cases

A **Atlantic Aviation v. Nova Scotia Light & Power**

This court battle was engaged after Nova Scotia Power built high transmission towers on land adjacent to Atlantic Aviation's flying school. The court reviewed case law that suggested that deliberate or malicious obstruction of airspace was objectionable as a nuisance but other than that a land owner had a right to "erect structures on his land in the exercise of his use and enjoyment of his land, even if the obstructions interfered with the free passage of aircraft taking off and landing on an adjoining airfield. The erection and use of the towers and wires by Nova Scotia Power was a lawful, reasonable and necessary use of the defendant's air space."

B **Babcock v. Archibald**

Babcock rented a piece of Beulah Carr's land. At one point, Mrs. Carr offered to sell the land to Babcock and they signed a memorandum to that effect. Mrs. Carr's daughter was informed about the sale and she felt the price was too low. She solicited a better offer from Mr. Clark, accepted it and title was transferred to Mr. Clark. Babcock asked the court to set aside the registration. The court noted that Babcock had not registered the memorandum on the title or taken legal action against Mrs. Carr, putting the action on title. Mr. Clark had never seen the memorandum and so he did not have "the clear and distinct notice necessary to displace his registered interest in the land."

C **Bernstein of Leigh v. Skyview & General**

Skyview was a company that took aerial pictures of property and then offered them for sale to the landowners. Baron Bernstein sued Skyview for trespass based on the well-known maxim *cuius est solum eius est usque ad coelum* (who owns the land, also owns up to the heavens). The court threw Bernstein's case out, saying that the maxim was not to be taken at face value. A land owner had rights only so far as practical and necessary to protect their structures or to use their land. To suggest that a person could restrict traffic over their land all the way to the heavens was unacceptable.

D **Gallant v. F. W. Woolworth Co.**

Gallant and the Woolworth company owned land on opposite sides of a lane. Excavation of Woolworth's land during building work caused cracks in Gallant's roof and slanted the floor. Gallant sued Woolworth, claiming he had a right to lateral support. In finding for Gallant, this case reaffirmed three principles on the right to lateral support of land: (1) a land owner has a right to the lateral support of the neighboring land owned by another, so far as is necessary to uphold the soil in its natural state at its normal level; (2) when lateral support to land is removed, it is immaterial whether the act which caused it is negligent; and (3) the fact that the land is not contiguous does not preclude liability.

In the fifth subsection, which is in gapped text format, the student must focus on *cohesion, coherence, text structure and global meaning*. The candidate has to read one text that contains seven gaps, the first one being the example, and find within eight alternatives the missing sentence that fits the gap correctly. Below, a sample example:

Figure 6 – ILEC reading skill – Part 5 sample

Part 5

Questions 43 – 48

Read the following extract from an article about copyright law in the film industry. Choose the best sentence from the opposite page to fill each of the gaps. For each gap 43 – 48, mark one letter (A – H) on your answer sheet. Do not use any letter more than once. There is one extra sentence which you do not need to use. There is an example at the beginning (0).

Protecting Stories: Borrowed Elements or Stolen Ideas?

When scriptwriters submit their work to a film production company, they become vulnerable to theft. What may happen is that although the company does not accept the material, one day the writer stumbles upon a movie which closely resembles it and feels aggrieved, convinced that the work has been stolen. (0)H..... But often a general similarity between the writer's script and another's work may simply be a case of two minds thinking alike.

In other cases, the production company may have borrowed certain elements from the writer's work, but this type of borrowing is permitted under copyright law. (43) These elements are not protected whether they are in a writer's head, written down on paper, or published.

Multiple authors can write biographies about a famous person, and each is free to tell the story of that person's life in their own words. Each may borrow facts mentioned by prior authors. What copyright law protects is the "expression of the author", which encompasses the way the writer tells the story, his approach to the material, and his voice. (44)

Consequently, writers are free to take non-copyrightable elements from another's work; for example, ideas, concepts, facts and similar elements can be extracted and reused. (45) They may, of course, do so unintentionally. It can be difficult to tell when an idea has been embellished upon to the extent that it crosses that line and gains protection. Clearly a one-page story synopsis is not much more than an outline and is unlikely to be protected. (46)

Several legal cases illustrate the difficulty courts have encountered in determining how much of an author's work is protected under copyright law. In *Sheldon v Metro-Goldwyn Pictures Corp.* ("MGM"), the corporation attempted to secure the movie rights to Edward Sheldon's copyrighted play "Dis Honored Lady." (47) When MGM was unsuccessful in negotiating to obtain the rights, the studio produced a movie of its own, "Letty Lynton", based on the same factual events.

When the case came to law, the court concluded that, despite the originality of much of the script, certain details and sequences of events were identical to those expressed in the earlier work in matters unrelated to the underlying true story. The court reasoned that this borrowing was more than merely appropriating an idea or a theme, and that elements of Sheldon's play that were not factual events in the public domain were also present in MGM's movie. In other words, it doesn't matter if the plagiarized material comprises only a tiny portion of the film. (48) So, while MGM had every right to create a movie based on an actual incident, it had infringed copyright in borrowing copyrightable elements from Sheldon's play.

Fonte: <http://www.cambridgeenglish.org/images/22578-ilec-reading-paper-2007.pdf>

In the sixth subsection, the student has to read for *detail* and *gist*, as well as for *opinion, implication and referencing*. There are one text and six multiple-choice questions with four choices about it. In the example below, it is possible to notice that

the order of the questions follow the order in which the information is presented in the text:

Part 6

Questions 49 – 54

Read the following extract from a textbook on commercial law and the questions on the opposite page.
For each question 49 – 54, mark one letter (A, B, C or D) on your answer sheet for the answer you choose.

11.2.4.2 Appearance and finish and freedom from minor defects

One of the main reasons for the introduction of new statutory formulation in this area was that the statutory definition of merchantable quality, with its emphasis on 'usability', did not correspond with the wishes of purchasers who want goods not only to be usable but also to be free of 'minor' or 'cosmetic' defects. Appearance and finish are therefore both included in Section 14 (2B) of the new Act as 'aspects of quality'.

However, it is clear that even under the old law, minor defects which did not prevent the goods being used for their common purpose could still render them unmerchantable, especially where the buyer was a consumer. This is clearly demonstrated in a line of cases from the 1980s concerned with consumer purchases of motor cars. In *Rogers v Parish (Scarborough) Ltd* B bought a new Range Rover for £16,000. It suffered from a number of small faults, including misfiring, engine noise, leaking oil seals and scratches to the paintwork. The Court of Appeal held that the car was unmerchantable. Mustill LJ said that the purpose for which cars are bought would include not merely driving the car from one place to another but doing so with the appropriate degree of comfort, ease of handling and reliability.

The outcome of such a case would almost certainly be the same under the new law. However, there were cases the other way. For instance, in *Millars of Falkirk Ltd v Turpie* a new car was delivered with a leak in the power steering system; it would cost £25 to fix and the seller offered to repair the leak. The buyer (a solicitor) declined that offer and immediately sought to reject. The court held the car was merchantable despite the leak.

In a commercial case the court would be even more unwilling to hold that minor defects made goods unmerchantable, especially in a sale of commodities or raw materials which, even if defective, often have a commercial resale value. The buyer in such a case may seek to reject for economic reasons – to escape a bad bargain. The court's aim here seems to be to prevent the buyer rejecting where, in the court's opinion, to do so would be unreasonable. Thus in *Cohave v Bramor* the Court of Appeal held that citrus pulp pellets which had been damaged by overheating and were 'far from perfect', but which could still be used for the buyer's intended purpose, were merchantable. The court found that an express term requiring the goods to be loaded in 'good condition' had been broken, but that term was 'innominate' and its breach only entitled the buyer to claim damages.

Section 15A of the Act now restricts the right of a non-consumer buyer to reject for breach of implied condition where the breach is so slight that rejection would be unreasonable. In a case such as *Cohave v Bramor* the court could therefore now find the goods unsatisfactory but still reach the same decision, restricting the buyer to a claim for damages. This option would not be available, however, in a consumer case such as *Millars*. It seems likely that the Law Commission had such cases in mind when it recommended the inclusion of express reference to appearance and finish and freedom from minor defects. There is, however, no guarantee that were similar facts to those in *Millars* to arise, the outcome would be any different under the new law. Section 14 does not impose an absolute requirement that goods should be free from such defects, but only makes finish and freedom from minor defects aspects of quality to be taken into account 'in an appropriate case'. It would still be possible for a court which considered that the buyer was behaving unreasonably in trying to reject to find that the goods were in satisfactory condition notwithstanding the presence of 'minor' defects.

Figure 7 – ILEC reading skill – Part 6 sample

- 49 Why did the law covering merchantable quality need to be rewritten?
- A to clarify a frequently misunderstood definition
 - B to bring the law into line with consumer requirements
 - C to close an unintentional loophole in the law
 - D to deal with a wave of unprecedented court cases
- 50 The Rogers case shows that prior to the introduction of the new law
- A car manufacturers paid insufficient attention to the finish of their products.
 - B the consumers of cars were better protected than those of other products.
 - C as long as a car was roadworthy it was deemed in law to be merchantable.
 - D people purchasing cars had a right to demand freedom from minor defects.
- 51 In the Millars case, the judge ruled that
- A the buyer did not have the right to a refund on the car.
 - B the seller of the car should pay for all necessary repairs.
 - C the buyer should reject the seller's proposed solution.
 - D the seller had the right to seek redress from his supplier.
- 52 Judges are more reluctant to find goods unmerchantable in commercial cases because
- A the reason for buyers claiming damages on goods is often unclear.
 - B buyers can often be found for merchandise even if it is sub-standard.
 - C suppliers have often been forced to accept low prices for their goods.
 - D the purpose for which materials were purchased may change.
- 53 In the Cehave case, what did the court decide?
- A The supplier had adhered to the terms of his contract.
 - B The buyer had not made his requirements clear to the supplier.
 - C The buyer did not have the right to reject the goods.
 - D The supplier had failed to draw up an enforceable contract.
- 54 The Law Commission wanted the Act
- A to be extended to non-consumer cases.
 - B to include a requirement that defective goods are rejected.
 - C to contain provisions on the subject of cosmetic imperfections.
 - D to restrict the level of damages to be awarded.

Fonte: <http://www.cambridgeenglish.org/images/22578-ilec-reading-paper-2007.pdf>

The analyses described above of ILEC's exam structure is of interest for this paper in the sense that the exam's language composed our legal corpus. Based on the most frequent terms of this corpus, we will designed our lesson plan.

4.2 LEGAL CORPUS

The first step for selecting the most frequent terms used in ILEC was to create a legal corpus based on the ILEC terminology. In order to do so, we first determined where the data would be collected. Because we only had access to online versions of the exam and we wanted terms used in ILEC, we chose to use the previous exams that were available on Cambridge's official website²⁸. Therefore, our corpus was composed of data from the May 2006 and May 2007.

We also had to delimit which parts of the exams we would use in our corpus. As explained previously, we decided that the reading part was the one that provided the most amount of legal terminology and, consequently, should compose our

²⁸ CAMBRIDGE ENGLISH. Available at: <<http://www.cambridgeenglish.org/exams/legal/how-to-prepare/>>. Accessed on: September 24, 2014.

corpus. We downloaded the 2006 and 2007 reading exams and inserted them in a Word Document. It is important to highlight that we copied the texts with the correct alternatives, provided by the answer key. As a result, we preserved only the suitable terminology for the context, ruling out the terms that were presented as the wrong alternatives.

Subsequently of compiling the legal corpus, it was necessary to clean the data from the *noise*, which meant to delete parts of the text that were not relevant for the terminological research, such as numbers, tables, figures, markers, etc. Once the text was cleaned, the amount of words was reduced from 5.099 to 5.074 words, which demonstrates that ILEC reading exam contains few elements other than terms.

The next step was to upload our legal corpus to the platform *Corpógrafo*²⁹, which is a suite of integrated tools for individual or group research to allow the user to compile, clean and treat corpus, among other functionalities. In order to do so, we had to save our corpus as .txt extension.

For the purpose of this research, we used the research tool called *n-grams*, which generated a list of the words organized by their frequency in the corpus, thus permitting the researcher to select the most frequent terms, as seen below:

Figure 8 – N-grams tool

Corpógrafo - Linguatca

Corpus: TCC ILEC (5047 átomos)
Lista com 1674 N-Gramas de comprimento 1

#	n-grama	# oc.	freq. %
1	the	312	5.624
2	.	222	4.002
3	,	201	3.623
4	of	187	3.010
5	to	181	2.902
6	in	128	2.307
7	and	117	2.109
8	is	86	1.550
9	is	79	1.424
10	that	74	1.334
11	be	58	1.045
12	for	47	0.847
13	is	47	0.847
14	not	39	0.703
15	or	39	0.703
16	with	36	0.648
17	on	36	0.648
18	are	33	0.594
19	by	32	0.576
20	an	29	0.522
21	which	28	0.504
22	may	27	0.486
23	The	27	0.486
24	your	26	0.468
25	as	25	0.450
26	you	25	0.450
27	have	24	0.432
28	and	24	0.432
29	are	24	0.432
30	any	21	0.378
31	this	20	0.360
32	was	20	0.360
33	from	19	0.342
34	has	19	0.342

Fonte: <http://www.linguatca.pt/corpografo>

²⁹ CORPÓGRAFO. Available at: <<http://www.linguatca.pt/corpografo>>. Accessed on: September 26, 2014.

Owing to the fact that the research objective was to find legal terms, we had to select the most frequent words based on that requirement. For example, we ruled out words like the articles *a* or *the*, and general verbs such as *is* which had a high frequency rate. Because the word list ranks separately the variations of a word, we had to establish as a criterion, for the purpose of frequency, the words in the plural and in the singular. For example, if the term *owner* appeared 10 times and the word *owners* appeared 2 times, the frequency rate of the term *owner* would be counted as 12 times. As a result, the ten terms selected to compile the legal terminology used in ILEC exam were:

Table 1 – Word List with frequency rate

1. Owner (15)	2. Possession (15)
3. Case (14)	4. Goods (11)
5. Contract (10)	6. Party (10)
7. Buyer (8)	8. Breach (8)
9. Copyright (8)	10. Defects (7)

Based on the exposed above, we can state that the ILEC corpus compiled is specialized (ILEC legal terms), monolingual (English), written and covering a specific period of time (2006 and 2007). Although we searched for the most frequent terms, this research was mainly qualitative, in the sense that we extracted manually the legal terms that were representative of ILEC's corpus.

4.3 REFERENCE CORPUS

Once we selected the ten most frequent legal terms, we had to verify if they were terms restricted to and representative of legal English. In order to do so, we decided to compile a reference corpus and analyze the frequency of the terms founded in ILEC in this second corpus.

To maintain the same pattern as in the legal corpus, we selected our data from other specialized language exams, as well as a general English proficiency exam, all of them available at Cambridge's official website. Therefore, the data was

composed by the reading part from *Cambridge English: Financial* (ICFE)³⁰ from 2006 and 2007, *Cambridge English: Business Higher*³¹ (Sample paper) and *Cambridge English: Proficiency* (CPE)³² (Sample paper).

The methodology used was the same as in the legal corpus: we inserted the exams in a Word Document with the correct alternatives, excluding the incorrect options. Once we cleaned the corpus from all the *noise*, the amount of words was 10.143, almost twice the size of the legal corpus.

We also inserted the reference corpus to the platform *Corpógrafo*, but instead of generating a frequency list, we used the *window concordance*, which allowed us to search for a specific term, as seen in the figure below:

Figure 9 – Window concordance



Fonte: <http://www.linguateca.pt/corpografo>

All the selected terms from the legal corpus were compared with results of the reference corpus. The idea was that, if the term appeared with a frequency rate similar to the one in the legal corpus, then that word could not be considered as a legal term.

From the ten terms searched, only two appeared in the reference corpus: *case*, with six reoccurrences and *contract*, with one occurrence. The terms appeared in the following contexts:

³⁰ CAMBRIDGE ENGLISH. Available at: <<http://www.cambridgeenglish.org/exams/financial/how-to-prepare/>>. Accessed on: September 25, 2014.

³¹ CAMBRIDGE ENGLISH. Available at: <<http://www.cambridgeenglish.org/exams/business-certificates/business-higher/how-to-prepare/>>. Accessed on: September 25, 2014.

³² CAMBRIDGE ENGLISH. Available at: <<http://www.cambridgeenglish.org/exams/proficiency/how-to-prepare/>>. Accessed on: September 25, 2014.

Table 2 – Context of the terms *case* and *contract* in the reference corpus

1. In many cases , objectives are so vaguely drafted that useful performance measures can rarely be / get developed.
2. Also, there is the difficulty of measuring quality, where the danger is that quantity rather than quality is emphasised, because, in almost all cases , quantity is easier to evaluate.
3. Lectures are coupled with regular group discussions, case studies and simulations.
4. Such high profile cases mean that investors worldwide are discovering the danger of relying solely on audit reports and certified statements in making investment decisions.
5. But the evidence is that, in many such cases , key decisions are made based on incomplete or poor quality information, especially as regards people and politics.
6. But they often rely only on those parts of it that support their case .
7. Such information can offer opportunities for more favourable terms to be negotiated and contracts structured to mitigate the risks identified.

As we can see, the term *case* appears in these sentences not with the legal sense of a *lawsuit*, but with a general meaning of a *situation, a specific occurrence requiring discussion or investigation or a statement of facts, reason used to support an argument*³³. On the other hand, although the term *contract* appears in the legal sense of *an agreement with specific terms*, it only occurred one time in the reference corpus.

Therefore, we were able to conclude that all the ten words previously selected from the legal corpus tended to be legal terms and therefore could be used to design a lesson plan based on the terminology used.

³³ WORDREFERENCE. Available at: < <http://www.wordreference.com/definition/case>> Accessed on: June 23, 2015.

5 LESSON PLAN

The aim of this research paper is to create a lesson plan for law professionals and students that can serve as a complement to the books and didactic materials that already exist on ELP. We noticed that most study materials available either focus on specific exams, as ILEC and TOLES with exercises that mock the exams' structure, or on textbooks that contain realistic - but not authentic and based on a corpus approach methodology - materials.

Therefore, we want to suggest a plan that creates subsidies for students to learn ELP vocabulary through an alternative route by the use of authentic materials³⁴.

5.1 METHODOLOGY

The first step was to create the exercises that would involve the ten most frequent terms of ILEC. To do so, we accessed the United States Supreme Court webpage and decided to work with a Court's recent decision³⁵. Thus, we accessed one decision at a time and inserted the ten most frequent terms, one by one, in the search engine. We decided to use this text because it contained the most terms selected in our study corpus, five out of ten.

However, the decision was extremely long so we could not use the whole text as a reading and vocabulary exercise. In addition, the syllabus, which is a brief summary of the ruling that comes before the decision, did not contain the 5 terms, because they were spread in the decision. Thus, we used the syllabus as our reading activity and created a comprehension question based on the information contained there. As for the 5 terms, we created an exercise that involved only sentences extracted from that same decision.

As for the five remaining terms, we did an exercise focused only on vocabulary, in which the student has to match the meaning of the word to its legal concept.

Then, we searched on the Supreme Court's website for the recent arguments posted and selected the one that seemed to have a popular and relatable theme:

³⁴ We chose to use materials extracted from the American System due to easy access to the Court's decisions.

³⁵ By decision, we refer to the final opinion of the Supreme Court in a lawsuit, criminal prosecution or appeal from a lower court's judgment.

same sex marriage. Because the audio is too long to use in class, we selected only an extract of it and created a listening exercise that requires a comprehensive analysis from the student. The listening exercise only encompassed a part of the audio available, so we elaborated a writing activity to allow the student to broad his knowledge and give his opinion on the subject. We suggested this writing exercise for homework.

As for the speaking exercise, we proposed, in a sequent lesson plan, to divide the large group in two: in favor of same sex marriage and opposed to it. After some time to discuss the ideas, one could be the spokesperson of the group to wrap-up the topic.

The lesson plan was developed for a 1 hour and 30 minute class, as seen below:

Table 3 – Didactic Unit of Legal English

Suggested time	1 hour and 30 minutes
Objective	To expose students to authentic material and familiarize them with the structure and vocabulary used in legal situations
Task 1 (10 minutes)	Matching exercise. It focuses on vocabulary. Students have to match 5 legal terms with their definitions.
Task 2 (30 minutes)	Interpretation exercise. It focuses on the reading ability. Students have to read a text extracted from a Supreme Court decision and answer a multiple-choice question based on the reading.
Task 3 (25 minutes)	Complete the gap exercise. It focuses on vocabulary. Students have to read three sentences and complete the gaps with the legal terms provided in the exercise.
Task 4 (25 minutes)	Listening exercise. It focuses on the listening ability. Students have to listen to an oral argument and answer two questions based on what he heard. They will be given the chance to listen to it

	twice.
Homework	Short essay. It focuses on the writing ability. Based on the listening exercise and their personal position, students have to write 2 to 3 paragraphs about same-sex marriage.

LESSON PLAN

Task 1: Match the legal terms with their definitions³⁶:

- | | |
|---------------|---|
| 1. Contract | (a) An imperfection, quite often so great that the machinery or written document cannot be used. |
| 2. Buyer | (b) The act of failing to perform one's agreement, breaking one's word, or otherwise actively violating one's duty to other. |
| 3. Defects | (c) A person employed to select and purchase stock or materials for a large retail or manufacturing business. |
| 4. Breach | (d) An agreement with specific terms between two or more persons or entities in which there is a promise to do something in return for a valuable benefit known as consideration. |
| 5. Possession | (e) The act of owning, occupying, holding or having under control an article, object asset or property. |

³⁶ Answers: 1-D; 2-C; 3-A; 4-B; 5-E.

Task 2: Read the syllabus of the *Golan vs Holder*³⁷ decision and answer the question below:

GOLAN ET AL. v. HOLDER, ATTORNEY GENERAL, ET AL

No. 10–545. Argued October 5, 2011—Decided January 18, 2012

The Berne Convention for the Protection of Literary and Artistic Works (Berne), which took effect in 1886, is the principal accord governing international copyright relations. Berne’s 164 member states agree to provide a minimum level of copyright protection and to treat authors from other member countries as well as they treat their own. Of central importance in this case, Article 18 of Berne requires countries to protect the works of other member states unless the works’ copyright term has expired in either the country where protection is claimed or the country of origin. A different system of transnational copyright protection long prevailed in this country. Throughout most of the 20th century, the only foreign authors eligible for Copyright Act protection were those whose countries granted reciprocal rights to American authors and whose works were printed in the United States. Despite Article 18, when the United States joined Berne in 1989, it did not protect any foreign works lodged in the U. S. public domain, many of them works never protected here. In 1994, however, the Agreement on Trade-Related Aspects of Intellectual Property Rights mandated implementation of Berne’s first 21 articles, on pain of enforcement by the World Trade Organization.

In response, Congress applied the term of protection available to U. S. works to preexisting works from Berne member countries. Section 514 of the Uruguay Round Agreements Act (URAA) grants copyright protection to works protected in their country of origin, but lacking protection in the United States for any of three reasons: The United States did not protect works from the country of origin at the time of publication; the United States did not protect sound recordings fixed before 1972; or the author had not complied with certain U. S. statutory formalities. Works encompassed by §514 are granted the protection they would have enjoyed had the United States maintained copyright relations with the author’s country or removed formalities incompatible with Berne. As a consequence of the barriers to U. S. copyright protection prior to §514’s enactment, foreign works “restored” to protection by the measure had entered the public domain in this country. To cushion the impact of their placement in protected status, §514 provides ameliorating accommodations for parties who had exploited affected works before the URAA was enacted.

*Petitioners are orchestra conductors, musicians, publishers, and others who formerly enjoyed free access to works §514 removed from the public domain. They maintain that Congress, in passing §514, exceeded its authority under the Copyright Clause and transgressed First Amendment limitations. The District Court granted the Attorney General’s motion for summary judgment. Affirming in part, the Tenth Circuit agreed that Congress had not offended the Copyright Clause, but concluded that §514 required further First Amendment inspection in light of *Eldred v. Ashcroft*, 537 U. S. 186. On remand, the District Court granted summary judgment to petitioners on the First Amendment claim, holding that §514’s constriction of the public domain was not justified by any of the asserted federal interests. The Tenth Circuit reversed, ruling that §514 was narrowly tailored to fit the important government aim of protecting U. S. copyright holders’ interests abroad.*

³⁷ SUPREME COURT. Available at: <<http://www.supremecourt.gov/opinions/11pdf/10-545.pdf>>. Accessed on: May 10, 2015.

Question: Mark the correct answer according to the syllabus³⁸:

- a) According to the Berne Convention, author from other countries should be treated as the member states treat their own, even in case of expired copyright term.
- b) USA, as a member state of Berne Convention, has always followed its protocols.
- c) USA signed Bern Convention only in 1994.
- d) USA had a different system for copyright protection during the 20th century.
- e) The petitioners in this case want to fully implement Bern Convention.

Task 3: Below you will find three sentences extracted from the Golan vs Holder³⁹ decision regarding copyright. Complete the sentences with the words below⁴⁰:

OWNER	CASE	COPYRIGHT	GOODS	PARTIES
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1. But this kind of argument, which can be made by distributors of all sorts of _____, ranging from kiwi fruit to Swedish furniture, has little if anything to do with the non-repeatable costs of initial creation, which is the special concern of _____ protection.
2. Reliance _____ may continue to exploit a restored work until the _____ of the restored copyright gives notice of intent to enforce.
3. Of central importance in this _____, article 18 of Berne requires countries to protect the works of other member states unless the work's copyright term has expired in either the country where protection is claimed or the country of origin.

³⁸ Answer: D

³⁹ SUPREME COURT. Available at: <<http://www.supremecourt.gov/opinions/11pdf/10-545.pdf>>. Accessed on: May 10, 2015.

⁴⁰ Answer: 1. GOODS - COPYRIGHT; 2. PARTIES - OWNER; 3. CASE.

Task 4: Listen to an extract⁴¹ from the Supreme Court's oral arguments in the hearing that will consider whether the Constitution of the United States demands states to issue marriage licenses to same-sex couples. Based on what you heard, answer the following questions:

- a) What basic constitutional commitment does denying same-sex couples marriage will contravene according to the petitioner's lawyer?
- b) Explain what Chief Justice Roberts means when he states that there is a difference between joining the institution of marriage and redefining it.

Homework: Based on the listening that you heard in class, write an opening state, positioning yourself against or in favor of same-sex couples marriage. You can access the rest of the Supreme Court's hearing to have more subsidies for your writing. It must have 2 to 3 paragraphs and between 150 and 200 words.

We designed this lesson plan for a 1 hour and 30 minute class, but, as said before, the themes developed in this plan can be expanded and more explored in subsequent classes.

⁴¹ SUPREME COURT. Available at: <http://www.supremecourt.gov/oral_arguments/audio/2014/14-556-q1>. Extract until minute 3:00. Accessed on: May 10, 2015.

6 FINAL CONSIDERATIONS

The purpose of this paper was to propose a corpus-based lesson plan in order to familiarize law students and professionals who want to learn ELP, with the terminology and structures that are relevant for the legal scenario.

Because ELP is a field of ESP, we reviewed, in the first chapter, some of the concepts regarding both methodological approaches to teaching English, explaining the difficulties encountered by both teachers and students when dealing with ELP. In the second chapter, we gave an overview of the theoretical background of corpus linguistics, the methodology that allowed us to make use of representative terms to be included in the lesson plan.

In the third chapter, we analyzed the structure of the ILEC exam and detailed the methodology used to create the legal corpus, from where we extracted 10 most frequent legal terms when contrasting our corpus of study with our reference corpus. In the fourth and final chapters, we presented a lesson plan with four tasks and a piece of homework, describing the exercises suggested.

Owing to the difficulties regarding ELP and its terminology, we believe that this lesson plan can be applied to students that already have an intermediate level of English and want to foster their knowledge in the legal area. Although the lesson plan was created for one class (1h30minutes), it can be expanded to other two classes if the teacher and students want to explore more each content.

Naturally, this paper only demonstrates a small portion of what we can explore in terms of ELP and corpus-based methodology, which intrinsically emphasizes the use of authentic material, being this one of the criteria for the corpus analyses. It also intended to illustrate the complexity of the legal area, and the importance of using terms extracted from corpora and incorporating them in the lesson plan as an alternative way in which we can teach legalese to our students.

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ATTACHMENT

ATTACHMENT A – Transcript from the listening exercise⁴²

PROCEEDINGS (10:02 a.m.)

CHIEF JUSTICE ROBERTS: We'll hear argument this morning in Case No. 14556, Obergefell v. Hodges and the consolidated cases.

Ms. Bonauto.

ORAL ARGUMENT OF MARY L. BONAUTO ON BEHALF OF PETITIONERS
ON QUESTION 1

MS. BONAUTO: Mr. Chief Justice, and may it please the Court:

The intimate and committed relationships of same sex couples, just like those of heterosexual couples, provide mutual support and are the foundation of family life in our society. If a legal commitment, responsibility and protection that is marriage is off limits to gay people as a class, the stain of unworthiness that follows on individuals and families contravenes the basic constitutional commitment to equal dignity.

Indeed, the abiding purpose of the Fourteenth Amendment is to preclude relegating classes of persons to second-tier status.

JUSTICE GINSBURG: What do you do with the Windsor case where the court stressed the Federal government's historic deference to States when it comes to matters of domestic relations?

MS. BONAUTO: domestic relations except the constitutional rights couldn't have been clearer about that. And here we have a whole class of people who are denied the equal right to be able to join in this very extensive government institution that provides protection for families.

CHIEF JUSTICE ROBERTS: Well, you say join in the institution. The argument on the other side is that they're seeking to redefine the institution. Every definition that I looked up, prior to about a dozen years ago, defined marriage as unity between a man and a woman as husband and wife. Obviously, if you succeed, that core definition will no longer be operable.

MS. BONAUTO: I hope not, Your Honor, because of what we're really talking about here is a class of people who are, by State laws, excluded from being able to participate in this institution. And if Your Honor's question is about does this really draw a sexual orientation line ----

CHIEF JUSTICE ROBERTS: No. My question is you're not seeking to join the institution, you're seeking to change what the institution is. The fundamental core of the institution is the opposite sex relationship and you want to introduce into it a same sex relationship.

MS. BONAUTO: Two points on that, Your Honor. To the extent that if you're talking about the fundamental right to marry as a core male female institution, I think when we look at the Fourteenth Amendment, we know that it provides enduring guarantee in that what we once viewed as the role of women, or even the role of gay people, is something that has changed in our society. So in a sense, just as the Lawrence court called out the Bowers court for not appreciating the extent of the liberty at stake, in

⁴² Available at: <http://www.supremecourt.gov/oral_arguments/argument_transcripts/14-556q1_11o2.pdf>. Accessed on: May 10, 2015.

the same vein here, the question is whether gay people share that same liberty to be

JUSTICE KENNEDY: The problem ----

MS. BONAUTO: --able to form relationships.