PhD abstract

Developing, implementing, and evaluating an online resource for professional legal communication skills

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The ability to use language effectively is an essential part of legal training and has been identified as an area of concern for Hong Kong law students (Redmond and Roper 2001). In order to become proficient members of the legal discourse community, law students must develop an understanding of conventional writing forms, processes and practices as well as patterns of legal reasoning and problem-solving. Although lawyers in the main agree that competence in

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legal English is crucial to professional competency, legal professionals also take the view that efforts to enhance such competence should be remedial in nature rather than targeted at the specific communication needs of lawyers (Hong Kong Bar Association 2001). In addition, many practitioners of legal education and training see language skills development as falling outside their area of expertise and responsibility. As a consequence, time and resources allocated to the important task of enhancing English for legal purposes are minimal.

In view of these constraints, creating computer-mediated online resources for the development of English language skills becomes a particularly attractive option. Students are able to access material in their own time, work at their own pace, learn 'just-in-time' for the real-world tasks that they are working on, and it is the students who are in charge of the learning process. This thesis reports on a collaborative project, involving a small team of legal academics and language professionals, to develop such online resources. The computer tools developed, known as 'Legal Analysis and Writing Skills' or LAWS for short, include: a Microsoft Word add-on, with help files designed to guide students in the writing process; an online concordancer with links to glossaries of legal terminology and academic vocabulary, and further links to legal and language dictionaries; and a genre-based web site with tasks, with content developed by legal academics and language professionals.

A number of issues arise in the development and implementation of such a computer-mediated resource for teaching and learning. A considerable body of literature in instructional design now suggests that design of instructional resources must balance considerations of learning theory and learning context (Hémard 2003, Laurillard 2002, Levy 1997, 1999, Trinder 2003, van Lier 1998). In other words, technological tools should be designed to clearly integrate with the students' learning process. In the case of LAWS, the design of the resources was informed by a theory of situated cognition (Lave and Wenger 1991, Rogoff 1990), which views the students as apprentices or legitimate peripheral participants in the professional legal discourse community to which they aspire. The online content, tasks and technological tools were therefore designed in order to support this apprenticeship process, and in particular to address gaps in students' understanding of discourse community conventions (including form, process and practice as mentioned above). In addition, the tools were designed to provide students with a mix of both formal and informal learning opportunities, promote student involvement and control, and provide students with space for planning and evaluating learning experiences.

This thesis is divided into two distinct phases of research. First, the thesis investigates factors which must be taken into account in the design of an online resource for the development of professional legal writing skills (legal literacy). In designing content and tasks supportive of the process of legitimate

peripheral participation, it is helpful to be aware of the precise nature of the genres and practices of the target discourse community. To this end, the genre of barrister's opinion is investigated as a sample genre of focus. Genre analysis (Bhatia 1993, 2004, Swales 1990) was employed as an analytical tool for needs analysis and materials design. The analysis draws on samples of student writing, expert writing, and interviews with both students and experts. The findings highlight differences between students' and experts' understanding of discourse practices with respect to the barrister's opinion genre. These findings can be used to inform materials design in online resources for Language for Specific Purposes (LSP).

In the second phase of research, the thesis evaluates the affordances (van Lier 2000, 2002) that students perceive and utlilize in the technological resources and examines the extent to which these match the goals and objectives of the student learners. The study draws on both quantitative and qualitative data sources, which include large-scale logging of students' online activity and small-scale user tests, observation, analysis of learner journals and interviews. Data collected over a 2 year period are compared in order to ascertain what kind of learning activities were perceived to be valuable to students and why. The findings suggest that students interpret technological affordance in terms of their developing identity as apprentices to the professional legal discourse community. Consequently, it is suggested that in order to further support this development, online tools for the development of legal literacy must focus not only on the linguistic features of characteristic genres, but also on the processes and practices associated with the construction of relevant genres.

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