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An analysis of students' needs in the study of spoken legal discourse

ABSTRACT

This article presents findings from a study that sought to identify the language and communication needs of students who were studying for the Certificate in Law at the University of Botswana. Data for the study was collected using a questionnaire and information recorded from class discussions and simulated court proceedings. The findings obtained from the study were used to design a module for teaching English for Academic Purposes (EAP).

Key words:
Analysis of students communication needs; legal discourse; English for Legal Purposes; English for Legal Academic Purposes; Legal Discourse Analysis

1. Introduction

There are occasions when teachers in second language situations are suddenly called upon to teach English to groups of students who have special language and communication needs. In such cases, they are required to carry out a needs identification exercise that helps them select appropriate teaching/learning material. Yalden (1987:90) claims that to achieve such objectives, educators of students seeking to improve their communication skills should conduct surveys in relevant, "professional settings in order to determine very precisely just what learners for whom a given course was being prepared would have to do through the language once they were actually on the job."

What Yalden suggests in the preceding quotation is that educators should, in such situations, design ESP courses. These have been generally defined as courses "in which the content and aims of the course are fixed by the specific needs (own emphasis) of a particular group of learners" (Richards et al. 1992:125). In the study reported in this article, respondents were police officers that had been working for not less than five years. In a class discussion intended to gather preliminary research data, the respondents informed the researcher that they had enrolled for the course in order to improve their use of English in court proceedings.

2.   Context of Language Use

Botswana can be linguistically defined as a multi-lingual community. Its linguistic map comprises a number of indigenous languages such as Setswana, Kalanga and Sekalagadi. In addition to these, there are a number of dialects of the main languages such as Sekwena, Sekgatla and Sengwaketse. Linguistic minorities such as Seherero and Ndebele are also found in the South Western and North Eastern parts of the country.

National multi-lingualism caused by the co-existence of indigenous languages makes it difficult for a country to select a national official language that can serve both the inter and intra-communication needs of a speech community. It is in such situations where English is generally chosen to serve both the international and intra-national communication needs of certain states in Africa and other developing non-English speaking countries. In Botswana, English is used as an official language in all government institutions. This includes Legal and Higher Education institutions. The high status accorded to the use of English in such government institutions compels police officers and legal practitioners to become proficient bilinguals in the use of Setswana and English. Court proceedings are normally carried out and recorded in English.

Botswana interacts with other countries in business and political circles. Such countries include South Africa, Zimbabwe and Zambia in the Southern African Development Community and Britain, America, Australia and other English speaking countries. Some non-Anglophone countries in the European Union and the Middle East are also compelled to use English for international diplomatic and business transactions. Interactions with these countries through international police (interpol) also make it necessary for police officers to communicate proficiently through English.

3.   Aim of Study

As stated in the preceding section, the respondents involved in this study were expected to develop and to master communication skills that would enable them to use appropriate and acceptable legal language in court proceedings. In keeping with the use of modern terminology in applied linguistics, the specific variety that the students concerned should master is generally referred to as legal discourse. The term 'discourse' will be used in this article to mean, "…examples of language use, i.e. language which has been produced as the result of an act of communication" (Richards et al. op.cit: 111).

In order to determine students' general expectations of the English course they had registered for, the researcher asked them to indicate what they hoped would be its benefit to them as police officers. Their responses included the following:

- Before coming to University they had realised that they were inadequately trained to meet the communication needs of their profession.
- They hoped that their studies in English at University level would improve their spoken legal discourse.

Respondents` views were used to formulate the following general research aim:

To carry out an analysis of students' needs in the study of Spoken Legal Language at Certificate Level.

The identification of needs was not intended to be an end in itself. It was intended to lead to the design of a teaching/learning module that would be offered to meet the specific needs of the respondents. In other words, the module designed on the basis of the data collected would be a

needs-based module as opposed to an intuitively based one; that is, one that is based on what lecturers think appropriately meets students' communication needs.

4. Review of Relevant Literature

The research aim for this study focused on the development of students' oral communication skills. Reviews of selected studies in this area show that teaching this skill requires special attention. Weinman and Wilkinson (1981:71) carried out a needs analysis for students of English for Academic Legal Purposes at the University of Malawi. The following needs were identified:

> Interviews with clients;
> Skills in business communication (letter writing);
> Comprehension of (written) and (spoken) judgements;
> Advocacy (oral work in court);
> Drafting legal documents;
> (Weinman et al. op. cit.:71)

These needs are similar to those identified by respondents in this study (see tables 1 and 2 below). For instance, their request for instruction that improves their oral communication is similar to Weinman et al.'s findings at the University of Malawi. The importance of communication skills in a lawyer's professional behaviour is also emphasized by Harris (1992). He further recommends that law students need to develop oral communication skills that are appropriate for use in legal situations. This recommendation raises the following question: can teachers of English adequately and confidently teach English for Legal Purposes (ELP)? In other words, should it be assumed that any teacher of English can, by virtue of being one, successfully teach the variety of English that lawyers use in court proceedings? This question presupposes that in order to teach ELP effectively, one needs to have a certain amount of legal knowledge; that is, the lecturer should have some conceptual understanding of law as a subject or of key legal issues.

Smyth (1999:6) observes that if the tutor of legal English lacks such background knowledge, there might be "the danger of taking the law into (his) own hands and clumsily misappropriate keystones of the discipline". Another possible danger that might arise is that the tutor of legal English might unwittingly provide wrong interpretations of key legal concepts. Suggestions for avoiding such dangers are given by, among others, Harris (1992), Smyth (1999) and Pokay (2000).

In her discussion of principles that should guide course designers of legal English courses, Pokay (op.cit) refers to the principles of "authenticity" and "autonomy." Referring to Widdowson's (1996) definition of authenticity, she defines the term as a collection of teaching/learning material that are written for authentic (genuine) legal audiences in legal genres. These include "legal textbooks, statutes, law reports, samples of lawyer-client consultations or exchanges in law courts." Educators who do not have training in law might find such materials difficult to use.

Pokay (op.cit.11) provides a solution to the problem by suggesting that authenticity is a "term that also implies a text or utterance that is likely to occur in the target discourse community."By this definition, the writer welcomes educators without legal training to teach ELP. She does so when she observes that the content for ELP also includes the teaching of texts or utterances that might occur in legal discourse. A lecturer trained to teach English for Specific Purposes (ESP) should be able to operate effectively in a situation which accepts this weak version of the theory of authenticity because it does not require that the lecturer concerned should have a certain amount of legal knowledge in order to teach ELP. The pedagogic skills required would be those that enable

the lecturer to analyse texts and to teach forms of oral speech (utterances) that might occur in legal language.

In his discussion of strategies that can be used in law lecture rooms, Harris (1992:23) observed that certain role plays help overcome "the experience gap" and provide "an opportunity for students to integrate social experience with legal concepts". Looked at from a teaching perspective, we can claim that an educator without legal training can also use his "social experience" as he/she gradually develops ELP skills. Examples of teaching/learning activities based on the principle discussed in this paragraph are provided in Appendix C where the content of a legal language module is designed on the basis of texts that might appear in legal discourse.

It should be emphasised at this stage that some studies in legal discourse have paved the way for us to distinguish between English for Academic Legal Purposes (EALP) and English for Legal Purposes (ELP). The former is what the writer recommends for those who have no or have little legal training and the latter is recommended for those with legal training. In the next section, discussion will assume that there is consensus on the distinction between the two approaches and that the majority of lecturers in legal English education are EALP specialists although some of them might neatly fit into both categories. A more succinct distinction between these terms can be given as follows:

- ELP focuses on the study and analysis of discourse as it is directly used in legal texts;
- EALP focuses on the study and analysis of legal linguistic features and rhetorical structures that may or may not directly occur in legal texts. Their value to students is that they help them develop language skills that are transferable from seemingly non-legal to legal speech situations. In other words, the internalization of EAL facilitates the acquisition of legal discourse.

4.1 Courtroom Legal Discourse

Since this study focuses on aspects of Spoken Legal discourse, the second part of this review of literature should focus on the analysis of research findings/observations made from studies in oral courtroom language. Habermas (1970:368) observes that behaviour in a courtroom is greatly influenced by the language used within it. Language controls the manner in which people speak, how they feel and behave towards each other and the social roles and status assigned to interlocutors. Bonvillain (2000) refers to such perceptions about other speakers as "sub-texts" in legal interactional discourse. They are, like other messages, communicated through the utterances that interlocutors use as questions, responses or elaborations.

Because of the significance of interactional discourse in court proceedings, a number of studies have been carried out to evaluate the nature, function and effect of court-room discourse. Erickson et al. (1978:264) identified two styles of legal discourse, which they referred to as "powerful" and "powerless" styles. They observed that a powerless style is characterized by frequent use of intensifiers such as "very" and "so"; discourse hedges like "I think", "I guess"; hesitations and frequent use of polite forms such as "please" and "thank you". This style is generally used by low-status witnesses. Higher status witnesses such as doctors and other "expert professionals" tend to use the powerful style. They generally use a straight-forward style which avoids most of the discourse features used in powerless style discourse. Erickson et al. (op.cit) conclude, after analyzing their data, that users of the powerful style were perceived to be more credible than users of the powerless type.

Bonvillain (2000:379) also discusses a study carried out by Lind and O'Barr in 1979. The findings of the study revealed that the "structure of witness discourse" has an impact on how they

are perceived. They also observed that, generally, court witnesses show to be less competent when they provide "fragmented testimony", that is, responses to short direct questions, but are more competent when they provide long narrative responses. These observations are further supported by findings from studies carried out in legal discourse analysis. Researchers in this field include Harris (1984) Mellinkoff (1963) Bhatia (1993) Bunte et al. (1992) among others. Bulow-Moller (1990:11) claims that Legal Discourse Analysis (LDA) "teaches us about the way the English language is used and this must help the course designer who is planning to teach English to Law students". In the study reported in this article, the researcher acted upon Bulow-Moller's suggestion by

- reviewing the major findings of LDA related to court discourse;
- comparing the findings with the data collected from research students;
- using information to design a module for legal academic purposes.
- The actual application of the information obtained from the review of literature relevant to the study was to use it to design a tailor made course in English for Legal Academic Purposes.

The major research findings that were considered in the design of the teaching/learning module given in appendix A were taken from studies carried out by Harris (1984) Bulow-Moller (1990) and Hayakawa (1992).These researchers analysed court-room discourse and categorized it into communicative functional categories and the rhetorical features that characterize them.

Other researchers focused on discourse interactional exchanges in court dialogues. Harris(op.cit:7), for instance, studied "linguistic interaction in British Courts" and concluded that "the primary mode of linguistic interaction" consists of question-answer sequences and that questions were characterized by certain "syntactic forms". She identified the major question categories as including interrogatives that are further sub-divisible into such sub-categories as polar interrogatives, disjunctive interrogatives, wh-interrogatives, and declaratives that seek to elicit confirmation. She also observed that the types of responses to questions, are determined by the syntactic forms of the questions. After quantifying and comparing the frequencies of different question types, Harris also observed that 94% of the questions asked were of the restricted type, that is, they did not call for elaboration but for factual information. She also observed that "yes/no" questions were the most frequently used, (62.2%) and "Why and How" questions least frequently used, (5.9%).

Bulow-Moller (1990:9) analysed questions used by prosecutors and defence lawyers in courts. He noted that in court proceedings, questions are used to "establish" the sequence in which events occur; "interpret" those sequences and "clear" any doubts that jurists, judges and magistrates might have had about the events. His study identifies three major question types that prosecutors might ask. They include:

- *Field questions*: used to compel a witness to give his/her own view or opinion.
  Wh-type "What did you do after work?"
- *Fence questions*: call for a definite response. They also seek to elicit a factual or a yes/no response.

Examples:

"Tell us his name.
Do you know him?"

- *Corral questions*: are used to control information provided by a witness; they seek to discourage the witness from providing irrelevant ideas.

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Example:
    "Were you on duty that day?"

The defence, on the other hand, might ask questions that seek to "re-examine" and to "re-interpret" evidence elicited by the prosecutor in order to compel jurists to revise their views about the evidence. Questions used to realize these functions, according to Bulow-Moller (1990:8), include the following:

- *Wide-short questions*. This type is skillfully used by the defence to lead a witness to give a negative response like "I do not know".

A recent example of this is given in the Botswana Guardian (2002) in an article about Milosovic's trial in the Hague. The following is a quotation from the paper:

    "Milosovic skillfully manipulated the witness into making a number of statements
     which exposed his blind spot towards Albanian criminology and violence.
    (The interaction proceeded as follows)
    Milosovic: Do you know about drug trafficking through Kossovo?
    Bakalli: No.
    Milosovic: What about arms trafficking?"
    Bakalli: No.

In this case the defence, Milosovic, asks Balli whether he knew anything and not whether he had heard or read about it.

- *Feint questions.* This type of question is used by the defence to deliberately confuse a witness. A series of questions, some of which are wrong, are asked. A witness might agree with the wrong parts thereby inadvertently giving wrong evidence.

- *Lasso questions.* This type is frequently used by the defence to elicit an affirmative response that contradicts what the witness might have previously said or suggested, that is, a statement like "That was not what I meant"(from Bulow-Moller (op.cit:7).

What we notice from this brief review is that questions and responses in court proceedings perform specific functions such as "fixing responsibility"(Harris 1984:7). It is, therefore, necessary that courses or teaching modules for Academic Legal Purposes should include topics on the formulation of questions and the provision of relevant responses to them. It is this approach to the design of EALP that justifies the claim that language lecturers with or without legal knowledge can in fact effectively help students develop oral communication skills appropriate for use in legal situations.

5.   Research methodology: Procedural strategies

In this study, procedural strategies is a term used to refer to ways in which data was collected from the research subjects. Four strategies were used. They included

- Questionnaires
- Needs identification
- Discussion
- Simulated court proceedings

5.1   Needs identification

The term 'identification' is used in this context instead of 'analysis'. This is because students were asked to identify what they perceived as their major problems. In addition to that source, the researcher set up discussion situations from which he identified students' major language and communication problems.

5.2 Questionnaires

Two questionnaires were administered. The first questionnaire (A), required students to indicate the speech domains in which they frequently use English for occupational purposes (i.e as police officers).The second, questionnaire (B), required them to indicate, on a five-point scale, the levels of difficulty they experienced when using English as a medium of communication in the domains specified in questionnaire A. The analysis and discussion of the responses is given in sub-section 4.1.

5.3   Class Discussion

In groups, students were asked to discuss some of the language and communication problems they encountered during court proceedings in which they had been involved. This forced them to reminisce about their past professional communication encounters. As they did so, the researcher noted expressions that were ill-formed or miscommunicated the ideas that respondents intended to express.

5.4   Simulated court-proceedings

Simulated activities were carried out by groups of six to eight students. The activities were extensions of the reminiscences about their previous professional communication encounters. As each group made its presentation, the researcher and other students noted down:

a)   all the questions asked by the interlocutors;
b)   all the responses given to the questions;
c)   any other significant types of utterances used in the discussions.

6.   Findings

After gathering the data in the form of language and communication problems, the researcher proceeded to classify his observations into functional and structural usage problems. Functional usage problems consisted of utterances that had not been used appropriately.On the other hand,structural usage problems related to the use of ill-formed utterances or those that contained selections of words that failed to communicate the speaker`s intended message. In the discussion of data from "Class Discussion" other deviations from acceptable language usage were referred to as discourse infelicities.

6.1 From questionnaire A

Students' responses to the questionnaire indicated the frequencies shown in table 1 below

Table 1: Frequencies of students' use of English in different domains

Speech Domain	Frequencies
I use English	
1. When talking to a suspect outside the court room	4
2. When investigating a person suspected of murder	6
3. When preparing a criminal report	27
4. When talking to other police officers in the court room	18
5. When answering prosecutor's questions in court	28
6. When talking to other police officers outside the court room	3
7. When answering a lawyer's questions in court	29
8. When talking to a Motswana lawyer outside the court-room	5
9. When talking to a prosecutor before a trial begins	4
10. When talking to villagers during a criminal investigation	2

A quick glance at the frequencies in table 1 indicates that

Court room language compels interlocutors to use formal legal language. The frequencies also support the view that the physical context of the court room and the status of participants involved necessitate the use of the formal variety of English.

- Item 7 shows the highest frequency (29) in terms of the number of respondents who said they use English "when answering a lawyer's questions in court". What restricts the choice of language in this case is the situation where the language is used – the court – and the status of the addressor- the lawyer.

- Item 5 received the second highest frequencies. 28 respondents indicated that they use English "when answering the prosecutors' questions in court". The high frequencies for this item are evidence of the fact that respondents feel the need to use formal legal discourse in court.

- Another domain for which high frequencies were recorded was that involving "preparing a criminal report". A total of 27 frequencies was recorded. Only two respondents did not select the domain as one in which they use English.Because respondents were not asked to say why they identified each as a domain in which they feel compelled to use English, one can only surmise that they did so because criminal reports have to be submitted to lawyers, judges or magistrates. This necessitates the need to use English in this and other similar domains.

- Frequencies recorded for item number 4 "talking to other police officers in the courtroom" received slightly more than 50 % of the possible responses (i.e. 18 from a sample of 29). There are two possible interpretations of this occurrence. Firstly, the speech domain, the court-room, compels the use of English since the communication occurs in a situation where other people of high status, that is, lawyers and judges take note of the communication between police officers. On the other hand, the need to use English is reduced by the familiarity between the policemen who, in most cases, share the same first language – Setswana. However, the frequencies are significant enough to suggest that respondents regard the use of English in these situations as important.

- Frequencies scored for other items signify the use of what might be referred to as non-formal or semi-formal legal discourse. The frequencies illustrate domains in which respondents did not feel compelled to use English. Although no question sought to find out what language the respondents would use in such domains, one can logically assume that most of them would use their first language. The speech situations and the addressees referred to in the question items add credence to this assumption. For instance, in items 1 and 2, the addressee would be a "suspect" who might or might not be able to use English. The speech situation is "outside the courtroom" where speakers might choose to express themselves in as natural a manner as possible using their first languages. Item 6 differs from item 4 in that the communication it suggests occurs "outside the court room" – a less formal situation. It is in such cases when language switching might occur, thereby necessitating the use of intelocutors' first languages. The same communication principle can be used to explain the communication situations indicated by the low frequencies scored for items 8 (5 frequencies), 9 (4 frequencies) and 10 (2 frequencies).

The preceding discussion on responses to questionnaire A clearly indicate the fact that respondents are aware of the important role of English in courtroom proceedings. This awareness compelled them to accord high status to the use of English in legal domains.

6.2 From questionnaire B

The observations made above with respect to responses from questionnaire A, establish the domains in which students frequently use English. Further information had to be sought to determine perceptions of students' fluency levels; that is how difficult or easy it was for them to use English in the speech domains relevant to their occupation as policemen. Table 2 below shows the frequencies of their responses for each proficiency descriptor.

Table 2: Fluency levels

Speech domain	Ratings				
	1	2	3	4	5
1. Talking to a suspect outside the courtroom			6	20	3
2. Investigating a person suspected of murder			4	21	4
3. Preparing a criminal report	29				
4. Talking to other police officers in the court room		25	4		
5. Answering prosecutors' questions in the court room	29				
6. Talking to a defendant in court	4	18	7		
7. Answering a lawyer's questions outside the court room	29				
8. Talking to a Motswana lawyer outside the courtroom			24	6	
9. Talking to a prosecutor before a trial begins			3	24	3
10. Talking to villagers when investigating a crime				25	4

Key:
1. Very Often
2. Often
3. Sometimes
4. Rarely
5. Never

An analysis of students' responses in table 2 shows that their major communication needs are in domains that involve

- producing written reports in English;
- handling legal questions from prosecutors and lawyers;
- communicating, in English, with defendants and other police officers in such formal situations as the court room.

These findings agree with those of other researchers in this field. It was noted above that Weinman et al. (1981) studied the communication needs of students at the University of Malawi. They identified, among others, the following needs

- interviews with clients;
- advocacy (i.e oral work in court);
- comprehension of judgements.

These observations demonstrate the need for courses in EALP or ELP to emphasise the development of speaking and writing skills.

6.3 From Class Discussion

Class discussion activities reveal numerous deficiencies in students' communication skills. Most of the deficiencies observed included:

- *question comprehension and the provision of responses that provide relevant information.*

Examples of such miscommunicative exchanges can be observed from the dialogue in appendix A.

Prosecutor:	Are you the one who arrested the defendant?	1
Constable:	I was with my friend, constable Sebele.	2
Prosecutor:	Please answer the question.	3
	Are you the one who arrested Mr Ncube?	4
Constable:	Yes he arrested the defendant.	5

Interpretational confusion in these exchanges arises from the constable's use of language in response to the given question. The confusion also raises doubts about the constable's ability to comprehend the intent of the prosecutor's questions.

The constable's response to question utterance 1 communicates a dubious response. Possible communicative intentions of utterances 2 and 3 could be given as follows:

- the speaker was with constable Sebele when he, the speaker, arrested the defendant;
- the speaker and constable Sebele were both responsible for the arrest of the defendant;
- the speaker was with his friend, constable Sebele, when constable Sebele arrested the defendant. So, the speaker being questioned was not the one who arrested the defendant.

With respect to response utterance 4, the use of the pronoun 'he' suggests that it was constable Sebele and not the speaker who arrested the defendant. The question that arises is: 'did the speaker make a wrong pronoun choice – use of 'he' instead of 'I'? When asked, the student admitted that it was a wrong pronoun choice.

These observations show the potential for the respondents to miscommunicate information due

to their inability to understand the demands of given questions and to provide relevant information. This observation supports Harris' (1984) observation that questions asked in court proceedings perform specific functions such as 'fixing responsibility' for certain actions.

Another category of communicative deficiency included what might be described as respondents' inability to provide adequate incriminating evidence in court. The following discourse exchanges (from appendix B) illustrate this problem:

Prosecutor:	Did I hear you correctly?	1
	Did you say he wanted to steal?	2
Constable:	Yes, I said so.	3
Prosecutor:	How do you know?	4
Constable:	He wanted to steal because he get inside.	5
Prosecutor:	Is that all.	6
Constable:	Yes sir.	7
Prosecutor:	No further questions your worship.	8

We observe in this simulated dialogue, that the constable fails to provide adequate incriminating evidence. Utterance 5 does not make it clear when the suspect got inside the shop, why he got inside it and how 'getting inside' the shop constitutes a crime. This demonstrates the respondent's inability to elaborate views/ideas so that evidence can be received as convincing and reliable.

One of the major communication problems observed was respondents' inability to provide clear reports requiring narration of events, description of items or situations or explaining why certain decisions had to be made. This problem was revealed by the simulated responses given to "why questions" which were intended to elicit elaborative responses.

Prosecutor:	Tell us what happened after that.
Constable:	This man was … he was hiding. I saw him.
	I think he want to run from police. I did not catch him.
Prosecutor:	Is that all?
Constable:	Yes.

(from text in appendix B)

The constable's narration of events in this case is not convincing at all. To a certain extent, it reveals characteristics of what Erickson et al. (1978) describe as the 'powerless style' in legal discourse. Such a style uses hesitation forms 'ah' and pauses(….). Grammatical infelicities like 'he want', repetition of the subject 'I'. These characteristics lead the listener to classify the constable as a low status witness. Erickson et al. (op.cit.) observed that, generally, evidence submitted by low status witnesses is perceived as being less credible.

In the process of collecting data using the class discussion strategy, it was observed that students' general competence in oral communication left a lot to be desired. Many language errors were observed in their speech. The writer referred to these as discourse infelicities. This term is used to refer to features of legal discourse that fail to communicate messages appropriately and fluently. Inappropriate choice of words, ill-formed sentences/utterances, non-communicative utterances or acceptable but situationally inappropriate utterances, were observed in students' discussion discourse.

6.4 Module Design

As indicated above, the researcher intended to use the findings made in this study to develop a tailor-made module for students enrolled to study English for Academic Legal Purposes. This

discipline was defined above as a study of features of English that would enable students to communicate effectively in legal situations. The findings made from the study led to the production of a teaching module indicated in appendix C.

7. Conclusion

The research findings/observations from this study were valuable in that they were used as a theoretical base upon which a teaching/learning module was designed. They indicated the felt needs of the respondents thereby enabling the researcher to produce a needs-based learning module: one that directly responded to the needs of the learners. Not only was it possible for the researcher to design oral communication content but written content as well. Focus on written discourse would provide opportunities for learners to appreciate language features required to produce written discourse and how these differ from those required for spoken discourse. The greatest value of this study is, perhaps, a demonstration of what Kroes (2002:1) meant when he advised that "applied linguists cannot divorce themselves from the practical realities in which they operate."

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Appendices

Abbreviations:

Pr   Prosecutor
Const Constable
Wit   Witness

Appendix A

(Witness No.1 is called into the Witness Box)

Pr.	Tell this court who you are.
Const:	I am constable Pepha.
Pr:	Are you the one who arrested the defendant.
Const:	I was with my friend constable Sebele.
Pr:	Please answer the question "Are you the one who arrested the defendant?"
Const:	Yes, he arrested defendant.
Pr:	Where did you arrest him?
Const:	I arrested him in town.
P:	At what time?
Const:	It was 7:30 pm.
Pr:	Are you sure of the place you arrested him?
Const:	Yes, he was in the shop.
Pr:	Cast your mind to what happened on the day you arrested him; where were you before you arrested him?
Const:	I was at home.
Pr:	From what time to what time?
Const:	From 5 pm after work to 6 am the following day.
Pr:	If you were in you home from 5 pm to 6 am how could you arrest the defendant at 7.30 p.m.
Const:	I was called from home.
Pr:	Who called you?
Const:	When the sergeant rang me, he said a man was in the shop in mall.
Pr:	What did you do then?
Const:	Nothing
Court Attendants:	(Laughter)
Pr.	No further questions your worship.

Appendix B

(Witness No 2, Shop owner, enters the witness box)

Pr:	Are you Mr Kagiso?
Wit:	Yes.
Pr:	Are you the owner of the shop.
Wit:	Yes, I am owner of shop.
Pr:	Is your shop a self service shop or what?
Wit:	Yes, a self service shop.
Pr:	Tell the court what happened.
Wit:	I was in my home when this happened when I go to the shop on Friday, I see the people through the glass. They did not go out because I use a self lock. If you get inside the door lock from … so you cannot open. Someone is to open from outside. I looked …at the man he was wearing black sweater and jeans. If he got inside, how did he get inside? He wanted to steal. There is no doubt about that.
Pr:	Did I hear you correctly? Did you say he wanted to steal?
Wit:	Yes, I said so.
PR:	How do you know?
Wit:	He wanted to steal because he get inside
Pr:	Is that all?
Wit:	Yes, sir
Pr:	What else can you tell us?
Wit:	I think this man was hiding… he was hiding. People saw him. He was… wanted to run away. I think he want to run away from police. I did not catch him.
Pr:	Is that all?
Wit:	Yes

Appendix   C

Module: English for Academic Legal Purposes

Aims: By the end of the module students should be able to

a) formulate question types that appropriately elicit the information desired in legal court proceedings;

b) comprehend question demands in legal proceedings and provide appropriate responses;

c) provide clear explanatory/descriptive responses to all question types;

d) prepare written legal investigation reports;

e) improve oral presentation techniques (i.e fluency, clarity, confidence) that are generally used by high status witnesses.

Course Outline
A. Legal Communication Discourse (LCD)

- Meaning of concept
- functional domains i.e when it is used, where it is used, and with whom it is used;
- value of LCD

B. Formal Spoken Discourse (Oracy)

Formulating discourse questions in the following categories (structural features)

- yes/no questions
- tag questions
- disjunctives questions;
- declarative questions
- formulating discourse questions in the following functional categories
- Field Questions: which give witnesses opportunities to lend credibility to their arguments by giving their opinion.
- Fence questions
- closed questions: used to control information given by answer.
- feint question
- wide shot questions
- lasso Questions

D. Informal Legal Discourse: general use of English outside court room proceedings with;

- colleagues;
- criminal suspects
- villagers

E. Production of Written Legal Discourse

- General features of written discourse (structure, cohesion/coherence);
- report writing strategies;
- writing statements made by suspects.

Practice Activities

These make and explicitly apply the features of legal English outlined in the preceding sections. Major activities include

- Simulated court proceedings
- dialogues, discussions and oral reports that focus on the exploitation of the discourse features outlined in preceding sections;
- practice in the production of written legal discourse;

5.   Assessment

1.   Continuous Assessment (40%) comprises oral and written assignments developed from work in section 5.0 above.
2.   Written final examination paper (60%) simulated situational questions that elicit the formulation of questions, responses and descriptions of situations and events.