Comparative Legilinguistics

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PREFACE

The 33rd volume of *Comparative Legilinguistics* consists of five articles concerning various problems of legal translators and interpreters' training, legal translation including use of digital tools and legislative drafting. Moreover, they present research perspectives form different parts of the world.

The present volume starts with the article by Qinglin MA & Xin FU titled *MLTI Education in China: Current Situation, Challenges and Countermeasures*, whose aim is a successive survey on the status of master education of legal translators and interpreters from 2014-2016 in China concerning changes and problems revealed in the five major universities of political science and law in China. Consequently the authors presents the solutions and suggestions on the improvement and future development of Chinese MTI education

The next article is titled *The Web as Corpus and Online Corpora for Legal Translations*, written by Patrizia GIAMPIERI (Italy). It explores whether commercial search engines, Web concordancers and online specialised corpora can tackle the issues revolving around legal language. Moreover, the paper provides instances of the soundness of the above-mentioned online resources, especially when used jointly as a cross-analysis tool

Addressing the Needs of Lawyers in Legal English – A Comparative Study in Four European Union Countries is a title of another article written by Halina SIEROCKA (Poland), Barbora CHOVANCOVA (Czech Republic) and Ljubica KORDIĆ (Croatia). The authors analyse needs of law professionals in four European countries, with the aim of identifying their views on the importance and their use of foreign language skills as well as their preferences for ELP course content. Finally they suggest that lawyers' self-perceived importance and preferred styles of learning are highly relevant for LSP practitioners and it is highly needed when designing Legal English programmes and testing materials.

The next article titled *Capitalising on Translation Market Data in the Field of Commercial Law* written by Edyta WIĘCŁAWSKA (Poland) comprises data gathered in an online survey questionnaire and

it is a part of a broader research project related to the quality of translation of English language documents in the field of commercial law. Since the analysis is a preliminary phase of this project, it has many objectives, but primarily it determines the practically feasible search criterion for compiling a design corpus for further quantitative and qualitative analysis of selected language structures.

The last article is written by Natalia ZYCH (Poland) and it is titled *Plain-language Approach in Legislative Drafting: a Perspective from Poland*. The purpose of the paper is the exploration of plain language postulates in the scope of legal drafting assumptions. The author confirms that the aspiration to make the law comprehensible for all subjects is an idealistic postulate, but there is still an obligation to make an effort to increase the intelligibility of legislation wherever it is possible.

All members of the Editorial Board hope, that the present volume of our journal will be of interest to its readers.

MLTI EDUCATION IN CHINA: CURRENT SITUATION, CHALLENGES AND COUNTERMEASURES

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Abstract: Based on the Guideline for MTI Training Program established by China National Committee for MTI (Master of Translation and Interpreting) Education, this research makes a successive survey on the status quo of master education of legal translators and interpreters from 2014-2016 to trace the changes and problems revealed in the five major universities of political science and law in China. By comparing and analyzing the information and facts collected on the training target, curriculum setting, teaching staff, platform construction, practical training as well as the employment in those five universities, the authors sort

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out the diversified advantages and features of the five law schools, and probe into the existing problems and difficulties in common. On the grounds of the survey and interview conducted by the authors in the recent years, the authors put forward the solutions and suggestions on the improvement and future development of Chinese MTI education.

Key words: Master of Legal Translation, education, current situation, challenges, countermeasures

中国法律翻译硕士教育：现状、挑战与对策

摘要：**本研究以培养中国的高**层次、复合型、创新型和应用型法律翻译**为其人才培养目标。它立足于全国MTI教育指**导委员会制定的《**翻译硕士培养计划》为指导方针，并以中国五所政法大学的法律翻译硕士课程**为研究对象。本文通过对2015-2016 年调研收集的数据和文献进行比较分析，对培训目标、课程设置、师资队伍、平台建设、实践培训以及学生就业等方面的现状进行了研究，梳理了各高校的课程优势，并指出了存在的共性问题。此外， 还提出了进一步完善我国 MLTI 人才培养的对策和建议。

关键词：法律翻译硕士, **教育**, 现状, **挑**战, 对**策**

KSZTAŁCENIE TŁUMACZY USTNYCH I PISEMNYCH W CHINACH: STAN OBECNY, WYZWANIA I ROZWIĄZANIA

Abstrakt: Autorzy, w oparciu o Przewodnik Programu Kształcenia Tłumaczy Pisemnych i Ustnych ogłoszony przez Chiński Państwowy Komitet Kształcenia Tłumaczy Pisemnych i Ustnych, badają status studiów magisterskich w Chinach w zakresie kształcenia tłumaczy prawniczych w latach 2014-2016. Celem jest wychwycenie zmian i problemów, jakie zaistniały w ramach przedmiotu badania na pięciu największych chińskich uniwersytetach. Analizie poddano informacje i dane rzeczywiste zgromadzone na zajęciach kursowych a zawarte w programach studiów, dotyczące kadry, struktury platformy, zajęć praktycznych oraz informacje dotyczące zatrudnienia w badanych uniwersytetach. Autorzy artykułu skategoryzowali ww. informacje według zalet i charakterystyki określonych pięciu wydziałów prawa i podjęli próbę zdefiniowania ich wspólnych problemów. W oparciu o przeprowadzone badania autorzy artykułu wskazują określone sugestie, możliwości rozwiązania danych problemów oraz potencjalne ulepszenia, które sprzyjać będą przyszłemu rozwojowi kształcenia tłumaczy prawnych w Chinach.

1. Introduction

Although still at its infant stage, the Chinese Master of Translation and Interpreting (hereafter referred to as MTI),[2] however, is a fledging and promising program in China. It aims at fostering translation/ interpretation talents to meet the demand of adapting the globalized economy, enhancing national competitiveness at the international level and cultivating high-quality, practical and professional translators and interpreters for the national construction in the economic, cultural and social fields. With the promulgation of the MTI program, the Ministry of Education of the People's Republic of China ratified 15 MTI pilot training universities nationwide in 2007 and Beijing International Studies University and other 24 universities in 2009 respectively (21st Century 2009). In 2011, the number of the training institutions has risen to 159 (China National Committee for MTI Education 2014). By the end of 2014, 206 universities and colleges have obtained the qualifications of running the MTI programs, and the number of enrolled MTI candidates has reached 20,257 in total in China (Tian, Sun and Rong 2014: 233; Zhong 2014: 40-44). By the end of 2016, there had been 215 universities and colleges that were qualified to enroll the candidates for the MTI Program.[3] According to the authors' latest

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[2] In fact, the history of the MTI program can be traced back to January 2007, when the *Academic Degree Program for Master of Translation and Interpreting* was deliberated and adopted on the 23rd Session Conference of the Office of the State Council Academic Degrees Committee in China. It stipulates, "Master of Translation and Interpreting is established for the purpose of cultivating high-level, practical advanced translation and interpreting talents in order to meet the needs of our country's Opening Policy, construct the socialist modernization and advance the international exchange." Details are available at http://www.cdgdc.edu.cn/xwyyjsjyxx /gjjl/szfa/fyss/263550.shtml (Accessed on 16 October 2016).

[3] See the speech given by Professor Zhao Junfeng, Secretary-General of the China National Committee for MTI Education in a survey activity

investigation in early 2018, 249 universities and colleges are qualified for enrolling the MTI candidates nationwide.

The latest official *Guidelines for MTI Training Program* (hereinafter referred to as the "*MTI Guidelines*") was revised by China National Committee for MTI Education in 2010 and after the continuous development in recent years, the MTI education in China has made outstanding achievements in many fields. In the meanwhile, the training universities weighed their special characteristics and advantages in majors, actively explored various talent cultivation modes, mostly, one advantageous major + translation, such as the "technology + translation", "engineering + translation", "petroleum technology + translation", "medical science + translation" and so on, and accumulated abundant successful experience in this regard.

Among these approved training universities, Chinese universities of political science and law have formed a specialized school of "law + translation" mode. As early as 2010, Southwest University of Political Science and Law and Zhongnan University of Economics and Law obtained the qualifications, while China University of Political Science and Law, East China University of Political Science and Law, and Northwest University of Political Science and Law possessed such qualifications in 2014 respectively. These institutions incorporate their special advantages such as the long history of the researches on law science into the MTI Program. Given that these five universities of political science and law were directly affiliated to the Ministry of Justice in China and shared a unique MTI cultivation mode - "Law + Translation".

This paper takes the five universities of political science and law in China as its research object. As a descriptive research of MTI education in China, the authors intend to adopt both conceptual and empirical research method. In the paper, the authors first introduce and define a series of basic concepts on Chinese MTI education. Then, the overall theoretical framework of the research is interpreted and the results of the analysis of the investigations and interviews are presented. With the analyses of the surveys and interviews, the authors then describe the phenomena of existing status of Chinese MTI education. Then on the basis of the collected

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conducted in Henan and Shandong in December 2016 regarding the MTI education and the students' employment.

data and related analysis, the explanations and generalizations are presented in detail.

To be specific, the authors have sorted out some program advantages and features shared by the five universities through comparing and analyzing the data and literatures collected in the survey during 2015-2016 on the status quo related to the training target, curriculum setting, teaching staff, platform construction, practical training as well as employment. The authors attempt to probe into the existing problems in common, and puts forward some countermeasures and suggestions on further improvement in the cultivation of MLTI talents.

2. Goals of MTI Education and Its Curriculum

The Assessment System of MTI Teaching established by China National Committee for MTL Education includes 6 items of first-level indexes, 20 items of second-level indexes, and 47 items of major observation points (China National Committee for MTI Education 2013). It set the goal setting and curriculum design in the notion and content of the teaching, two of the six first-level indexes, a substantively significant position. Such assessment system provides the MTI Program a clear and systematic evaluation on disciplinary construction and teaching of the translation/interpretation in China (Secretariat of China National Committee for MTI Education 2012: 52-56). Accordingly, this paper mainly discusses the goal setting and curriculum design of the five universities of political science and law in this section.

As far as the goals of MTI programs in the five law universities, they differ in a varying degree. For example, Zhongnan University of Economics and Law set the goal of MTI program as "cultivating high-level, practical and professional translation talents of law and business".[4] Southwest University of Political Science and Law clarifies its goal of the program as "cultivating practical

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[4] See also the *Self-Assessment Report of MTI Education, Zhongnan University of Economics and Law* (2015), Conference materials of International Academic Forum on MTI Education, in Northwest University of Political Science and Law, Xian, June 2016.

and professional translation talents of law and dedicating to cultivation of the students' capability in legal translation and enhance their professionalism".[5] Likewise, China University of Political Science and Law states its goal as "cultivating advanced legal translators and interpreters who know well in both China and the Western countries, and are competitive in both law and translation and adapt themselves to the needs of national social, economic, cultural and rule-of-law construction".[6] East China University of Political Science and Law describes its goal of MTI program as "cultivating high-level, practical, and professional legal translators who can meet the needs of China's social and cultural development and construction of legal system and are qualified for China's social, economic and cultural development.[7] Northwest University of Political Science and Law sets its goal of MTI program as "taking legal translation as its characteristic MTI educational orientation, cultivating high-level, practical and professional translators who have international vision, innovative capability and critical thinking skills."[8]

From the descriptions mentioned above, it can be easily found that all the five universities have coincidently emphasized "high-level, practical and professional" quality in the training of translator/interpreters and specified their marketing positions of "meeting the needs of the state's social, economic, cultural and rule-of-law construction". What's more important, all the MTI training universities are endeavoring to integrate their advantageous majors and disciplines, along with their characteristic BA program of legal English major, into the MTI program. The goals of all the five

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[5] See also the *Self-Assessment Report of MTI Education, Southwest University of Political Science and Law* (2015), Conference materials of International Academic Forum on MTI Education, in Northwest University of Political Science and Law, Xian, June 2016.

[6] The *MTI Program of China University of Political Science and Law* (2015), Conference materials of International Academic Forum on MTI Education, in Northwest University of Political Science and Law, Xian, June 2016.

[7] The *MTI Program of East China University of Political Science and Law* (2015), Conference materials of International Academic Forum on MTI Education, in Northwest University of Political Science and Law, Xian, June 2016.

[8] The MTI Program of Northwest University of Political Science and Law (2015).

universities primarily formed the common feature - Master of Legal Translation and Interpreting (MLTI). Moreover, some of the five universities, such as Zhongnan University of Political Science and Law and Southwest University of Political Science and Law even added some commerce and business elements into its MLTI Program.

As for the curriculum setting, the five MLTI universities (except for East China University of Political Science and Law) divide their course systems into three categories, namely, common compulsory courses, compulsory MTI courses, and optional MTI courses. The MLTI candidates are required to earn 38 credits in order to reach partial requirement of graduation, which is the least requirement of the MTI Guidelines. Regarding the length of schooling, Northwest University of Political Science and Law sets its training program to 3 years, which if necessary can be extended up to 5 years, while the other four sample universities adopt a 2-year training program, which can be extended up to 3-4 years. Furthermore, with regard to the specific content of the common compulsory courses and compulsory MTI courses, all the universities stress the training of basic language skills, linguistic and cultural knowledge, translation theories, and practical translation abilities, which also meets the requirement of the MTI Guidelines. As far as the content of optional MTI courses is concerned, however, there are conspicuous divergences between the five universities, which can be justified by the differences of the geographical locations of the universities or the difference of the educational background of the MTI candidates.

Table 1: Options courses for MLTI Candidates at the of the Five Universities of Political Science and Law in China

Name of the Institution	Basic law courses	Legal translation courses
SWUPL	Theory of the Law; Introduction to the Contract Law; Comparative Study of Legal Cultures between China and the West	Translation of Legal Texts; Translation of Laws and Regulations; Translation of English-Chinese Contracts; Translation of Legal Terms

ZUEL	Comparative Study of Law and Business Culture between China and the West	Practical Training of Contract Translation; Legal Document Translation; Translation of Laws and Regulations
CUPL	Anglo-American Legal System (Bilingual); Reading and Translation of Legal Cases	Translation of Legal Documents; Translation of Contracts; Translation of Legal Terms
ECUPL	Theory of the Anglo-American Law	Translation of Laws and Regulations; Translation of Contracts
NWUPL	Introduction to Fundamental Theory of the Law; Intellectual Property Law; Introduction to Civil and Commercial Law; Procedural Law.	Translation of Legal Documents; Translation of Laws and Regulations; Translation of Intellectual Property

First, the five law universities have different arrangements of law courses in the MLTI Programs. For instance, East China University of Political Science and Law offers one law course - Theory of the Anglo-American Law. Similarly, Zhongnan University of Economics and Law offers one course entitled "Comparative Study of Law and Business Culture between China and the West", which does not only include the "business" element, but also offers a perspective of culture between China and the Western countries. China University of Political Science and Law offers two law courses for the students - "Anglo-American Legal System (Bilingual)" and "Reading and Translation of Legal Cases". Comparative speaking, Southwest University of Political Science and Law offers students more choices (three law courses) in this respect - "Theory of the Law", "Introduction to the Contract Law", and "Comparative Study of Legal Cultures between China and the West". However, the law course in the MLTI Program offered by Northwest University of Political Science and Law is the most in number: four optional law courses, including "Introduction to Fundamental Theory of the Law", "Intellectual Property Law", "Introduction to Civil and Commercial Law", and "the Procedural Law". It is probably because at the time of designing the curriculum, it assumes that most MLTI candidates lacked of necessary law knowledge before admission to the program.

Second, as for the optional MLTI courses, the five universities have reached a common understanding in this regard. For example, Zhongnan University of Political Economics and Law offered such courses as the "Practical Training of Contract Translation", "Legal Document Translation" and "Translation of Laws and Regulations". Southwest University of Political Science and Law offered the "Translation of Legal Texts", "Translation of Laws and Regulations", "Translation of English-Chinese Contracts" and "Translation of Legal Terms". East China University of Political Science and Law offered such courses as "Translation of Laws and Regulations" and "Translation of Contracts". China University of Political Science and Law provided the candidates with three such courses: "Translation of Legal Documents", "Translation of Contracts" and "Translation of Legal Terms". Northwest University of Political Science and Law divides its Translation of Legal Texts into three sections: "Translation of Legal Documents", "Translation of Laws and Regulations" and "Translation of Intellectual Property".

It can be seen that all the five universities have considered major categories of the legal translation - legal documents, laws and regulations, legal texts and contracts.[9] It is also noticeable that, China University of Political Science and Law and Southwest University of Political Science and Law have offered a course "Translation of Legal Terms". Likewise, Zhongnan University of Economics and Law, Southwest University of Political Science and Law and East China University of Political Science and Law have added a course "Translation of Commercial Documents" into their respective curriculum. Moreover, considering the translation needs of the market regarding China's innovation capability and international patents application, Northwest University of Political Science and Law uniquely offers a course "Translation of Intellectual Property" in its curriculum.

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[9] Northwest University of Political Science and Law incorporates "contract" into the category of "legal texts".

3. Current Situation on the Development of the Teaching Staff

The teaching quality of the training institutions and the extent of the candidates in mastering professional skills are, in a certain degree, closely related to the experience and skills of the teachers. In order to conduct well the MTI education, and guarantee quality of the education, five training institutions are equipped with the best teaching resources. For example, Southwest University of Political Science and Law mainly relied on its team of legal translation research, which includes 18 full-time faculty staff of the MTI program. Among them, 94.44% are professors or associate professors, 83.33% are holders of a master's degree, 100% have had the translation/interpretation experience, and one full-time faculty staff can offer 1-2 specialized MTI degree courses on average.[10]

Zhongnan University of Economics and Law sticks to the principle of combining full-time and part-time staff, planning and the demand of the teaching staff, import and self-trained staff, and studying abroad and at home. There are 27 name full-time teachers in the MTI Education Center, 10 of them focus on the teaching of interpretation while the other 17 on the translation. All the teaching staff possessed a master degree or above, among which 15 had a doctoral degree. The Center's staff includes 6 professors and 12 associate professors (accounted for 66.7% of the teaching staff); 85.2% have the experience of overseas study or visit. Moreover, 10 staff has possessed the multi-disciplinary background, accounted for 37.03%; and each teacher can offer more than two MTI specialized courses.[11]

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[10] See *Self-Assessment Report of MTI Education, Southwest University of Political Science and Law* (2015), Conference materials of International Academic Forum on MTI Education, in Northwest University of Political Science and Law, Xian, June 2016.

[11] See *Self-Assessment Report of MTI Education, Zhongnan University of Economics and Law* (2015), Conference materials of International Academic Forum on MTI Education, in Northwest University of Political Science and Law, Xian, June 2016.

Table 2: Statistics on the Teaching Staff of the Five Universities of Political Science and Law in China.

Name of the Institution	No. of full-time teaching staff	Degree held by the teaching staff			Academic rank of the teaching staff			
		PhD	MA	BA	Prof	AP	Lect	TA
SWUPL	18	8	7	3	9	8	1	0
ZUEL	27	15	12	0	6	12	9	0
CUPL	16	12	4	0	7	6	2	1
ECUPL	14	13	0	1	5	6	3	0
NWUPL	16	3	13	0	5	7	2	2

Note: PhD=Ph.D. MA=Master BA=Bachelor Prof=Professor AP=Associate professor Lect=Lecturer TA=Teaching assistant

East China University of Political Science and Law currently has employed 14 MTI supervisors, including 13 holders of doctoral degree, and around 55% of them have the background of linguistics/translation and law, and majority of the supervisors had the experience of overseas exchange. Moreover, its student-teacher ratio is 2.5:1 on the base of 35 MTI candidates, which is far below than that in other majors.[12]

Northwest University of Political Science and Law possesses 14 specialized instructors, 10 of them are selected supervisors with the title of associate professors or above, and the remaining four teachers either have doctorate degrees or are PhD candidates. [13]

In China University of Political Science and Law, among the 16 full-time MTI staff, there are 7 professors, 6 associate professors, 2 lecturers, and 1 teaching assistant, and all of them had a master's degree, including 12 holders of doctoral degree (75%).

Our research found that a considerable part of the specialized supervisors or teachers at the five training universities were

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[12] The *MTI Program of East China University of Political Science and Law* (2015), Conference materials of International Academic Forum on MTI Education, in Northwest University of Political Science and Law, Xian, June 2016.

[13] The *MTI Program of Northwest University of Political Science and Law* (2015), 4 September 2015, available at http://fli.nwupl.cn/Item.aspx?id=3755 (Accessed 17 October 2016).

transferred from the team of academic tutors, and some of them are undertaking a dual task of being both academic supervisors and professional mentors. Selection of the MTI Program supervisors has to go through a procedure, that is, the university's academic committee will review and approve the supervisor or teaching candidates recommended by the school in charge upon personal application. In addition, the training universities identified a group of back-up force through the MTI platform, e.g. those who have extensive experience in translation or lecturers with doctoral degrees, who will undertake the teaching task at first and then can be selected as the supervisor when necessary and qualified.

4. Practice, Training and Employment of the MTI Candidates

Practice and training are two important components in the MTI education, which are significant to the MTI candidates in consolidating, deepening and expanding their theoretical knowledge and professional skills, fostering their innovative and enterprising spirits and making a rational career planning. In this research, we only focus on the candidates of the Southwest University of Political Science and Law and Zhongnan University of Economics and Law as the target as the two universities started their MTI programs in 2011 and have had MTI graduates in three successive years.

Southwest University of Political Science and Law paid much attention to the translation practice, emphasizing cultivation of the translation skills and case analysis in translation through the whole process of its program. It requires the MTI candidates at school to complete a compulsory workload of legal translation of 150,000 Chinese characters. To guarantee the implementation of such practice, the University adopts a dual tutorial system. It offers a 3-credit translation practice course in the curriculum, requiring the candidate to engage in such translation practice during the first three semesters in the form of group and separate internship. As a rule, the total period of internship is no less than 6 months while the group internship is no less than 3 months. After the practice, the MTI candidates are required to submit a field research report of 6,000 Chinese

characters. Moreover, the University cooperated with Chongqing Living Translation Company and Chongqing Holiday International Travel Service to build the long-term translation practice bases with the capacity of accepting 30 MTI candidates at one time.

Zhongnan University of Economics and Law requires its MTI translation candidates at school to complete the task of legal translation of 150,000 Chinese characters, while the MTI interpreting candidates have to finish the practice of 400 tape hours. It divides candidates' translation/interpretation practice into four essential stages - In-classroom practice, professional practice, report of the achievements in practice, and dissertation. There is a strict evaluation standard in each of the evaluation process. If a candidate cannot reach the standard, he or she would not have an opportunity to enter into the practice and study at the next stage. In the aspect of practice bases, the University has founded six practice and training bases cooperating with such units as Transn Information Technology Company (Wuhan), Hubei Education and Technology Publishing House, and Lankam Business Solution Co. Ltd (Shanghai). All the training bases can guarantee at least five training positions each year. During 2013-2015, more than 60 MTI candidates participated in such practice as translation of the monetary, financial and commercial documents, journal and news editing and translation, interpretation of exhibition events, lectures and conferences liaison. Moreover, the University established an on-campus practicing platform, such as *Yi Dao (Skills of the Translation)*, a journal founded in 2013, which offers such translation columns as the commercial and legal translation, and translation skills. The MTI candidates at Zhongnan University of Economics and Law also undertake the work of translating publicity materials for "China Monetary and Financial History Museum" and offer English tour guide for the Museum.

Employment of the MTI candidates at the two universities is rather satisfactory. According to the statistics,[14] Southwest University of Political Science and Law enrolled 20 students in 2011, 30 students in 2012 and 36 students in 2013 respectively. In addition,

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[14] Presentation by the representative of the *Southwest University of Political Science and Law* (2015), Conference materials of International Academic Forum on MTI Education, in Northwest University of Political Science and Law, Xian, June 2016.

the employment rate of the 2011 graduates is 100%: nine worked in educational institutions (45%), 6 in enterprises (30%), 3 in law firms and consulting companies (15%) and 2 in governmental agencies (10%). In 2014, 96.7% of the graduates were employed in various units,[15] including eight in the educational institutions (28%), 17% lower than that in 2011; 11 in enterprises (38%) - 8% higher than that in 2011; 5 in law firms (17%) - 2% higher than that in 2011; 3 in financial services and banking agencies (10%); and one in judicial department (3%).

Chart 1: Employment statistics of the graduates of Year 2011 and Year 2012 of Southwest University of Political Science and Law.
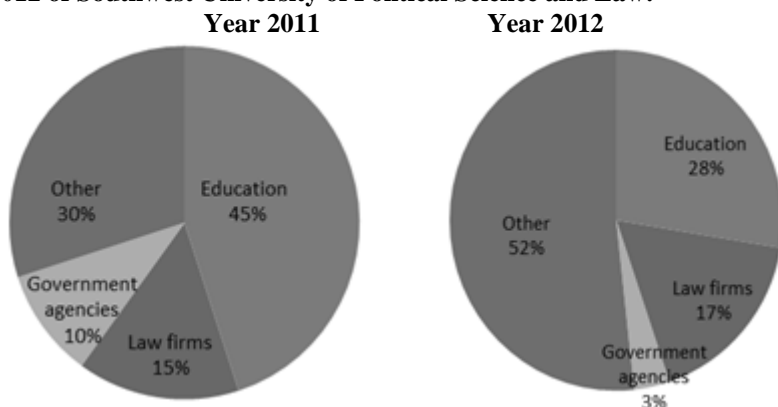
Chart 2: Employment statistics of the graduates of Year 2011 and Year 2012 of Zhongnan University of Economics and Law.

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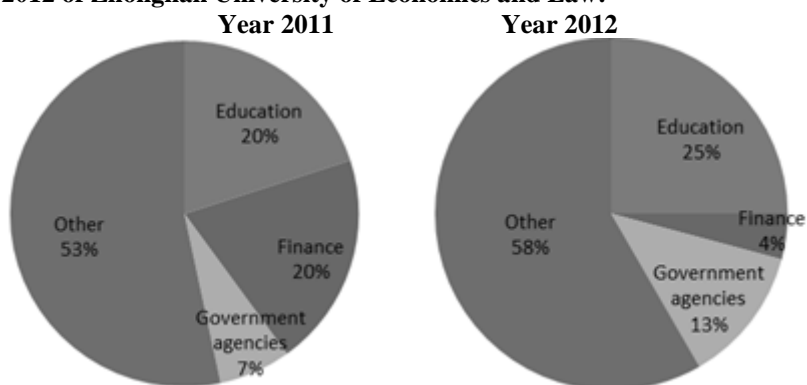
[15] Here, one graduate was unemployed in Year 2014.

Similarly, Zhongnan University of Economics and Law enrolled 15 candidates in 2011,[16] 24 in 2012, and 26 students in 2013. From 2013 to 2015, the employment rate of MTI candidates in the University was 100%. According to the statistics, the employment rate of 2011 graduates was 100%: three out of the 15 graduates worked in the higher education institutions (20%), 8 in enterprises (53%), 3 in financial institutions (20%), and 1 in the governmental agency (7%). Likewise, among the graduates in 2014, 6 out of 24 entered into educational institutions (25%) in 2014, 14 in enterprises and institutions (58%), 1 in a financial institution (4%), 3 in governmental agencies (12.5%).[17].

5. Current Problems in the MLTI Education

Currently, the MLTI education has encountered similar problems as those in the MTI education, among which some problems are common and some are of special feature. First, the goals of MTI and Master of Translation (Academic Direction) are not clear enough. Although fostering the candidates of MTI and other traditional academic programs shares something in common - for example, they both require solid bilingual and literary backgrounds and some

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[16] Including 5, 6 and 8 candidates in the translation direction and 10, 18 and 18 candidates in the interpreting direction in 2011, 2012 and 2013 in turn. Among them, around 80% of the MTI candidates came from its own university, Southeast University, Huazhong Normal University, Jiangxi University of Finance and Economics and other key universities.

17 The MTI candidates were employed in many renowned enterprises and institutions, such as Foreign Affairs Office of Hubei Provincial People's Government, Shanghai Sports Bureau, Huaiyin State Revenue Bureau of Jinan City, China Merchants Bank, Bank of Communications, Guangxi Normal University, Wuhan Textile University, China Railway Construction Engineering Group Co., Ltd., China Wuhuan Engineering Co., Ltd., Hainan Airlines Co., Ltd. Among them, 76.9% of the University's MTI graduates took a job related to language and translation services. See also the Self-Assessment Report of MTI Education, Zhongnan University of Economics and Law (2015), Conference materials of International Academic Forum on MTI Education, in Northwest University of Political Science and Law, Xian, June 2016.

theoretical basis, most training universities paid inadequate attention to the practical side of the MTI program in practice because there are more courses on theories but less on practices. This in fact has betrayed the original purpose of running the program. According to the philosophy of cultivating modern professional masters' candidates, the MTI should undertake the responsibilities of cultivating high-level, practical and professional translation talents, because it could not replace the traditional academic program of master in translation.

"In those economically developed countries, except for a small number (who are in the preparation for the doctoral study), the master's candidates should be high-level professional talents in all walks of life, while the doctoral education is mainly for fostering teaching staff of higher education and researchers of scientific researches" (Bao 2003: 48-50). With the increase of the exchange of international trade and technology, inter-disciplinary talents of English-Chinese and Chinese-English translation are in urgent need in the human resource market. Domestic translation industry needs more masters of translation who grasp theoretical knowledge (not theoretical research) and have a good command of practical legal translation. Under such circumstances, the studies on the teaching of legal translation/interpretation were launched in the Chinese universities. However, such study of the teaching is still in the grey area of translation studies, which cannot supply high-quality talents for the international and domestic markets (Cao, Han and Liu 2015:105-108). Therefore, talents supply of the teaching of legal translation/interpretation needs further improvement in order to keep up with the market demand.

Second, the construction of team of teaching staff is imbalanced, and the number of practical teachers is in great shortage in China (Xu 2017:14-20).[18] The teaching of professional postgraduate degree requires teachers to possess the capability of translation practice, teaching and research, but some training universities have not completely reached the requirement in staffing yet.[19] Few teaching staff can use such important tools as the Trados

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[18] In this regard, see Shan's survey in northeastern China (2016:2-7).

[19] For detailed discussions, see also Wang Jun and Yu Jiayi, "Problems and Countermeasures in the MTI Education", (2016) *Modern Communication (Xiandai Jiaoji)* (426)4:226-227.

in the teaching of translation in certain number of Chinese universities. On the other hand, the MTI Guidelines stipulated a relatively high requirement on teaching staff: The core and important compulsory courses need involvement of at least two experienced but full-time teachers. Among the teaching staff, no less than 70% should have the experience of translation and interpretation; the translation teachers should have the experience of completing the translation work of more than 300,000 Chinese characters and the interpretation teachers should have the experience of undertaking formal consecutive and simultaneous interpretations for more than 20 times.

In addition, the Guidelines also required certain number of part-time teachers who are senior translators coming from the translation practice institutions. However, the problem is that, "academic research" and "practical skills" are deviated in China's translation circle and the disputes between "theory" and "skill" have lasted for a long time. Overemphasis of "academic" and the underestimation of "practical skills" happen in various aspects in institutions of higher education, such as academic promotion, application of research projects, and achievement award.[20] Accordingly, teachers at the universities and colleges just care about theoretical researches on translation and neglect the translation practice, as "People usually have little praise and encouragement for translation" (He 2007:24-29). Inadequate lack of practical teachers, especially teachers for the interpretation class, brings about only in small number but also low quality.

Third, there is no guarantee on the source of excellent candidates in running the program. At present, public recognition of the MTI Program is not very high, which needs improving, and accordingly the program cannot attract the enthusiasm of excellent candidates at the enrollment stage. The competent department of the Ministry of Education has changed the enrollment policy on the MTI program, which allowed applicants for the academic masters' degree who have reached the admission line in the National Graduate Admission Examination to be transferred to the MTI Program, and such a policy may increase the number of MTI applicants and attract some excellent applicants.

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[20] In our opinion, even in the MTI program, there is a need to make a balance between the academic and practical perspectives.

However, such a phenomenon also reflected the fact that the enrollment is not so ideal: The institutions need loosen the admission requirement in order to finish the task of its enrollment (Kong and Wang 2011:9-15).

According to the survey during 2014 and 2015, the persons-in-charge of the MTI programs at the five universities of political science and law all expressed that under the situation that few high-score candidates actively applied for the MTI Program, those applicants sifted out from the academic master program with lower scores could also be admitted to the Program.[21] Moreover, mostly, they were from the second level or third level universities. Although some applicants' scores of National Graduate Admission Examination are qualified, many of them are not in English major who have not received systematic linguistic training and well-grounded language education. Consequently, their language skills are not proficient enough and their translation experience is deficient, without any translation training. Moreover, judging from the applicants' intention to take the MTI program, some of them would obtain a degree in a shorter term (2 years) instead of the study interests or career design. In addition, the national policies on MTI education are not so well developed, thus they cannot stimulate the applicants' motives in the application for the Program.[22]

Fourth, the disintegration between the practice and training bases and students' practical skills continues to exist in China. The MTI Guidelines clearly required to the Programing institutions to establish practicing and training bases, but according to the survey, some training universities apparently need more vacant practice positions for students, namely, a practice and training base that

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[21] In addition, the percentage of non-English major MTI candidates is gradually increasing year by year, which also brought challenges in the teaching, as the teaching staff needs to tailor the candidates' special situation, for example, more efforts in making up their English background. For detailed discussions, see Wang and Yu 2016: 226-227.

[22] In order to attract more excellent applicants, Zhongnan University of Economics and Law launched a student summer camp – "Star of Humanities" and East China University of Political Science and Law started the first "Legal Translation Summer Camp" in 2016 for the same purpose. See the Conference materials of International Academic Forum on MTI Education, in Northwest University of Political Science and Law, Xian, June 2016.

can provide more than five positions. The situation of having such suitable practicing and training bases for the MLTI Program is even more challenging. In the translation practice, for example, the quality and quantity of MLTI candidates' translation is problematic, which may lead to the ineffective operation of the training bases.[23] As for the practice of interpretation, it is more difficult for the candidates to practice their skills because the formal conferences are required to equip with more experienced professional interpreters.[24] The result is that, the MTI candidates can just be the "service personnel" of the international events. Again, one quick solution is to arrange some international hotels and travel agencies for MTI candidates' practice training, but the connection between the practice and legal translation seems to be far-fetched.[25]

6. Solutions and Suggestions for the Development of MLTI Program at the Universities of Political Science and Law

Based on the problems discussed in the previous sections, we can propose the following four suggestions, which may contribute to the development of the MLTI Program in the future.

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[23] This is actually in a dilemma: The future employers hope to accept some potential candidates who have some fundamental knowledge to practice in their institutes, as they do not have sufficient staff to train and teach the practical skills of translation/interpretation; while the candidates are often not well prepared in practice, who want to learn through the practice.

[24] See also the interviews with some practitioners, conducted by the author in a survey in 2014-2015 in Beijing, Xian, Shenzhen and Guangzhou.

[25] In a recent survey, Shan Ping also reported the shortage of practice base for the MTI programs in Dalian of Liaoning Provinces. See Shan 2016:4.

6.1. Projecting the Characteristics of the University and Cultivating the Inter-Disciplinary Translation Talents with Combined Majors of Law and Translation

A Chinese Professor, Zhong Weihe, points out that, two questions on the philosophy of cultivating translation talents have to be clarified by the training universities in the process of MTI program development: First, how to define the translation talents? Second, how do we cultivate those translation talents? The training universities have to make a reasonable and featured MTI program and curriculum based on their own specific characteristics and situations when carrying out the MTI Guidelines (Zhong 2014:40-44). We agree with such opinion and support the philosophy that the cultivation of qualified translation talents should develop a featured MTI program and reasonable curriculum considering the needs and development of national and regional markets and combining their own advantageous majors and special features. Therefore, the MLTI program should focus on strengthening and training the capability of candidates' professional legal translation and cultivating inter-disciplinary talents. The training universities should integrate their own features with the market needs, and establish the inter-disciplinary cultivation mode of law and translation, flexibly adjust and improve the MTI program, reasonably set their teaching goals of the MLTI Program and organize the content of teaching legal translation. Moreover, they should continuously optimize a high-level teaching staff, make the multi-disciplinary teaching methods in legal translation, and establish a scientific and efficient assessment mechanism of legal translation teaching.

6.2. Building a Team of Inter-Disciplinary Teaching Staff and Developing a Competitive Team of Teaching, Research and Practice

The MTI training universities need to build and continue to improve the translation teaching staff in such aspects as the quantity, age, educational background, and professional quality. The

interdisciplinary teaching staff does not only require a good command of both Chinese and English, proficient translation skills and law knowledge, but also the experience and capability in translation practice and research. The MTI program has a clear requirement on the teaching staff in the aspects of both translation and interpretation experiences. If a teacher has little experience and practice in the field of teaching, he or she will not instruct the students well. Just like a Chinese saying goes, "to forge iron, one must be strong". If the teacher is inexperienced, it will be impossible to teach students and solve the problems or confusions encountered in the translation/interpretation practice. Therefore, a qualified MTI teacher must possess the capabilities of translation/interpretation practice, teaching and researching. Furthermore, a qualified teacher needs to be grouped together to form a team of having reasonable educational background as well as the clear research interests and capacities. To this end, the exchange and experience sharing in teaching is essential within the training institution and/or with other universities at the local level if considering the budget constraint.[26] Of course, we can also consider the further collaboration among the five universities of political science and law and make use of the cooperative platform "the Legal League", for example, the annual conference. Each year, one of the five partners can host one conference with same or similar theme regarding the Core MTI courses for discussion and teaching observation, if there are sufficient funding supports in the training of teaching staff. Such kind of experience sharing will definitely contribute to the improvement of teaching quality among the member schools. Moreover, there are other good opportunities to expand such exchanges in the Greater China as well and even in foreign countries

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[26] For example, the author's institution Northwest University of Political Science and Law collaborated with Xian International Studies University in jointly offering course. MTI students from the former will attend the class involving application of the Trados in Xian University of International Studies, while the MTI students from the latter will attend the class on legal documents writing in Northwest University of Political Science and Law. This is a practical manner in addressing staff shortage or insufficient expertise.

such as the USA.[27] In addition, the training universities should provide a positive environment for teacher's training and system with abundant but flexible training methods for improving the teaching capacity (Zhuang 2007:148).

6.3. Strengthening the Development of the Featured Clusters of Courses and Stressing the Practice-Orientated Curriculum in the MLTI Program

The featured MTI education requires a practice-orientated curriculum, diversified fusion of teaching content, and interactive teaching environment (Dai and Wang 2005:12-16). The MTI program needs to increase the proportion of practice teaching and internship and foster candidates' practical capabilities, innovative awareness, and entrepreneurship in order to realize effective integration of the academic research and practical natures. In short, it is always necessary to apply the principle of practice, development and diversity in the MTI education (Wang 2016). Moreover, as far as the MLTI is concerned, it is also important to consider increase the percentage of law-related courses into the program curriculum, given that most candidates are weak in the knowledge of law (Zhao 2018:192).

Therefore, the task-based, case analysis, simulated, project-based, multimedia and internet-based, and computer-assisted teaching methods should be encouraged to motivate students' interests during the teaching process.[28] By these means, students can participate in the whole process of translation teaching and take full advantage

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[27] Comparatively speaking, the United States has developed a mature and productive educational system in applied translation, featured by the great demand for translators and interpreters, flexibility in the planning of program orientations, diversity in the curriculum design, and systematic researches in related fields. For example, for detailed discussions in this aspect, see Wang (2012:52-60).

[28] Based on the information collected in a national conference on training of translation/interpretation talents in Beijing in late December 2016, some universities have applied the computer-based corpus in marking and commenting students' translation materials. This is a positive trend in reducing the staff's workload as well.

of teaching resources. By using the newly adopted software such as the Trados, teachers can teach students to learn the computer-assisted and make their future work applicable and professional. Last, cultivation of students' self-study capability, especially by the means of web-based self-study, needs improvement during the teaching.

As far as the design of featured MLTI programs offered at the five Chinese universities of political science and law is concerned, they made an active effort and reached a consensus on the design, that is, Translation of Laws and Regulations, Translation of Legal Texts, Translation of Contracts, and Translation of Legal Documents. The key challenge, however, they are facing is that there is no support of other clusters of relevant courses. Therefore, they are in urgent need of developing the clusters of featured courses in the curriculum. In this regard, it is very importance to learn and borrow from others, including the counterparts from overseas.

6.4. Conforming the Market Needs and Adopting a Way of the Combination of Production, Teaching and Research

The cultivation of translation talents cannot achieve its goal if neglecting the market demands. At present, the translation industry has a higher requirement which is far beyond the traditional definition of translation and intepretation on the practitioners in the field of language service. The industry requires the practitioners to possess various skills in language capabilities, localizations, project and term management, translation technolgoy and tools, formatting and printing and translation management. According to a survey report, the Translators Association of China in 2015, there is a disconnection between domestic education on translator and actual need of the translation companies, and one proturding aspect in this regard is the shortage of professional translation talents. As a result, it is always a critical problem for us to continiously reflect the way of cultivating high-quality translation talents in the light of the market need.

We think there are two approaches in solving this problem. First, the translation equipment needs further upgrade to cater for the needs of translation teaching. Based on the current equipment of the language laboratory, the computer-assisted translation teaching method can be used in order to update the teaching content and efficiency. By using the modern technology, web-based translation, translation memory system, term management and localized software, students can increase their competitiveness in future career. Of course, if being affected by the budget shortage, the software used in the teaching in the training universities can be available through cooperation with the software companies in this respect.

Second, the training universities should actively explore a way of combining the production, teaching and research in the MTI program. It is necessary to understand what the market needs regarding the graduates in the translation/interpretation major. China is on the track of rapid development and the translation needs to keep up with the market development. According to Wang Lifei (2016), the demand for the translation from English to Chinese ten years ago is now changing to the demand for the translation from Chinese to English in 2015. In such context, the training universities should understand the real need of the market, and consider diversified modes of cultivating the translation talents, including the cooperation between the university and the enterprise, and the establishment of training bases and the double tutorial system, which invites the elites of the translation industry to provide guidance to the candidates at school.

Moreover, the universities can also make use of their advantages and favorable conditions to solve students' difficulties in practice. For example, Qufu Normal University of Shandong Province and Zhongnan University of Economics and Law have made such noticeable innovations. Qufu Normal University founded a training base on Rizhao Campus, and invited some experienced translators and interpreters to come to the school, while the MTI candidates of Zhongnan University of Economics and Law undertake the translation work and English tour guide of its museum.[29] Likewise, Northwest University of Political Science and Law is planning

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[29] Information collected from the materials in an academic conference on the teaching of translation/interpretation in Henan in August 2015.

to create a cooperative training base of legal and commercial translation in order to invite the senior experienced translators to school and arrange social practice for 30 program candidates each year.[30] We believe such efforts will contribute to achieve the goal of satisfying the market need on one side, and of combing the production, teaching and research perspectives.

7. Conclusions

Along with the exchange with international communities, China needs more talents in the translation field. Accordingly, it becomes an important measure of reforming the higher education in China in order to foster high-level and practical translation/interpretation talents that can meet the demand of the opening and reform to the world as well as of the development of socialist modernization. To this end, many Chinese universities have undertaken the MTI programs to train more qualified translators and interpreters. Geographical and professional features of the MTI education, like those in other majors, will definitely appear in China arising from social development and progress, which means the need of meticulous division of work - translation on law, petroleum project or medical science. This requires the training universities, on the premise of following up the MTI Guidelines published by the Office of the State Council Academic Degrees Committee, actively cultivate high-level, practical and professional translation talents who are qualified for the market needs, based on their own advantages and features and specific curriculum. The MTI program with special features is a new trend of MTI education, which should aim at meeting the urgent need of the national and regional market.

Therefore, under such a background, the MTI training universities of political science and law must combine the market need with their own characteristics and develop their featured programs

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[30] The author's institution recently hired 6 practice supervisors from Beijing, Xian, Shenzhen and Guangzhou who will regularly guide and supervise the translation/interpretation practice of the 30 MTI candidates (Year 2015), through the internship, temp work or web-assisted supervision, apart from periodical visit and on-site teaching on campus.

based on the teaching personnel and curriculum design. It is an important development direction to continue to develop the MLTI program and cultivate qualified legal translators in China. In the context of "One Belt and One Road" Initiative, the MLTI program should have a clear education philosophy, a featured curriculum, an optimized course system, a group of experienced teaching staff and a set of mature education quality management and control system. Moreover, inter-university and even international exchange, cooperation and experience sharing would help to make improvement in securing the teaching quality in the MTI program. However, overall, they should meet the demand of market need. In this regard, it is both a challenge and a development opportunity to the universities of political science and law in China when exploring multimode of fostering legal translation talents in the context of integration of the production, teaching and research.

References

Bao, Chuanyun. 2003. Key Considerations in Translator and Interpreter Education. *Chinese Translators Journal (Zhongguo Fanyi)* 2: 48-50.

Cao, Shu, Han Zhulin, and Liu Ximeng. 2015. Reform the Path of Legal Affairs Translation Teaching in Colleges and Universities. *Journal of Jixi University (Jixi Daxue Xuebao)* 11: 105-108.

China National Committee for MTI Education. 2014. Name List of the Institutions of Running the MTI Programme. 7 July. Available at http://cnmti.gdufs.edu.cn/info/1017/1095.htm (Accessed 16 October 2016).

China National Committee for MTI Education.2013. Evaluation Index for the Training Institutions of Running the MTI Programme. 26 December. Available

at http://cnmti.gdufs.edu.cn/info/1014/1303.htm (Accessed 16 October 2016).

Dai, Weidong, and Wang Xuemei. 2005. Collaborative-inquiry Model in Teaching for Postgraduate of English Major—Definition, Theoretical Basis and Application. *Foreign Languages in China (Zhongguo Waiyu)* 4: 12-16.

He, Gangqiang. 2007. Skillful and Patient - Three Skills that a Teacher of Translation Should Possess. *Foreign Language World (Waiyu Jie)* 3: 24-29.

Kong, Lingcui, and Wang Hui. 2011. Cold Thinking of Hot MTI Programs. *Foreign Language World (Waiyu Jie)* 3: 9-15.

Secretariat of China National Committee for MTI Education. 2012. Conduct Well the MTI Evaluation Work and Promote Health Development of the MTI Education—Interview with Professor He Qixin. *Chinese Translators Journal (Zhongguo Fanyi)* 2: 52-56.

Shan, Ping. 2016. A General Survey of MTI Education in China: Current Situation, Problems and Suggestions—Taking MTI Education in the Universities in Dalian as a Case. *Language Education (Yuyan Jiaoyu)* (4)2: 2-7.

Tian, Guoli, Sun Bin, and Rong Jing. 2014. On the Innovation Mechanism in Cultivating Translation Talents Based on the Development of Regional Economy. *Hebei Academic Journal (Hebei Xuekan)* 34(4): 232-235.

21st Century. 2009. 25 Institutions of Higher Education Have Been Approved for New Qualification of MTI. *21st Century (Yingyu Jiaoyu Zhoukan)*. July 13. Available at http://paper.i21st.cn/story/53256.html (Accessed 16 October 2016).

Wang, Jun, and Yu Jiayi. 2016. Problems and Countermeasures in the MTI Education. *Modern Communication (Xiandai Jiaoji)* 4: 226-227.

Wang, Lifei. 2016. Analysis of the Enterprises' Walking out Data on Language Service and Strategies - Reflection on the Training of MTI Talents. Paper of the 2016 Annual Conference of National MTI Degree Education.

Wang, Zhiwei. 2012. Training of Talents of Applied Translation in the USA and Its Implication to MTI in China. *Foreign Language World (Waiyu Jie)* 4: 52-60.

Xu, Duo. 2017. On the Dilemma and Countermeasures for Fostering Intellectuals of Legal Translation under the MTI. *Foreign Languages in China (Zhongguo Waiyu)* 4:14-20.

Zhao, Junfeng. 2018. On the Disciplinary Construction of Legal Translation: Notion and Thinking. *Foreign Language Studies (Waiguo Yuyan Wenxue)* 2:192.

Zhong, Weihe. 2014. Problems on the Education of the MTI Program in China and Countermeasures. *Chinese Translators Journal (Zhongguo Fanyi)* 4: 40-44.

Zhuang, Zhixiang. 2007. *Construction of Translation Major in China - Problems and Countermeasures (Woguo Fanyi Zhuanye Jianshe - Wenti yu Duice)*. Shanghai: Shanghai Foreign Language Education Press.

THE WEB AS CORPUS AND ONLINE CORPORA FOR LEGAL TRANSLATIONS

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Abstract: Legal language is hallmarked by a pedantic and user-*un*friendly jargon whose constructs are all but intuitive, not to mention the legal system specificity which makes it unique in every country. Second language (L2) learners or scholars, hence, may find it difficult to understand the language of the law; whereas translators may consider legal lexical phrases and patterns rather intricate to deal with. The literature claims that a practical way to deepen language knowledge can be found in the Web considered as corpus and in online corpora. This paper is aimed at exploring whether commercial search engines, Web concordancers and online specialised corpora can tackle the issues revolving around legal language. In particular, it will investigate whether Google advanced search and the Leeds Web concordancer can be used to meet the requirements of legal language learners, scholars and translators. Furthermore, it will address legal language queries (and results) in an online specialised corpus: the COCA. This paper will provide instances of the soundness of the above-mentioned online resources, especially when used jointly as cross-analysis tools. The shortcomings of one can, in fact, be compensated for by the other(s).

SIEĆ JAKO KORPUS ORAZ KORPUSY ON-LINE NA POTRZEBY TŁUMACZENIA PRAWNICZEGO

Streszczenie: Język prawny i prawniczy cechuje się dokładnością i żargonowością a jego struktury nie są intuicyjne. Na to nakłada się określony system prawny, który sprawia, że język prawny i prawniczy jest w każdym kraju inny. Tak osoby uczące się drugiego języka (L2) jak i naukowcy mogą uznać język prawny za trudny do zrozumienia, tymczasem tłumacze mogą uważać, że jest on skomplikowany i zawiły, jak i jego przekład. Tymczasem literatura przedmiotu wskazuje, że remedium na te problemy może być sieć użytkowana jako korpus oraz korpusy on-line. Celem niniejszego artykułu jest weryfikacja tego, czy komercyjne przeglądarki internetowe, narzędzia konkordancji, korpusy specjalistyczne on-line mogą być przydatne w rozwiązywaniu problemów wynikających z natury języka prawnego i prawniczego. W szczególności badaniu poddaje się przeszukiwanie zaawansowane w przeglądarce Google i narzędzia konkordancji sieciowej Leeds i specjalistyczne korpusy on-line: COCA. W ten sposób wskazuje się sposób wykorzystania powyższych narzędzi sieciowych oraz ich działanie w sytuacji, gdy wykorzystywane są jednocześnie jako narzędzia do analizy krzyżowej.

IL WEB COME CORPUS E CORPORA ONLINE PER LE TRADUZIONI GIURIDICHE

Riassunto: Il linguaggio giuridico è caratterizzato da un gergo pedante ed arcaico. Gli studiosi di una lingua straniera, i traduttori ed i professionisti che si approcciano al linguaggio giuridico in lingua straniera, devono tenere presente non solo le peculiarità tecnico-linguistiche, ma anche quelle legate al sistema giuridico di riferimento. Il presente articolo si pone l'obiettivo di mostrare come il Web, considerato come un corpus, può fornire risposte in ambito linguistico e giuridico. In particolare, analizzerà la sintassi di ricerca in Google, il Leeds ed il corpus online COCA. In tal modo si evidenzierà come, usati congiuntamente, questi strumenti possono fornire risposte attendibili in ambito giuridico.

1. The Specificity of the Legal Language

Legal jargon, also referred to as *legalese* (Tiersma 1999; Tiersma & Solan 2012: 22), is hallmarked by lexical peculiarities which make it very different from any other sector language (Tiersma 1999; Williams 2004, Williams 2011; Tiersma & Solan 2012). Amongst others, are nominalization, embeddings, subordinations, passive constructions, archaisms, influence from Law French and Law Latin (Laster 2001; Bhatia 2010; Tiersma & Solan 2012), anaphoric and cataphoric references (Abate 1998: 14-16), complex lexical phrases (Coulthard & Johnson 2010: 10) and ambiguity in the use of modal verbs (Williams 2005, Williams 2013) or in negations (Tiersma 1999; Coulthard & Johnson 2010: 10). All these features tend to make legal language very difficult to the layperson (Tiersma 1999; Tiersma & Solan 2012: 46; Giampieri 2016b) and very complex to the scholar or the legal translator (Giampieri 2016a). In addition to its lexical complexity, legal language is bounded to the legal system the country where it is used (Rotman 1995; De Groot & Van Laer 2008; Giampieri 2016a: 445). This means that second language (L2) scholars/learners and translators must be acquainted with the legal system of both the source and the target language, in order to fully understand the meaning of legal terms (Giampieri 2016a: 445-446). This may also entail that certain institutions, which are typical of a given legal system, may not be regulated in others. This is the case, for instance, of the Trust, which has no equivalent in the Italian legal system (Longinotti, 2009; Curzio 2014: 26). In addition, as with most of technical jargon, legal English is hallmarked by a wide array of fixed lexical bundles, also referred to as lexical phrases, or multi-words (O'Keeffe *et al.* 2007: 63). Lexical bundles are "words which systematically co-occur with other words" (Biber and Conrad 1999: 181). Some examples in the legal sector are: *as laid down in*; *having regard to*; *hereinafter referred to as* and many others. Therefore, non-native speakers (NNS) are also confronted with the challenges of complex phrasal constructs, which

would represent natural hindrances *per se* (Biber & Conrad 1999: 188). For these reasons, it is possible to infer that legal jargon is not L2 learner-friendly.

2. The Web as Corpus and Online Corpora: Literature Overview

Some scholars claim that "the corpus of the new millennium is the Web" (Kilgarriff 2001: 343), because "language is at the heart of the Internet" (Crystal 2006: 271). A corpus (plural: corpora) is a collection of texts of "naturally-occurring language" (Sinclair 1991: 171) in an electronic format, which is consulted in order to understand how language is used. For example, one of the advantages of using the Internet as corpus is the fact that it provides both qualitative and quantitative evidence of attested usage (Rosenbach 2007: 168). However, the Web itself cannot be considered as corpus in the traditional sense of the word, because it is a "sprawling, gargantuan, inexhaustible entity" (Gatto 2014: 2), whose data are ever-changing, overwhelmed by duplicates and too dynamic to be fully relied on. To this highly-debated question, however, some scholars reply by arguing that the constantly flowing water of a river shares the same fate, which, however, does not prevent it from being tested (Kilgarriff 2001: 343). Therefore, if scholars wish to query terms on the Internet, they would need to use a commercial search engine such as Google and some common sense. It is argued, in fact, that most of the Internet users look for terms lazily and naively; consequently, they tend to misuse the Web as a linguistic resource (Battelle 2005: 23-25; Gatto 2008: 53; Gatto 2014: 79). Therefore, a cautious approach should always be adopted when submitting queries and interpreting results. As a matter of fact, "webidence", or "Web as linguistic evidence" (Fletcher 2007: 36 also quoted in Gatto 2008: 58 and Gatto 2014: 87); i.e., high matches (or hits) simplistically and mistakenly considered as evidence of attested usage, is very likely to lead inexperienced users astray. It is claimed that "Googleology is bad science" (Kilgarriff 2007: 1), because the number and type of matches are not consistent over time. Furthermore, commercial search engines are not designed

for linguistic purposes (Gatto 2008; Gatto 2014: 75), as they normally find "contents, not linguistic forms" (Ferraresi 2009: 2). What is also criticised about the Web as corpus and the use of Google to explore it linguistically, is the fact that Google is a "poor concordancer" (Sharoff 2006: 64). A concordancer is a programme which retrieves and displays data from a given corpus for further analysis (Gatto 2014: 18). A concordancer shows concordance lines, which are instances of sentences containing the term(s) in question, displayed and ordered in a manner suitable for readers (Gatto 2014: 9). It goes without saying that Google cannot provide concordance lines in a such a way to carry out systematic and organised linguistic analyses. Furthermore, Google shows neither collocations nor colligations, which are important linguistic aspects. Collocations concern "patterns of usage" (Gatto 2014: 29-30) and refer to the likelihood of co-occurrence of lexical items (Lehecka 2015). Colligations, instead, regard the co-occurrence of syntactic categories, or better the "occurrence of a grammatical class or structural pattern with another one, or with a word or phrase" (Sinclair 2003: 173). Therefore, "what collocation is on a lexical level of analysis, colligation is on a syntactic level" (Römer 2005: 13). As can be seen, the linguistic richness of a text can be multifaceted; consequently, specific tools of analysis are mandatory. In this respect, by using Google advanced search, queries can be quite precise. For example, the Boolean operators OR, AND, NOT (Gatto 2008: 55) allow to include or exclude terms from the search. By searching exact phrases within inverted commas (e.g. *"contract termination"*), it is possible to narrow the search down to specific words in a given sequence. Furthermore, it is possible to instruct Google to search only within a given domain by using the command *site:*, or to exclude other domains, by using the command *site:-*. As can be seen, Google can be "a versatile tool for various forms of empirical language research" (Bergh 2005: 34).

For these reasons, Web concordancers have been developed, which explore the Web linguistically and consider it as corpus. One of these, is the Leeds (Wilson *et al.*2010). The Leeds has the advantages of providing instances of language use from the Web in a form which is suitable for linguistic analysis (Gatto 2008: 80). For instance, it generates viewer-friendly concordance lines showing the searched term in a bold character. Furthermore it is provided with POS (part of speech) annotation. Annotation

is "adding interpretative linguistic information to a corpus" (Leech 2005: 25). In practice, POS tagging indicates the word class of each word. This makes search easier but most of all, it helps find collocations and colligations. Another important feature, is the search for lemmas. A lemma (or headword) is "a set of lexical forms having the same stem and belonging to the same major word class, differing only in inflection and / or spelling" (Francis and Kučera 1982: 1). For example, *terminate* is the headword of *terminating, terminated* and *terminates*. Nonetheless, given that the Leeds is grounded in the Web, it shares the same shortcomings (Gatto 2008:99; Gatto 2014: 107); namely, the volatility of the data retrieved. Furthermore, in the Leeds, it is not possible to narrow the search down to specific domains.

In view of the argumentation provided, it could be claimed that the Web might be too vast and disorganised to provide scholars/learners or translators with the right legal terminology and translation equivalents. For this reason, in order to either corroborate or confute this claim, an online specialised corpus will be addressed: the COCA (Corpus of Contemporary American English) (Davies 2008; Davies 2010), in particular its Academic Law Political Science (Acad-LawPolSci) sub-corpus (8,600,386 words).

In light of the above, this paper is aimed at exploring whether the Web and Web corpora can be reliable tools to help scholars unfold the many layers of the language of the law. In order to do so, the Web will firstly be considered as corpus and investigated by means of Google commercial search engine and a Web concordancer. Afterwards, the COCA will be queried in order to verify whether it can provide useful insights into legal language and help scholars/learners and translators deal with its complexity.

3. Analysis of The Web as Corpus and Web Concordancers

As stated above, the complexity of legal language constructs cannot go unnoticed to L2 learners, as meticulous scholars and translators likely to find the specific jargon rather difficult. For this reason, it could be argued that commercial search engines and Web

concordancers are not suitable for legal linguistic research because they tend to be too vast and unspecific. This paper will explore whether this claim is actual or not. As a matter of fact, the "vexed question" (Tognini-Bonelli 2001: 57) of the representativeness of a corpus is of paramount importance when carrying out linguistic analyses and searching for terms (Sinclair 2005). Although it is self-evident that the whole Web is representative *per se*, it cannot be denied that, as claimed above, it is by far too vast and disorganised to allow clear-cut linguistic analyses. Therefore, if on the one hand commercial search engines might be rich in any kind of unmethodically organised legal terms, on the other hand, legal corpora might be scarce in highly specialised terminology. For instance, one might argue that it is difficult to explore the differences between *rent* and *hire* or *tribunal* and *court* in any given legal corpus, especially if not large. In this respect, however, the literature claims that highly specialised corpora are generally small but, nevertheless, accurate (Aston 1999; Granger 2013: 11).

This paper will hence explore to what extent the Web can be a reliable source of legal terminology and, at the same time, whether online corpora can be consulted for highly-specialised term search. In practice, it will try to find the right balance between managing overwhelming data and finding highly technical terms.

3.1. Google

The literature abounds in guidelines and suggestions on how to write queries in commercial search engines (Baroni & Bernardini 2006; Gatto 2008; Zanettin 2012; Gatto 2014). For example, in Google it is advisable to use the advanced search or at least to narrow the search down by using inverted commas in order to look for exact phrases. It would also be sensible to search only in reliable domains (for instance: .gov.uk or .gov) and eschew non-native websites. Very insightful is also the wildcard character (*), which allows to search for unspecified words in a given sentence or phrase. Finally, the Boolean operators (AND, OR, NOT) could be used effectively.

The following pages will show how to make legal queries fruitful by using Google.

Google_Example 1

It is argued that collocations are difficult to learn by NNS, because "their inherent fuzziness makes them difficult objects for language teaching" (Sinclair *et al.*2004: xxiv). Therefore, it could be interesting to investigate the verbs which collocate with *agreement* and *contract*. In order to do so, the search strings would be *" * a contract"* and *"to * an agreement"*. Interestingly enough, in the first case the following results would be retrieved: *to award a contract, to enter into a contract, to execute a contract, to draw up a contract, to end a contract, to make a contract*; whereas in the second: *to have an agreement, to reach an agreement, to find an agreement, to come to an agreement, to execute an agreement*. At this point, the distinction between *contract* and *agreement* could also be made clear by writing, for example: *define: contract site:.businessdictionary.com* and *define: agreement site:.businessdictionary.com*.

Google_Example 2

As suggested by the literature, also colligations are worthwhile exploring (Sinclair 2003; Römer 2005; Gatto 2014: 29-31). For instance, law scholars/learners might be intrigued by the syntactic categories which precede and follow the words *virtue*, or *derogation* which form recurrent, formulaic legal lexical phrases. A good way to discover such colligations would be by writing the following strings: *"* virtue *"* and *"* derogation *"*. However, in order to make the research more adherent to the legal sector, the query should be restrained to legal domains, such as .justice.gov.uk, which corresponds to the British justice domain. Therefore, the search strings could be *"* virtue *" site:.justice.gov.uk* and *"* derogation *" site:.justice.gov.uk*. In the first case, the lexical phrase *by virtue of* prevails; whereas in the second, lexical and non-lexical phrases appear: *a derogation under, a(ny) derogation from, new derogation for, operational derogation that, designed derogation order, unless derogation has been agreed*. It is self-evident that in this case, a thorough cross-analysis with other linguistic tools (such as dictionaries, Web concordancers or specialised corpora) would be called for, in order to find an unequivocal match, if any.

Google_Example 3

It is argued that NNS might be puzzled about noun pre or post-modification (Gatto 2008: 61-64; Gatto 2014: 96). For example, it might be wondered whether the chunk *employment contract* is more common than *contract of employment*. If one wishes to follow Gatto's advice (2014: 98) and search only in Google Books, for example, the following string could be typed: *"employment contract" Google Books* and *"contract of employment" Google Books*. Then, it would be possible to decide on the basis of the number of matches. In the first case, more than 100,000 matches would be retrieved; whereas in the second only 28,100. It goes without saying that the first bundle is more common. At this point, however, it would be interesting to verify whether the results are corroborated by other English-speaking domains. In order to do so, the following strings could be written: *"employment contract" site:.ie* and *"contract of employment" site:.ie*. In the first case, approximately 27,000 matches would be retrieved; whereas in the second 40,000. This is a case where results lead to discrepancies. Therefore, further linguistic investigations should be called for.

Google_Example 4

This example will address a translation issue. In particular, translation candidates of the Italian *foro competente* will be searched by relying on Google. It is self-evident that the words *"foro competente" English* could be typed to find a translation equivalent. However, if one wishes to be accurate, reliable alternatives should be found. First of all, the word *competente* could be looked up in any online Italian-English dictionary and the word *competent* would be found. Then, the domain *tribunalsdecisions.service.gov.uk* could be chosen in view of its (supposed) targeted content. Hence, the search string is as follows: *"competent *" site:.tribunalsdecisions.service.gov.uk*. Unfortunately, the search would not provide clear-cut results: *competent authority, competent representative, competent doctors, competent under national Law, competent solicitor, competent manner* and *competent court*. The latter could be a possible translation candidate, but its occurrences are too low to be taken for granted (i.e., only 1). Therefore, other search must be undertaken. It would be advisable to exploit the Italian fixed collocation *legge applicabile e foro competente* and opt

for a calque (Longinotti 2009: 29; Scarpa 2014: 233) of *legge applicabile*, which is *applicable law*. At this point, the search string could be the following: *"* and applicable law"* or *"applicable law and *"*. The results are striking, as most of the phrases retrieved are *jurisdiction and applicable law*, which can be considered a perfect translation candidate of *legge applicabile e foro competente*. Hence, *foro competente* means *jurisdiction*.

These examples proved that, to some extent, commercial search engines can help find not only legal terms, but also collocations, colligations and translation candidates. It goes without saying that many are the shortcomings. First of all, as claimed by the literature, the volatility of the information retrieved (Gatto 2008; Gatto 2014: 191), which heavily relies upon the existence or non-existence of (private or public) Websites. Secondly, the fact that translation candidates, collocations and colligations are not easy to find: one must formulate the query correctly, otherwise overwhelming and unreliable information would be retrieved. Thirdly, commercial search engines provide neither a word frequency list, nor recurrent collocations. Lastly, it is not possible to formulate a query which would help find, for example, the adjectives or verbs which precede or follow a noun. This is what POS (part of speech) tagging would perform, but it is self-evident that the whole Web cannot be furnished with annotation.

In view of these shortcomings, it is now interesting to verify whether Web concordancers such as the Leeds can address them. The next pages will deal with examples which will not only overcome issues, but will also raise some questions.

3.2. The Leeds

The Leeds (Wilson *et al* .2010) is a Web concordancer which uses annotation (or POS tagging). In practice, apart from the standard term search, in the Leeds it is possible to investigate which syntactic categories follow a specific verb, or a noun, etc. POS tagging obviously entails knowing the tag (or abbreviation) which corresponds to each part of speech. A list of the tags is provided in the Leeds Website; therefore, tagging is straightforward. The interface also

arranges the searched terms in concordance lines and shows the *urls* which generated them. It is possible to obtain collocates, whose span (or desired position) can be selected (e.g. within 2 words before and after the searched term). Furthermore, in order to find words or terms between two, it is possible to write two dots between the words in question; whereas lemmatization is instructed by using the symbol %.

Leeds_Example 1

As in Google_Example 1, it could be interesting to verify which verbs and determiners precede *contract*. In order to do so, the search string is as follows: *[pos="VV.*"] [pos="DT"] contract*. Some of the results are the following: *finalise a contract, locating the contract, view the contract, accepted the contract, approve this contract, argue that contract, awarded a contract, breached the contract, end the contract, enforced the contract,* etc. As can be seen, some terms are similar to the ones found in Google_Example 1 above. This, however, comes as no surprise, given the fact that the Leeds is a Web concordancer; i.e., it is rooted in the Web.

Leeds_Example 2

It is argued that a contract cannot be *terminated* by *default* or *breach* (Giampieri 2016a), where *default* and *breach* are consequences of the non-payment by a party. In such a case, in fact, a contract is *cancelled*, not *terminated* (UCC 1972; Giampieri 2016a). It would be interesting to investigate whether the lemma (or headword) *terminate* collocates with *default* and/or *breach* in the Leeds. The search string could be written as follows: *[lemma="terminate"] .. default* or *terminate% .. default*. The results are interesting, as only two concordance lines are retrieved, which, however, are unrelated to legal matters. Table 1 here below shows the concordance lines obtained.

Table 1: Concordance lines of the search *[lemma="terminate"] .. default*.

) certificate cannot be found) the session will also be [*sic*.]	**terminated.**	The default is never. 6.4 slapd. c onf Backend Directives [*sic*.]

on the number of backtracks allowed before a search is	**terminated (**	default: 125). The limit prevents some legitimate,

By following the same search syntax, it is possible to investigate whether the lemma *terminate* collocates with breach. In such a case, no concordance lines would be retrieved. Hence, literature findings (UCC 1972; Giampieri 2016a) are underpinned.

Leeds_Example 3

The nouns and verbs *rent* and *hire* are considered synonyms by many bilingual dictionaries and translated *affitto* or *locazione* indistinctly. In order to better grasp their differences, it would be useful to search for their collocates. The query should be formulated in order to search for nouns which collocate with *rent* and *hire* within a span of 4 words. Table 2 highlights how to formulate the query.

Table 2: Search for collocations of *hire*

Search query	hire
Context	4 words on the left 4 words on the right
POS tag of the collocate	NN.* POS tags

Note: The tag *NN.** means "any noun".

The same can be repeated for *rent*. Table 3 reports some of the collocations of *hire* and *rent*.

Table 3: Noun collocates of *rent* and *hire*.

Collocates of *rent*	Collocates of *hire*
rent ~~ car	hire ~~ company
rent ~~ property	hire ~~ employee
rent ~~ apartment	hire ~~ someone

rent ~~ month	hire ~~ staff
rent ~~ payment	hire ~~ people
rent ~~ house	hire ~~ car
rent ~~ disclaimer	hire ~~ lawyer
rent ~~ tenant	hire ~~ employer
rent ~~ landlord	hire ~~ consultant

From Table 3 above, it is possible to infer that *rent* collocates with immovable goods (*property, apartment, house*). In particular, the last two words (*tenant* and *landlord*) describe the people involved in house letting. *Hire*, instead, collocates with people and in particular with the world of work (*employee, people, employer, staff, lawyer, consultant*). It would be possible to guess that *hire* refers both to people who work for a company on a stable basis (*staff, employee*) and people who work independently on a case-by-case basis (*lawyer, consultant*). Finally, both *hire* and *rent* collocate with movable goods (*car*).

Leeds_Example 4

The online English-Italian Collins dictionary translates both *tribunal* and *court* as *tribunale*. In order to explore the differences between these two terms, it might be useful to search for collocates. In order to make the research as broad as possible, collocations should be searched up to 4 words before and after the term in question. Unfortunately, function words (or grammatical words, such as determiners: *the, a, an, this, his, her..*) cannot be excluded. Table 4 here below shows how to formulate the query.

Table 4: Search for collocates of *tribunal*.

Search query	tribunal
Context	4 words on the left 4 words on the right

After excluding the function words, the collocations of *tribunal* are the following: *military, crime, war, international,*

employment, competent, independent, Hussein, industrial, Hague; whereas the words which collocate with *court* are: *appeal, district, federal, order, case, ruling, rule, decision, trial, state, judge, supreme*. Therefore, it can be inferred that *tribunal* is a term used for specific purposes (*military, international, crime, war, employment*); whereas *court* is the term commonly used to describe the place where justice is governed. Furthermore, it is apparent that *court* is used in North American (*federal*, *state*).

In light of these examples, it can be claimed that the Leeds is a useful tool to explore language patterns. The POS tagging, for example, is particularly insightful. Nonetheless, the Leeds is grounded in the Web and it is not based on a legal corpus. Furthermore, the fact that domains cannot be selected makes search quite random and unspecific.

In light of the above, it can be stated that the Leeds is an effective language aid, especially if used in conjunction with other tools, such as Google search and dictionaries. Nonetheless, it might not completely fulfil the eagerness for learning of legal scholars as it does not always address the legal language specificity. Furthermore, the Leeds is not provided with a site-restriction function, which makes its results quite unspecific. For these reasons, legal scholars may find online specialised corpora more useful

3.3 Analysis of an Online Specialised Corpus: the COCA

The COCA (Corpus of Contemporary American English; henceforth COCA) is a corpus organised in many sub-corpora. The law section relies on an Academic Law and Political Science sub-corpus (8.6 Mln words approximately). It is provided with POS tagging; hence, queries and results can be extremely precise. In the COCA it is possible to obtain concordance lines, collocates and KWiC (key words in context, Sinclair 2003: 176; Bergh 2005; Wilson *et al.* 2010; Zanettin 2012; Gatto 2014). The POS function can be applied both to the search term and to its collocate(s), which makes the search particularly versatile and the results very accurate. Furthermore, the position of the collocate(s) can be chosen. Finally, the wildcard

character "*" can be used to search for lemmas. Many others are its features and the literature abounds in examples and guidelines on how to exploit its full potential (Davies 2008; Davies 2010). For reasons of space, however, the following pages will focus on some of its main features.

COCA_Example 1

It would be useful to understand the differences between *liable for* and *liable to*, which seem to be similar. A good way to proceed, is by generating and analysing concordance lines. Therefore, from the menu tab we select *List* and type *liable for* in the field. By selecting the Acad-LawPolSci sub-section and clicking on *Find matching string*, 178 concordance lines would be retrieved, such as *was held liable for tort damages; liable for alleged flaws in communicating information; hold manufacturers liable for the external risks*. When searching for *liable to* by following the same methodology, 57 concordance lines would be retrieved, such as *liable to trigger procedural defects; liable to be a long process; liable to forget important points*. From the concordance lines obtained, it is possible to infer that *liable for* means *legally responsible for*; whereas *liable to* means *likely to*. Hence, the first one is more frequent in legal texts, which is also underpinned by the higher matches.

COCA_Example 2

Leeds_Example 2 proved that the lemma *terminate* does not collocate with *default*. It would be sensible to verify this in the Acad-LawPolSci section of the COCA. To this aim, we choose *Collocates* from the menu tab, write *terminat** in the *Word/phrase* field and *default* in the *Collocates* field. No concordance lines are generated. However, in Leeds_Example 2 it was claimed that *breach* is a synonym of *default*. It would make sense to write *breach* instead of *default* in the *Collocates* field. Strangely enough, no hits are found in the Acad-LawPolSci sub corpus, but one is retrieved from a Magazine section: *claiming wrongful termination, breach of contract*. One might argue, however, that this is not a reliable source of legal terminology.

COCA_Example 3

Google_Example 3 revealed that with the words *employment* and *contract*, pre-modification (*employment contract*) prevailed over

post-modification (*contract of employment*). It would be interesting to verify whether the COCA corroborates Google findings. In order to do so, we use the *Collocates* function and write *employment* in the *Word/phrase* field and *contract* in the *Collocates* field. With the view to narrowing the search down, the word span is restricted to 2 words before and 1 after the term in question. 14 concordance lines with *employment contract* are retrieved and only 3 with *contract of employment*. Hence, Google Books findings are corroborated. This, however, does not imply that *employment contract* is *per se* the most used phrase. A corpus, in fact, "can only tell us what is or is not present in the corpus" (Bennet 2010: 3).

COCA_Example 4

Leeds_Example 3 highlighted the differences between *rent* and *hire* by showing their collocates. It could be useful to explore them in the Acad-LawPolSci section of the COCA. By typing *rent* in the *Word/phrase* field and hitting the button, the system automatically types an asterisk in the *Collocates* field. Some of the collocates retrieved are: *seeking, pay, risk-free, tenants, extraction, less, market, landlord, reflects, charge, space, fully, land, office, apartment, costs, room, two-bedrooms*. Some of the collocates of *hire* are, instead: *you, lawyer, firms, attorney, refuse, fire, workers, want, employers, him, applicant, temporary*. Hence, the COCA results corroborate Leeds findings; i.e., that *rent* collocates with immovable goods (and, again, with the two main parties of a tenancy agreement; i.e., *landlord* and *tenant*); whereas *hire* collocates with people and professionals. There is no mention of movable goods, instead.

As could be seen, the COCA is a reliable legal language tool, which provides useful information on both general and highly specialised legal matters. Furthermore, it can be used in conjunction with other linguistic resources (such as dictionaries and Web concordancers) in order to corroborate legal language pattern

4. Conclusions

Legal language is hallmarked by complex constructs which makes it very different from any other technical language (Tiersma 1999; Tiersma & Solan 2012; Williams 2004, 2011). The path to deepen

the knowledge of legal English is, hence, treacherous and L2 scholars and translators are called on painstaking activities in order to learn the peculiarities and the formulaic, fixed terms of the language of the law. Nonetheless, the Web and online corpora could be helpful, although some precautions should be taken in order avoid naïve Internet search or unfruitful page consultations (Battelle 2005: 23-25; Gatto 2008: 53). The literature provides instances on how the Web, Web concordancers and online corpora can be valid alternatives (and supplements) to dictionary search in language learning and translation (Kilgarriff 2001; Baroni & Bernardini 2006; Zanettin 2012; Gatto 2014). Hence, this paper was aimed at exploring how the Web could be used as corpus for legal purposes. In addition, it highlighted how specialised corpora could be a reliable resource to help dissipate linguistic doubts. In particular, it investigated how cross analyses and targeted search could help eager law scholars and translators overcome language hindrances. To this aim, Google structured queries were firstly tackled and it was underpinned how, by narrowing search down and restricting domains or searched terms, it became a useful language tool. Nonetheless, Google reliability could not always be taken for granted (see Google_Example 2 and 3). Therefore, other online tools needed considering. A Web concordancer such as the Leeds (Wilson *et al.*2010), for instance, proved to be satisfactory, albeit sharing the volatility which is typical of commercial search engines. The Leeds was a practical tool provided with POS tagging and a Collocation search function, although it did not have any commands to exclude function words or to search for terms in specific domains. Nonetheless, if used together with other online tools, it proved to be fruitful, despite being based on the Web. In order to address these shortcomings, an online specialised corpus was also tackled: the COCA and its Acad-LawPolSci sub-corpus (Davies 2008; Davies 2010). The COCA provided an answer to every query, even the most specialised and intricate ones (e.g. COCA_Example 4: *rent* vs. *hire*). Therefore, it can be considered an effective language tool, in particular if used in conjunction with other resources, such as dictionaries, Google queries and Web concordancers.

In light of these findings, this paper claims that in their linguistic search, legal English learners/scholars and translators can be supported by the Web as corpus and online specialised corpora. However, this can take place as long as they are cautious

and forbearing enough to use an array of online resources and do not rely only on one linguistic tool.

References

Abate, Salvatore Claudio. 1998. *Il documento legale anglosassone*. [The Anglo-Saxon legal document]. Milan: HOEPLI.

Aston, Guy. 1999. "Corpus use and learning to translate", *Textus*, 12 (1999): 289-314. http://www.sslmit.unibo.it/~guy/textus.htm (accessed October 13 2018).

Baroni, Marco, and Silvia Bernardini. 2006. *Wacky! Working Papers on the Web as Corpus*. Bologna: Gedit. http://wackybook .sslmit.unibo.it/wackycontents.html (accessed October 13 2018)

Battelle, John. 2005. *The Search: How Google and Its Rivals Rewrote the Rules of Business and Transformed Our Culture*. Boston: Nicholas Brealey Publishing.

Bennet, Gena R. 2010. *Using corpora in the langauge learning classroom: corpus linguistics for teachers*. Michigan: University of Michigan Press ELT.

Bergh, Gunnar. 2005. "Min(d)ing English language data on the Web. What can Google tell us?", *ICAME Journal*, 29: 25-46.

Bhatia, K.L. 2010. *Textbook on legal language and legal writing*. New Delhi: Universal law publishing Co. Pvt. Ltd.

Biber, Douglas, and Susan Conrad. 1999. "Lexical bundles conversation and academic prose". In *Out of Corpora: Studies in Honour of Stig. Johansson*, ed. H. Hasselgard and S. Oksefjell, 181-189. Amsterdam: Rodopi.

Carter, Ronald A., and Michael McCarthy, J. 2006. *Cambridge Grammar of English*, Cambridge: Cambridge University Press.

Cobb, Tom. 2004. "The Compleat Lexical Tutor, v.4", *TESL-EJ*, 8.3, http://www.teslej.org/wordpress/issues/volume8/ej31/ej31m2/ ?wscr (accessed October 13 2018)

Coulthard, Malcolm, and Alison Johnson. 2010. *The Routledge Handbook of Forensic Linguistics*. Abingdon: Routledge.

Curzio, Stefano. 2014. *Tutela del patrimonio e Trust*. [Assets Custody and Trust]. Santarcangelo di Romagna: Maggioli Editore.

Crystal, David. 2006. *Language and the Internet. Second Edition*. Cambridge: Cambridge University Press.

Davies, Mark. 2008. "The Corpus of Contemporary American English (COCA): 520 million words, 1990-present", *Davies Mark*, 2008, http://corpus.byu.edu/coca/ (accessed October 13, 2018).

Davies, Mark. 2010. "The Corpus of Contemporary American English as the First Reliable Monitor Corpus of English", *Literary and Linguistic Computing*, 25, 4: 447-64.

De Groot, Gerard-René, and Conrad Van Laer, J. P. 2008. *The Quality of Legal Dictionaries: an assessment*. Maastricht: University of Maastricht.

Ferraresi, Adriano. 2009. "Google and beyond: web-as-corpus methodologies for translators", *Revista Tradumàtica*, 7, http://webs2002.uab.es/tradumatica/revista/num7/articles/04/0 4art.htm (accessed October 13, 2018).

Fletcher, William H. 2007. "Concordancing the Web. Promise and problems, tools and techniques". In *Corpus linguistics and the Web*, ed. M. Hundt, N. Nesselhauf and C. Biewer, 25-46. Amsterdam: Rodopi.

Francis, Nelson W., and Henry Kučera. 1982. *Frequency analysis of English usage: Lexicon and Grammar*. Boston: Houghton Mifflin.

Gatto, Maristella. 2008. *From body to Web: an introduction to Web as corpus*. Roma, Laterza.

Gatto, Maristella. 2014. *Web as corpus: Theory and Practice*. London: Bloomsbury.

Giampieri, Patrizia. 2016a. "A Critical Compartive Analysis of Online Tools for Legal Translations", *The Italian Law Journal*, 2.2: 445-461.

Giampieri, Patrizia. 2016b. "Is the European legal English legalese-free?" *Italian Journal of Public Law* 8.2: 424-440.

Granger, Sylviane. 2013. *Learner English on Computer*. Abingdon: Routledge.

Greaves, Chris. 2009. *Concgram 1.0: a phraseological search engine. CD-ROM*. Amsterdam: John Benjamins.

Kilgarriff, Adam. 2001. "Web as corpus". In *Proceedings of the Corpus Linguistics 2001 Conference*, ed. P. Rayson, A.

Wilson, T. McEnery, A. Hardie and S. Khoja, 342-344. Lancaster University.

Kilgarriff Adam. 2007."Googleology is bad science", *Association for computational linguistics*, 33.1: 147-151.

Laster, Kathy. 2001. *Law as Culture*. Sydney, The Federation Press.

Leech, Geoffrey. 2005. "Adding Linguistic Annotation". In *Developing Linguistic Corpora: a Guide to Good Practice*, ed. M. Wynne, 25-39. Oxford: Oxbrow Books.

Lehecka, Tomas. 2015. "Collocation and colligation". In *Handbook of Pragmatics Online*, ed. J.-O. Östman and J. Verschueren, 1-20. Amsterdam: John Benjamins.

Longinotti, Daniela. 2009. "Problemi specifici della traduzione giuridica: traduzioni di sentenze dal Tedesco e dall'Inglese" [Specific Problems of Legal Translation: Translation of Judgement from German and English]. *Quaderni di Palazzo Serra*. 17: 1-38. http://www.disclic.unige.it/pub/17/longinotti.pdf (accessed October 13, 2018)

O'Keeffe, Anne, Michael McCarthy, and Ronald Carter. 2007. *From Corpus to Classroom: Language Use and Language Teaching*. Cambridge: Cambridge University Press.

O'Keeffe, Anne, and Michael McCarthy. 2010. *The Routledge Handbook of Corpus Linguistics*. London: Routledge.

Renouf, Antoinette, and John Sinclair. 1991. "Collocational Frameworks in English". In *English Corpus Linguistics: Studies in Honour of Jan Svartvik*, ed. K. Aijmer and B. Altenberg, 128-144. London: Longman.

Römer, Ute. 2005. *Progressives, Patterns, Pedagogy: A Corpus-driven Approach to English progressive forms, functions, contexts and didactics*. Amsterdam: John Benjamins.

Rosenbach, Anette. 2007. "Exploring constructions on the Web: a case study". In *Corpus Lingusitics and the Web,* ed. M. Hundt, N. Nesselhauf and C. Biewer, 167-190. Amsterdam: Rodopi.

Rotman, Edgardo. 1995. "The Inherent Problems of Legal Translation: Theoretical Aspects", *Indiana International and Comparative Law Review*, 6.1: 187-196.

Scarpa, Federica. 2014. "L'influsso dell'inglese sulle lingue speciali dell'italiano" [The influence of English on Italian special languages], *Rivista internazionale di tecnica della traduzione*. Trieste: Edizioni Università di Trieste, 16.14: 225-243.

Sharoff, Serge. 2006. "Creating general-purpose corpora using automated search engine queries". In *Wacky! Working Papers on the Web as Corpus,* ed. M. Baroni and S. Bernardini, 63-98. Bologna: Gedit.

Sinclair, John. 1991. *Corpus Concordance Collocation*. Oxford: Oxford University Press.

Sinclair, John. 2003. *Reading Concordance: an introduction*. London: Longman.

Sinclair, John. 2005. "Corpus and Texts: basic principles". In *Developing Linguistic Corpora: a Guide to Good Practice,* ed. M. Wynne, 5-24. Oxford: Oxbrow Books.

Sinclair, John, Susan Jones, and Robert Daley. 2004. *English Collocation Studies: The OSTI Report*. London: Continuum.

Tiersma, Peter M. 1999. *Legal Language*. University of Chicago Press.

Tiersma, Peter M. and Lawrence M. Solan. 2012. *The Oxford Handbook of Language and Law*. New York: Oxford University Press.

Tognini-Bonelli, Elena. 2001. *Corpus Linguistics at Work*. Amsterdam: John Benjamins.

Uniform Commercial Code (UCC) Act 174 of 1962 § 440.2106. *Contract, agreement, contract for sale, sale, present sale; definitions of certain terms* http://legislature.mi.gov/doc.aspx?mcl-Act-174-of-1962 , web (accessed October 13, 2018)

Williams Christopher. 2004. "Legal English and Plain Language: an introduction", *ESP Across Culture*, 1: 111-124.

Williams, Christopher. 2005. "Vagueness in legal texts: is there a future for shall?". In *Vagueness in Normative Texts*, ed. N. Gotti, V. Bhatia, J. Engberg and D. Heller, 201-224. Bern: Peter Lang.

Williams, Christopher. 2011. "Legal English and Plain language: an update", *ESP Across Cultures*. 8: 139-151.

Williams, Christopher. 2013. "Changes in the verb phrase in legislative language in English". In *The Verb Phrase in English: Investigating Recent Language Change with Corpora*, ed. B. Aarts, J. Close, G. Leech and S. Wallis, 353-371. Cambridge: Cambridge University Press.

Wilson, James, Anthony Hartley, Serge Sharoff, and Paul Stephenson. 2010. "Advanced corpus solutions for humanities researchers". In *Proceedings of the 24th Pacific Asia*

Conference on Language, Information and Computation, ed. Ryo Otoguro, Kiyoshi Ishikawa, Hiroshi Umemoto, Kei Yoshimoto and Yasunari Harada, 769-778, http://anthology.aclweb.org/Y/Y10/Y10-1089.pdf (accessed October 13, 2018)

Zanettin Federico. 2012. *Translation-Driven Corpora: Corpus Resources for Descriptive and Applied Translation Studies*. London: Routledge.

Online Resources

COCA – Corpus of Contemporary American English: http://corpus.byu.edu/bnc

Collins Dictionary: https://www.collinsdictionary.com

Google Advanced Search: https://www.google.com/advanced_search

Leeds: http://corpus.leeds.ac.uk/internet.html

ADDRESSING THE NEEDS OF LAWYERS IN LEGAL ENGLISH: A COMPARATIVE STUDY IN FOUR EUROPEAN UNION COUNTRIES

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Abstract: The paper reports on a survey into the linguistic needs of law professionals in four European countries, with the aim of identifying their views on the importance and their use of foreign language skills as well

as their preferences for ELP course content. The data, obtained from a questionnaire survey of 536 legal professionals from Poland, the Czech Republic, Croatia and Germany, show that while the respondents agree on many of the major points, there are also some differences conditioned by the respondents' age and the specific tasks they perform in the legal profession. The article argues that these variables have to be taken into consideration in the LSP context because they determine some of the specific needs that need to be addressed in Legal English instruction. It is suggested that the findings about the lawyers' self-perceived importance and preferred styles of learning are highly relevant for LSP practitioners, particularly when designing Legal English programmes and testing materials.

Keywords: needs analysis, English for Legal Purposes (ELP), Legal English, English for Specific Purposes (ESP)

FORMUŁOWANIE POTRZEB PRAWNIKÓW W ZAKRESIE JĘZYKA ANGIELSKIEGO PRAWNICZEGO: STUDIUM PORÓWNAWCZE CZTERECH KRAJÓW EUROPEJSKICH

Streszczenie: Artykuł stanowi badanie potrzeb lingwistycznych osób wykonujących zawody prawnicze w krajach europejskich, w celu określenia ich poglądów co do ważności i użytkowania przez nich języków obcych oraz pod kątem treści kursów prawniczego języka angielskiego. Analizowane w artykule dane pochodzą z ankiety wypełnionej przez 536 prawników w Polsce, Czechach, Chorwacji i Niemczech. Wskazują one, że respondenci są zgodni w zakresie głównych kwestii, jednakoż istnieją wśród nich pewne różnice poglądowe, które zależą od ich wieku oraz określonych aktywności realizowanych w danym zawodzie prawniczym. W artykule podjęto polemikę nad faktem, iż takie różnice winny być uwzględnione w zakresie nauczania języków specjalistycznych, ponieważ identyfikują określone potrzeby i z tego względu należy je brać pod uwagę w nauczaniu prawniczego języka angielskiego. Autorki sugerują, że wskazania indywidualnej oceny roli języków obcych i preferowanego stylu uczenia się powinny być aplikowane podczas opracowywania programów nauczania i oceny języka specjalistycznego, a szczególnie języka prawniczego angielskiego, kierowanego do prawników.

Słowa kluczowe: analiza potrzeb, prawniczy język angielski (ELP), prawniczy angielski, specjalistyczny język angielski (ESP)

1. Introduction

In conditions of globalization and business and political associations worldwide, lawyers are faced with new challenges, primarily those including the necessity to communicate with other legal professionals. As English has become the lingua franca of international communication, the globalization and internationalization processes inevitably influenced lawyers' needs within Legal English as a vehicle of communication in their profession. In that context, this paper focuses on determining the needs and preferences of lawyers in four European countries: Germany, Croatia, Poland and the Czech Republic in Legal English by using needs analysis methodology.

According to the Oxford dictionary[1], needs analysis is defined as the systematic analysis of the particular needs of an individual or institution that is mostly applied in education or management. In educational contexts, needs analysis is understood as a systematic collection and analysis of the target situation needs, its aim being to point at a desired final destination of the course and syllabus design (Hutchinson and Waters 1987: 54). Needs analysis is generally perceived as the foundation for the development of LSP (Languages for Specific Purposes) programs (Swales 1990; Robinson 1991; West 1994; Jordan 1997; Dudley-Evans and St John 1998; Deutch 2003; Jeong 2005; Cowling 2007; Songhori 2008; Kassim 2010; Wozniak 2010; Akbari 2011; Tsao 2011; Lockwood 2012). Although there are some scholars (Benesch 1996; Spratt 1999; Basturkmen 2006) who present a critical approach to needs analysis, questioning its objectivity and reliability and the fact that it may serve the interests of the institutions at the expenses of learners or that the perceptions of needs differ and are frequently contradictory, the value of needs analysis cannot be underestimated. As many academics (Bacha & Bahous 2008; Songhori 2008; Sierocka 2014; Chovancová 2014) highlight, a needs analysis contributes to a great extent not only to effective LSP syllabus design and course development but also to its implementation and assessment. By participating in needs analysis, the target group of students

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[1] https://en.oxforddictionaries.com, 13.9. 2017 at 22:53

(course attendants) is encouraged to take active roles in determining goals and particular contents of their own learning, an approach which Hyland describes as "negotiated syllabus" (2009: 208). There are numerous sources that may be of use to collect the data for needs analysis. They encompass the present and former students, people working and / or studying in the domain, employers, clients, colleagues or other researchers (Chovancová 2013). The most popular means and techniques of data collection are outlined by Jordan (1997: 30–39) and include, for example, surveys and questionnaires, language tests, structured interviews, case studies or evaluation / feedback forms. The research presented in this paper is founded on the needs analysis carried out in four European countries on a large sample of respondents.

2. Purpose and context of the research

As indicated in the introduction to this paper, being able to communicate effectively with other people in the legal profession is of paramount importance and particularly so when working in an international environment. Thus, there is the continuous need for the university to produce law graduates who are best equipped with knowledge, skills and competences that are most valuable for the prospective profession, making English for Legal Purposes (ELP) instruction attractive and motivating as well. Consequently, perceptions of legal professionals in that respect, who, in any case, are some of the stakeholders in the process should be taken into consideration while planning the curriculum and developing and/or testing materials.

The aim of the research project was to identify the perceptions of European legal professionals on the importance of particular linguistic skills (i.e. reading, writing, speaking and listening) or areas of language use and the methodology implemented (i.e. learning strategies or aids) as well as preferences for ELP course content. The research was conducted in four European countries (Croatia, the Czech Republic, Germany and Poland) in 2014 and 2016, when Legal English teachers from

these four countries worked together on planning and developing an Erasmus+ project initiated by the Faculty of Law of the University of Bialystok (Poland). Although the countries participating in the research differ in their population number and historical legal development, they are connected by similar legal traditions founded in continental civil law system and by the fact that significant changes have been introduced in their respective legal systems following accession to the European Union. In that context, the findings of this research can be a relevant contribution in the sphere of LSP theory and practice. Although the results of the research cannot be taken as representative of Europe as a whole, they do serve as a relevant and reliable basis in curriculum development and designing teaching and testing materials in Legal English in the four countries featured. The questionnaire used for gathering data was administered offline and online. Accordingly, due to the methodology applied, we were not able to target respondents of the same age, so discrepancies regarding the number of respondents and their age occurred between the four countries. The authors are of the opinion that the differences in number of respondents do not disturb the statistical significance of the sample, if we take into account the fact that the population number differs significantly between the four countries, especially between Poland and Croatia – the two countries with the greatest difference in sample. Whether the respondents' age represents a significant variable of the research will be established by comparing the results in the German sample with those of the other three countries since, on average, German respondents tended to be older than those in Croatia, Poland and the Czech Republic.

3. Research methodology

3.1. Sample

The sample for the study comprised 536 legal professionals who were the target group for this research. For the purposes of the research, it is assumed that a *legal professional* is an adult professional involved with legal English as a factor of his/her work, i.e. graduate lawyers employed in law firms, prosecution, public administration, the judiciary and other branches of the legal profession. The Croatian sample consisted of 62 legal professionals comprising 27 attorneys, 6 judges and court staff, 8 clerks, 5 legal advisors, 9 interns and 7 other legal professionals (mainly academic staff). The German sample group encompassed 80 legal professionals including 12 judges, 65 attorneys and solicitors and 3 prosecutors. The sample group from the Czech Republic, the most varied of the four countries, consisted of 103 legal professionals comprising 22 attorneys, 21 legal advisors or solicitors, 11 interns, 9 professionals involved in teaching or research, 9 civil servants, 6 in-house lawyers, 3 bailiffs, 2 students, 2 paralegals, 2 mediators and 2 law graduates who at the time of survey were currently on maternity leave. The rest of the sample included respondents who believed they do not belong to any of the above-listed categories and described themselves e.g. as a businessman, a financial auditor, a head of strategic procurement, a legal specialist in clinical trials or unemployed. The Polish sample comprised 291 legal professionals including 48 attorneys, 68 legal advisors, 74 judges and court staff, 25 notaries and 76 civil servants. The age ranged from newly-qualified lawyers of 23 years of age to those who were over 65. The respondents were not asked to declare their perceived language proficiency as without reliable testing, this information would have little if any validity. They were, however, presumed to have at least a working knowledge of English. Structural diversity of the four samples is caused by the methodology used and the time in which the data were collected in each country. This represents one of the limitations of the research in that

the results obtained might not be easily generalizable. However, they are comparable and can be indicative for European countries of a similar legal and political background.

3.2. Research instruments and research questions

The research project assumed a qualitative and quantitative methodology encompassing a questionnaire (hereto appended), which was administered locally by the authors in their own teaching environment either offline (paper version distributed during Legal English courses) or online in such manner that enabled the authors to first canvass and then maintain contact with local lawyers available online, as well as e-mail contacts available at the respective local higher education institution that the authors of the paper are employed in. Due to the online methodology used for collecting the data, it was not possible to influence how many respondents we shall have from different professional fields.

The research questions referred to the following aspects:

• general objectives legal professionals wish to achieve from a Legal English course,
• the skills considered most useful to them in their respective domains,
• the course content (the coverage of particular legal domains and the role of grammar and vocabulary),
• teaching and learning strategies and methods which are most efficient while learning Legal English,
• the reasons for their learning Legal English.

Specific questions included in the questionnaire were as follows:

• *What* would *legal professionals like to achieve during the Legal English course?*

- *Which specific objectives within the four skills (listening, reading, speaking and writing) are the most important to them?*
- *Which particular discipline of law is the most useful for legal professionals?*
- *What is the role of grammar in such a course?*
- *Which skill/skills is/are the most helpful for them while learning a foreign language?*
- *What is the most important element of Legal English learning?*
- *What aid/aids is/are the most helpful in the process of foreign language (including Legal English) learning?*
- *What do legal professionals need Legal English for?*

The data indispensable to answering the questions are both quantitative and qualitative in character and were collected by means of the needs analysis questionnaire completed by all respondents. The questionnaire was administrated offline (by distributing paper copies of the questionnaire) and online. As before mentioned due to the online methodology used for collecting the data, it was not possible to influence the number of respondents we could attract from different fields of the legal profession and likewise we were unable to target respondents of the same age, so inconsistencies regarding the number of respondents and their age are apparent between the four countries. The authors are of the opinion that the differences in number of respondents do not decrease the statistical significance of the sample, if we take into account the fact that the population number differs enormously between the four countries, especially between Poland and Croatia – the two countries with the widest difference in sample. Whether the respondents' age represents a significant variable of the research may be established by comparing the results in the German sample with those of the other three countries, as on average the German respondents were generally older than those in Croatia, Poland and the Czech Republic.

In the main part of the paper, the data gathered are interpreted, compared and analysed with respect to similarities and differences in the opinions of the respondents from each

of the four countries. In the analysis the Chi-square test is used to establish significant statistical difference between the answers of the respondents from the four countries. Finally, the results are discussed with specific reference to limitations of the research and conclusions drawn.

4. Results of the study

4.1. Croatia

4.1.1. General objectives

Croatian respondents comprised 62 legal professionals of younger generation, most of them being between 23 and 34 years age. They assessed developing the skills necessary to communicate with other people within their profession as the most important objective of a Legal English course (68%). Being able to establish and maintain relationships through the exchange of information was ranked as second (61%). Other general objectives of Legal English teaching do not seem to be very important to Croatian lawyers (selected by 20% of respondents and less).

4.1.2. Most useful skills

All language skills are seen as important by Croatian respondents. However, the speaking skill is highlighted as the most important by most (85%), followed by writing (56%), reading (47%) and listening (44%). When talking of specific objectives within each of these skills, we can say that Croatian respondents are very decisive and confident in their choice, as specific objectives were in most cases selected by an overwhelming majority of them. Thus, for example, in the field of writing, almost all respondents (94%)

selected formal correspondence as the crucial specific objective. Drafting pleadings and statements of cases was assessed as an important objective by 52 % of respondents, while writing reports, proceedings, notices, memos, etc. was third in rank, chosen by 48 %. As for the specific objectives in the field of speaking, the respondents were confident that public speaking (giving lectures, presentations, public speeches, etc.) was the most useful skill to master (selected by 73% of the respondents). Abilities to negotiate and to express agreement or disagreement were assessed as second in rank, being chosen by 63 % of the respondents. In the field of listening, listening for detail was underlined as the most important and most useful skill by the majority of respondents (85%). Listening to public statements was ranked second, chosen as crucial by 63% of the respondents, followed by understanding telephone conversation (55%). In terms of reading, Croatian respondents were decisive that understanding authentic materials (both in reading for gist and for detail) represented the most desired objective (92%). Accordingly, improving and revising vocabulary based on authentic materials was also assessed as both important and useful (76% of respondents), while searching for and understanding particular information was third in rank, chosen by 52% of respondents.

4.1.3. Course content

The course content in a wider sense in the light of needs analysis comprises teaching foreign language (grammar, vocabulary and pronunciation) through specific content areas – here the field of law. Mastering grammatical knowledge is an important element in (professional) communication in a foreign language. Most of the Croatian respondents (58%) expressed the opinion that only essential grammatical structures should be revised in a Legal English course, whereas 39% thought grammar should be revised thoroughly. Interestingly, 94% considered teaching vocabulary as a crucial element of a Legal English course. As for specific domains in which legal terminology and phraseology should

be acquired, they gave priority to civil law (73%) and European law (58%). Third position was shared equally by commercial law and contract law (50% each). Other preferences were obviously influenced by the respondents' specific field of work, as other legal disciplines were selected by less than 20% of the respondents.

4.1.4. Teaching and learning strategies and methods

As stated previously, the Croatian sample group selected speaking and then writing as crucial linguistic skills. These skills should be developed by using different methods and linguistic tools focused on acquiring legal vocabulary (claimed by as much as 94% of the respondents) within specific (preferred) disciplines of law. When speaking about strategies and methods that might be helpful in achieving that goal, most Croatian respondents (85%) highlighted working with a native speaker as most helpful, and, similarly, working as a lawyer in foreign language environment was classified second in rank (68%). The answers referring to written or audio-visual media as aids in teaching/learning Legal English were chosen by less than 20% of respondents in each case.

4.1.5. Reasons for learning Legal English

Most of the Croatian respondents expressed the opinion thatmastering Legal English is necessary to improve their skills and qualifications (76%) and thus necessary in their work (60%). Accordingly, 48% of the respondents were confident that it would raise their (or their firms') value and give them advantage on the labour market.

4.2. Czech Republic

4.2.1. General objectives

With more than 90% of the respondents being in the 23-34 age category, the results of the questionnaire show primarily the needs of professionals in the early stages of their careers. 62% of respondents believed that Legal English is necessary to improve their skills and qualifications, closely followed by the simple fact that English is needed in their job (61%). When stating their general aim, almost 70% of respondents said they would like to develop skills necessary to communicate with people in their profession, while 40% strive to improve their letter writing skills.

4.2.2. Most useful skills

The four basic language skills (reading, writing, speaking and listening) were analysed in depth with the following results. An overwhelming majority of respondents (92%) selected formal correspondence as the most important type of writing task to improve. Other skills chosen as crucial for their profession included drafting of reports, proceedings, notices, memos (68%), very closely followed by drafting pleadings and statements of cases (67%). The top three speaking skill categories cover negotiating (81%), public speaking e.g. giving lectures, presentations and public speeches (66%), and holding telephone conversations in English (55%). As far as listening skills are concerned, Czech lawyers stated that they feel they need practice especially while listening for detail (72%) and understanding telephone conversation (71%), with some of them commenting on the fact that listening is not only about hearing the correct words but also about understanding underlying issues such as the nature of specific legal problems, judicial procedure or discussions on legal topics. As far as reading skills are concerned,

the overwhelming majority, not surprisingly, selected understanding authentic materials as the most relevant (94%), followed by searching for and understanding particular information (73%) and improving and revising vocabulary on the basis of authentic materials (62%).

4.2.3. Course content

For Czech lawyers, the most important discipline of law to be conversant with in English is that of contract law, with 68% of respondents listing it as one of their four priorities. Maybe somewhat surprisingly the state-specific civil law (family law, property law, intellectual property law, inheritance law) and the internationally focused commercial law gained similar popularity on the list of preferences, the former 59% and the latter 58%. As to be expected with such a multifaceted discipline as law, the respondents also listed their individual preferences namely the disciplines of law in which they specialize, e.g. IT law, procedural or environmental law and EU competition law.

4.2.4. Teaching and learning strategies and methods

Czech lawyers believe that all four skills are important, rating reading, writing and listening almost at par (37%, 40% and 42% respectively), but are unequivocally in favour of the importance of skill in speaking (77%). Similarly, prominent, is their preference of acquiring professional vocabulary as the cornerstone of Legal English training (87%), with one of the respondents hastening to clarify that it is "not only vocabulary but primarily (sic.) understanding the words in its legal system". Other areas of Legal English learning were seen as being of significantly less importance. When listing what may help in the acquisition of a foreign language, Czech respondents believe in the benefit of working with a native speaker (68%), as well as working in a foreign language environment (55%). The media

(TV, radio and Internet) was considered the third most important language-learning tool (34%).

4.2.5. Reasons for learning Legal English

More than half of the respondents (54%) stated that mastery of Legal English is necessary in their work, while 18% felt they did not need this skill when performing their day-to-day activities. More than one third of lawyers (39%) believed that professional language skills in English would raise their value and give them an advantage on the labour market.

4.3. Germany

4.3.1. General objectives

German respondents comprised mostly judges and attorneys, including legal advisors. As 50% of them were over the age of 51 (40% being between 35 and 50), we can say that their opinions are based on their long working experience and can be taken as highly relevant and indicative for all legal professionals. Developing the skills necessary to communicate with other people was assessed as the most important objective of a Legal English course by the vast majority of respondents (80%). One third believed that a Legal English course should also include elements of general language, which is confirmed by their opinion that it would prepare attendants to participate in conversation related to everyday situations (35%), and assist them in engaging in free conversation (30%).

4.3.2. Most useful skills

When deciding on the importance of the four language skills for legal professionals, the respondents ranked speaking (70%) and listening (60%) as the most important skills. Writing was considered rather important (40%), which could not be claimed for reading (25%).

A majority of respondents perceived formal correspondence and writing pleadings or statements in a case as the most useful objectives in the field of writing (each answer selected by 75% of respondents). Writing application letters, CVs, invitations etc. was assessed as crucial by 35% of respondents, and exactly the same percentage assessed writing reports, proceedings, notices, memos, etc. as being of equal importance. The third place according to the significance was shared between informal correspondence and writing application forms, questionnaires etc., each of the two answers being selected by 30% of the respondents.

Speaking skills, as we have seen, are highly appreciated communication skills within Legal English by most of all the respondents. The most important specific objective within these skills, according to German respondents, is speaking to the public (giving lectures, presentations, public speeches) – this answer was chosen by 70% of the respondents. A slightly lower percentage thought that negotiating (65%) and problem solving (60%) represented the most central objectives within speaking skills. Giving opinions, especially expressing agreement and disagreement, is not less important for lawyers, which was confirmed by 50% of the respondents. The answers by German respondents were more dispersed as far as specific objectives in the field of listening are concerned, majority thought that listening for details should be developed due to its significance (65%), followed by listening to public statements (e.g. information, instructions and warnings) represented by 60% of the respondents. Half of the German group thought that understanding telephone conversation in English was vital for German lawyers in performing their profession, whereas 40% said that obtaining necessary information in different situations (at the hotel, railway

station) was also an important objective in this area. 35% found understanding of TV or radio news crucial as well.

The answers by German respondents were more unified concerning specific objectives in the field of reading. The first rank is shared between understanding authentic reading materials and searching for (and understanding) particular information within the text, each answer being chosen by 65% of the respondents. Ability to follow specific information while reading was ranked second (50%), followed by the ability to improve and to revise vocabulary based on authentic materials (40% each).

4.3.3. Course content

The elements of the course content questioned in this research referred to three areas of ELP teaching ELP: grammar, vocabulary, pronunciation as three crucial linguistic elements in language teaching as well as the role of grammar in teaching a foreign language, and the subject area (the most preferred disciplines of law). As for the three crucial linguistic elements of a Legal English course, most respondents were of the opinion that special attention should be paid to teaching vocabulary (55%), while teaching grammar and pronunciation were respectively assessed as important by only 25% and 20% of respondents. Notwithstanding, most respondents found that grammar should be revised thoroughly (59%), whereas 38% said that only essential structures should be discussed. When choosing the discipline law that a Legal English course should be focused on, opinions naturally varied depending on the respondent's specific field of interest. However, four legal domains can be highlighted as most important for German lawyers: European law (70%), commercial law (60%), financial law and criminal law (each 50%). Civil law was preferred by (40%) of respondents and contract law by 35%.

4.3.4. Teaching and learning strategies and methods

As already indicated in 4.3.2 above, German respondents primarily favour speaking skills, followed by listening and writing skills. Accordingly, professional vocabulary within chosen legal domains should be the focus of Legal English discourse. In determining which aids, methods and strategies may be helpful in acquisition of a foreign language for specific purposes, the overwhelming majority of German lawyers unequivocally claimed that the most helpful aid is working with a native speaker (80%), but also the media (TV, radio, the Internet) can be supportive (45%) as well as books, newspapers and magazines (35%). Interestingly, working as a lawyer in a foreign language environment was not selected at all, probably on the grounds that this answer was seen as closely connected with that of working with a native speaker.

4.3.5. Reasons for learning Legal English

The German respondents laid stress on the importance of mastering Legal English for their professional career. The option that it would raise their (or their firm's) value and give them advantage on the labour market was chosen by 85% of the group. Consistent therewith, 65% agreed that Legal English was necessary in their work, while 55% expressed the opinion that it would improve their skills and qualifications.

4.4. Poland

4.4.1. General objectives

Developing the necessary skills to communicate with other people in their field of work was selected as the primary aim of the course by 68% of the Polish group. In second place, they chose the ability to establish and maintain relationships through the exchange of information (40%). Maintaining correspondence was thought to be important by 30% of the respondents.

4.4.2. The most useful skills

One of the tasks of our needs analysis was to discover which specific objectives within each of the four skills are preferred and perceived by lawyers as necessary in their profession. The outcomes of the needs analysis quite clearly indicate that formal correspondence is the most central element in learning how to write in Legal English (83%). Furthermore, the Polish legal professionals selected writing pleadings and statements of cases as their second choice (55%). Learning how to prepare application forms and questionnaires and how to write reports, proceedings, notices and memos in English both merited third place in terms of significance (each being selected by 36% of the respondents).

Interestingly, it can be stated that giving opinions (62%) and holding telephone conversations (61%) were considered similarly important as far as speaking is concerned. Negotiating came a close second (50%) and public speaking (i.e. giving lectures and public speeches) as their next choice (45%). In terms of listening, the Polish legal professionals seem to be quite decisive in their choices as 75% selected understanding telephone conversations as the most crucial listening skill, which was followed by listening for detail (58%) or listening to public statements (e.g. information, instructions and warnings etc.), which was a close choice as well (57%). The Polish research group

was confident in expressing exactly what they in fact need in the field of reading. Understanding authentic materials is undoubtedly a high priority for the respondents (82%). Searching for and understanding specific information was ranked second (64%) and improving and revising vocabulary using authentic materials came in third (62%). Assessment of the importance of grammar in a Legal English course divided the Polish research group nearly equally into a group who believes that grammar should be revised thoroughly (47%) and those who think that only the essentials are necessary (46%), with the rest stating that grammar has no place in a specialist English course.

4.4.3. Course content

As it was mentioned before, three aspects of course content were examined. They comprised the coverage of particular legal domains and their share in the Legal English course, the role of grammar in the course and the most critical element of the course (selecting from grammar, vocabulary or pronunciation). As far as legal domains are concerned, no discipline commands a clear majority. The most practical were: European law (54%), commercial law (51%), contract law (51%), civil law (42%) and international law (40%). Moreover, the respondents were quite positive that only essential grammatical structures should be discussed within the course for legal purposes (68%), however, almost a third of the group (28%) believed that grammar should be revised thoroughly during the course, whereas a minority of respondents (12%) expressed the opinion that such a course should cover no grammar at all. Taking into consideration the most important element of an ELP course, a significant number of respondents (86%) pointed to vocabulary.

4.4.4. Teaching and learning strategies and methods

The analysed teaching and learning strategies and methods concerned the skills and aids which are most helpful while learning Legal English as well as the preferred ways of studying.

Based on the outcomes determined, it can be ascertained that speaking is perceived as the most useful skill by Polish legal professionals (85%), followed by writing (56%) and listening (49%). Interestingly, the research revealed that reading is the least important, most probably due to the fact that there are numerous offline and online tools which help them to clarify the meaning of a written text. When asked what aid/aids (respondents could choose more than one aid) is/are most useful in the process of learning Legal English they showed great confidence in working with a native speaker (62%) or working as a lawyer in foreign language environment (57%). The third option was the media (TV, radio and the Internet – 44%), most probably treated as good sources of authentic material.

4.4.5. Reasons for learning Legal English

Although the results received under this section of the study reveal that for the sizable majority (67%) of the Polish legal professionals Legal English is not necessary in their work, the Polish research group agreed that it would definitely improve their skills or qualifications (71%) and would raise their (or their law firm's) value and give an advantage on the labour market (81%).

5. Discussion

The research into the language needs of practicing lawyers described above covered a sample of 536 lawyers from four European countries – Croatia, Germany, the Czech Republic and Poland.

Although we can observe differences in the structures of the four respondents' bodies, the analysis of the results revealed many similarities in their opinions. The general impression is that respondents from the four countries share positive attitudes towards the usefulness of Legal English for legal profession and general objectives of modern Legal English course. They are almost unanimous in the opinion that it would raise their (or their law firm's) value, provide an advantage on the labour market, and improve their skills and qualifications. The most important outcome of the study, especially keeping in mind its didactic implications for teaching Legal English in EU member states, is the fact that a high number of practising lawyers said that Legal English was necessary in their work. This opinion was shared by 60% or more of Croatian, Czech and German lawyers (60%, 61% and 65% respectively). This finding may come as a surprise, given the fact that law has always been seen as a localized profession. The only country in which fewer lawyers were reported using English in their everyday working life is Poland - only 33% of Polish respondents needed the command of Legal English to perform their work well. The Chi-square test suggests that the extent in which Polish respondents use English language in their profession is significantly lower than in other three countries ($p<0.05$). Despite this fact, a great majority of Poles still believe that mastery of English would improve their career prospects and strengthen their firm's competitive position in the marketplace. The difference occurring in the answers by the Polish respondents may also be seen as a result of the makeup of the Polish contingent, in which 26% of respondents (76 out of 291) are civil servants, which is not the case in other three countries. If we compare the answers given by respondents performing in different fields of the legal professions, we can readily see that most civil servants (53%) as well as notaries (60%) in Poland expressed the opinion that mastering Legal English is not important in performing their work.

The Croatian, Czech and Polish sample comprised of the respondents at the beginning of their professional career, the German ones, on the other hand, were nearly all older than 35. This fact is possibly reflected in their marked preference for communication in English in general and social contact

in particular. Being at a higher level on the professional ladder, the German respondents probably spend more time representing their law firms than dealing with everyday routine tasks such as drafting documents or responding to e-mails as their younger counterparts do. This result implies that the age of respondents and their specific professional scope of activities (most respondents were judges and attorneys, including legal advisors) represent statistically significant variables determining the preferences and needs of legal professionals in Legal English.

When deciding on the importance of individual skills, speaking skills are, however, felt to be vital by all lawyers across the sample (Croatia 85%, Czech Republic 77%, Germany 70%, and Poland 85%), and in this respect no significant statistical difference was found (p>0.05). Other skills were ranked as roughly equally important by the Czechs, the Poles and Croatians ascribing more importance to writing. Again, a different opinion was voiced by the German contingent who consider listening to be far more important than reading or writing. This again could be explained by their specific professional tasks as judges and attorneys, statistical difference being(p<0.05).

As far as writing is concerned, in a skill ranked as the second most important by the respondents from all four countries, formal correspondence was felt to be of first and foremost priority, with no significant statistical difference. Drafting statements and cases was placed second, with all the other categories (e.g. reports, notices, proceedings, memos, etc.) all featured on the "need to master" list.

It seems that lawyers in Croatia, the Czech Republic and Germany need to speak in public in their day-to-day work, whereas their Polish counterparts tend to need to express their opinions and hold telephone conversations and negotiate more than speak in front of a larger audience. Due to differences in the sample structure, these results can be estimated only as indicative. Again, this discrepancy in answers given by the Polish respondents can be interpreted as result of their specific professional activities. The analysis of their answers by the criterion of the specific legal profession they perform clearly indicates that the vast majority of Polish civil servants and notaries need speaking skills in English for holding telephone conversations (73% of civil servants and 80% of notaries) and more than

50% of respondents from both groups need knowledge of English to express opinions.

The list of preferences in listening skill tasks also differs for the Polish respondents, as they believe that understanding telephone conversation is of utmost importance, which logically corresponds with their answers related to speaking skill objectives. All other nationalities chose the category "listening for detail" as the top one, followed by listening to public statements, before mentioning telephone conversation as such.

There is a consensus among all groups that understanding authentic materials, understanding a specific item of information and the expansion of vocabulary gleaned from authentic materials, is what a lawyer with a good command of English should strive to master where reading skills are concerned, which is confirmed by the Chi-square test (p>0.05).

The course content part of the questionnaire returned the most varied choices (p<0.05), which will come as no surprise, because it reflects not only the participants' preferences but also their professional context, therefore the areas of law that should feature in a Legal English syllabus cover all types of law. A more detailed analysis reveals that European law, commercial law and the law of contract are all highly ranked on the list of importance in all four countries, which obviously reflects current internationalization trends in political, legal and economic spheres. All respondents also thought that grammar should be a part of the syllabus but with most of them agreeing that only the essentials should be repeated. The sole exception here was the opinion of German respondents, who thought that grammar should be revised thoroughly (59%). However, this correlates with the age of the respondents, as the German sample comprised of respondents mostly over the age of 50, who probably have not been learning or repeating grammar rules for a long period of time and at the time when grammar was considered very important. Not surprisingly, lawyers who make their living using words, rank acquiring professional vocabulary as the most important (ranging from 86% to 94% across national research groups) and believe it should be taught and learnt by means of different methods and strategies.

Referring to the opening statement in the discussion, it can be stated that the data obtained in this research indicate that

practising lawyers from the four countries do need Legal English in their everyday working life, and if they do master the language, it gives them a considerable advantage over their competitors within the legal profession.

6. Limitations of the research

Due to specific research conditions and the methodology used, our study is not aimed at giving precise statistical data representative for Europe as a whole but at indicating the needs of lawyers performing their jobs in the four referenced EU member states. The conclusions drawn from the comparison of the results can though be of practical didactic value. Although the countries participating in the research differ in their population number and their historical legal development, they are connected by similar legal traditions as well as by the fact that considerable changes have been introduced in their legal systems following their accession to the European Union. In that context, the findings of this research can be a relevant contribution in the sphere of LSP theory and practice and can be used as a relevant background in designing teaching and testing materials in the field of Legal English, if not in a broader European context, then at least in the four countries included in this research.

There have been obvious discrepancies in the sample structure between the four countries related to the age and the professional fields of respondents, which prevented the authors from drawing general conclusions applicable to all the four participating countries. On the other hand, differences in age and in specific legal profession of respondents in those four countries lead to the conclusion that the age of the respondents and their specific professional tasks represent significant statistical variables in determining their needs, indicating that the age and specific legal field in which they practice are strongly correlated with linguistic needs within the framework Legal English.

7. Conclusions

In this study, we have sought to describe the language needs of lawyers practicing in four European countries, and see if there are any similarities that could be taken into consideration when preparing teaching materials, planning the syllabus or assessing the level of Legal English. It became apparent that Legal English is needed by law professionals in most contexts. The results of the study also highlighted what areas should be given particular attention when developing skills in Legal English, namely in public speaking, vocabulary acquisition, legal writing, and telephonic communication.

The implications of this study are that the attention of materials writers, syllabus designers and any other professionals involved in teaching and testing Legal English should be focused on the above-described categories. Discrepancies in the opinions of the respondents coming from different countries should be taken into consideration in syllabus planning and development of teaching materials in each country. The results obtained also indicate that the age of respondents and their professional tasks within a specific legal field should be taken into consideration as the variables determining their specific needs in Legal English. In spite of the limitations of this study, its results can be indicative and serve as a reliable foundation for European countries of similar legal and political background in developing their curricula, teaching materials and corresponding test formats in Legal English that would be internationally applicable.

Acknowledgements

References

Akbari, Zahra. 2011. Vocabulary comprehension and learning in an ESP context: Strategy use and knowledge sources. *The Asian ESP Journal* 7(2): 5–27.

Bacha, Nahla Nola and Rima Bahous. 2008. Contrasting views of business students' writing needs in an EFL environment. *English for Specific Purposes* 27: 74–93.

Basturkmen, Helen. 2006. *Ideas and Options in English for Specific Purposes*. New York: Routledge.

Benesch, Sarah. 1996. Needs Analysis and Curriculum Development in *EAP: An example of a critical approach. Teaching English to Speakers of Other Languages Quarterly* 30(4): 732–738.

Chovancová, Barbora. 2013. Legal Minds Think Alike: Legal English Syllabus Design and the Perceived Language Needs of Present and Former Students of Law. *ACC Journal* 19(3): 54–60.

Chovancová, Barbora. 2014. Needs analysis and ESP course design: Self-perception of language needs among pre-service students. *Studies in Logic, Grammar and Rhetoric* 38(51): 43–57.

Cowling, Jeremy David. 2007. Needs analysis: Planning a syllabus for a series of intensive workplace courses at a leading Japanese company. *English for Specific Purposes* 26: 426–442.

Deutch, Yocheved. 2003. Needs analysis for academic Legal English courses in Israel: a model of setting priorities. *Journal of English for Academic Purposes* 2: 125–146.

Dudley-Evans, Tony and Maggie Jo St John. 1998. *Developments in English for Specific Purposes* Cambridge: Cambridge University Press.

Hutchinson Tony and Alan Waters. 1987. *English for Specific Purposes: A Learning-centred Approach.* Cambridge: Cambridge University Press.

Hyland, Ken. 2009. Specific purpose programs. In Michael H. Long and Catherine J. Doughty (eds.): *The Handbook of Language Teaching,* 201–217. Singapore: Wiley-Blackwell.

Jeong, Cheol-Ja. 2005. Learner Needs Analysis for T&I Program Reform. *Meta: Translator Journal* 5(4).

Jordan, R.R. 1997. *English for Academic Purposes* Cambridge: Cambridge University Press.

Kassim, Hafizoah and Fatimah Ali. 2010. English communicative events and skills needed at the workplace: Feedback from the industry. *English for Specific Purposes* 29: 168–182.

Lockwood, Jane. 2012. Developing an English for specific purpose curriculum for Asian call centres: How theory can inform practice. *English for Specific Purposes* 31: 14–24.

Oxford Dictionaries https://en.oxforddictionaries.com. (Accessed 13 September 2017).

Robinson, Pauline C. 1991. *ESP Today: A Practitioner's Guide*. Hemel Hempstead: Prentice Hall International.

Sierocka, Halina. 2014. *Curriculum Development for Legal English Programs.* Newcastle upon Tyne: Cambridge Scholars Publishing.

Songhori, Mehdi Haseli. 2008. Introduction to Needs Analysis. *English for Specific Purposes World* 4: 1–25.

Spratt, Mary. 1999. How good are we at knowing what learners like. *System* 27: 141–155.

Swales, John M. 1990. *Genre Analysis*. Cambridge: Cambridge University Press.

Tsao, Chia-hsiu. 2011. English for Specific Purposes in the ELT context. A Survey of Student and Faculty Perceptions. *The Asian ESP Journal* 7: 126–149.

West, Richard. 1994. Needs analysis in language teaching. *Language Teaching* 27(1): 1–19.

Wozniak, Séverine. 2010. Language needs analysis from a perspective of international professional mobility: The case of French mountain guides. *English for Specific Purposes* 29: 243–252.

APPENDIX

QUESTIONNAIRE

This questionnaire was prepared by Dr Halina Sierocka [Białystok Legal English Centre (BLEC), Faculty of Law, University of Białystok, Poland] to specify the most important objectives and to design the content of Legal English courses.

RESPONDENT'S PERSONAL INFORMATION

1. **Occupation**
   a) judge
   b) attorney
   c) legal advisor / solicitor
   d) notary
   e) prosecutor
   f) bailiff
   g) intern _____ (what type of internship?)
   h) other _____

2. **Age**
   a) 23-35
   b) 36-50
   c) 51-65
   d) over 65

3. **Legal English … (more than one answer can be given):**
   a) is necessary in my studies
   b) is necessary in my work
   c) is necessary to improve my skills and qualifications
   d) is not necessary in my work
   e) would raise my (or my law firm's) value and give an advantage on the labour market
   f) other

I. **What would you like to achieve during the Legal English course? Please mark max. TWO most important general objectives of Legal English course.**

a) I would like to develop the skills necessary to communicate with other people in my profession	
b) I would like to be able to participate in conversation related to everyday situations	
c) I would like to be able to establish and maintain relationships through exchange of information	
d) I would like to be able to engage in free conversation	
e) I would like to be able to maintain correspondence	
f) other: _____	
g) it is difficult to say	

II. **Which specific objectives within the skills given below are the most important to you?**

Please mark the top THREE in the field of WRITING:

a) formal correspondence	
b) informal, private correspondence	
c) pleadings / statements of case	
d) application letters, CVs, invitations	
e) application forms and questionnaires	
f) reports, proceedings, notices, memos etc.	
g) other:	
h) it is difficult to say	

Please mark the top THREE in the field of SPEAKING:

a) negotiation	
b) holding telephone conversations	
c) solving problems in particular situations (e.g. at the post office, in a restaurant etc.)	

d)	giving opinions – agreeing and disagreeing	
e)	discussing topics of interests (e.g. family, hobbies, travelling etc.)	
f)	public speaking (e.g. lectures, commercial presentations, public speeches etc.)	
g)	other:	
h)	it is difficult to say	

Please mark the top THREE in the field of LISTENING:

a)	understanding telephone conversations	
b)	understanding TV or radio news	
c)	obtaining necessary information in different situations (e.g. at the hotel, at the railway station etc.)	
d)	understanding announcements and advertisements	
e)	listening for details	
f)	listening to public statements (e.g. information, instructions and warnings etc.)	
g)	other:	
h)	it is difficult to say	

Please mark the top THREE in the field of READING

a)	understanding authentic materials (e.g. reading for gist, details, etc.)	
b)	searching for and understanding specific information	
c)	improving and revising vocabulary on the basis of authentic materials	
d)	understanding announcements and commercials	
e)	reading for gist	
f)	reading and following instructions	
g)	reading for pleasure	
h)	other	
i)	it is difficult to say	

III. **Which particular discipline of law is the most useful to you? Mark a maximum of FOUR disciplines, please.**

a) general features of the English legal system	
b) sources of law (e.g. Constitutional law)	
c) commercial law	
d) criminal law	
e) European law	
f) administrative law	
g) labour law	
h) international law	
i) financial law	
j) civil law (family law, property law, intellectual property law, inheritance law)	
k) contracts	
l) tax law	
m) other:	
n) it is difficult to say	

IV. **What is the role of grammar in such a course? Mark the appropriate answer, please.**

a) grammar should be revised thoroughly
b) only essential grammatical structures should be discussed
c) such a course should not cover grammar

V. **Which skill/ skills is/are the value to you in learning a foreign language? (more than one answer can be given)**

a) listening
b) writing
c) reading
d) speaking
e) other

VI.   Which is the most important element of Legal English learning? Mark the appropriate answer, please.

a)   grammar
b)   vocabulary
c)   pronunciation
d)   other

VII.   What is the most helpful to you in the process of learning a foreign language learning (including Legal English)? Mark a maximum of TWO answers, please.

a)   books, magazines and newspapers
b)   the media (TV, radio, the Internet)
c)   games & puzzles
d)   working with a native speaker
e)   the use of modern technology
f)   working as a lawyer in foreign language environment
g)   other

VIII.   Any suggestions and / or comments?
_____
_____
_____

Thank you for your time in assisting our research.

CAPITALISING ON POLISH TRANSLATION MARKET DATA IN THE FIELD OF COMMERCIAL LAW

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Abstract: The author presents data gathered in an online survey questionnaire (https://www.interankiety.pl/i/RGmj5rDv) which is a part of a broader research project related to the quality of translation of English language documents in the field of commercial law that are processed in the judicial registration proceedings in reference to the entities subject to registration at the Register of Entrepreneurs of the National Court Register (RP, KRS). The questions and hypotheses posed by the author relate to the relationship or comparison of nation-wide data concerning cases with foreign element in the context of the documents in translation on file in the National Court Register (source texts and their certified translations).

The survey is the first stage of this project and has been ascribed a number of aims: allowing for a definition of the genre profile of the corpus texts; identifying the general sociologically conditioned tendencies in their structure; and – primarily – determining the practically feasible search criterion

for compiling a design corpus for further quantitative and qualitative analysis of selected language structures (the ensuing stages of the said project).

Key words: interlingual communication; legal translation; commercial law; court settings

ZNACZENIE DANYCH RYNKOWYCH W TŁUMACZENIU TEKSTÓW PRAWA HANDLOWEGO

Abstrakt: Autor prezentuje dane uzyskane w ramach przeprowadzonego badania sondażowego z wykorzystaniem ankiety autorskiej online (https://www.interankiety.pl/i/RGmj5rDv), które stanowi część większego projektu badawczego dotyczącego jakości pisemnych tłumaczeń dokumentów angielskojęzycznych z zakresu prawa handlowego, jakie stanowią załączniki w postępowaniu przed sądem rejestrowym, dotyczącym podmiotów podlegających wpisowi do Rejestru Przedsiębiorców Krajowego Rejestru Sądowego (RP, KRS). Postawione pytania badawcze lub hipotezy dotyczą relacji lub porównania ogólnopolskich danych dotyczących spraw z elementem zagranicznym w kontekście zalegających w aktach sądowych, w przedmiotowych wydziałach KRS dokumentów anglojęzycznych wraz z ich poświadczonymi tłumaczeniami.

Kwestionariusz został przeprowadzony z uwagi na wiele czynników: zdefiniowanie profilu gatunkowego tekstów, które będą stanowić korpus, określenie ogólnych, socjologicznie uwarunkowanych tendncji w strukturze tych tekstów oraz – przede wszystkim – określenie wymiernego i możliwego do zastosowania klucza do wyłonienia kryterium wyszukiwania dokumentów, które będą stanowić korpus do przeprowadzenia dalszej analizy ilościowej oraz jakościowej wybranych struktur językowych (kolejne etapy projektu).

Słowa kluczowe: komunikacja interlingwalna, tłumaczenia prawnicze, prawo handlowe, kontekst środowiska sądowego.

1. Introduction

Legal translation is widely acknowledged to be a vast field in terms of practice and theory, where the linguistic structure of texts in translation is modelled by, among others, institutional factors, textual conditionings or the need for precision. Such complexity of the translation practice in the domain of law calls for the studies

covering this area of interlingual communication to account for the existing trends and/or guidelines with reference to the sociolinguistically-grounded factors. This involves consideration of market-related data, relevant discipline-related knowledge and – in reference to court translation, as is the case here – conventions and practices adopted in the adjudication practice based on the processing of the translated texts. The main hypothesis adopted in this study rests on the idea that legal translation is a fuzzy category (Biel 2014:50) and it allows itself to be categorised in many ways depending on the criterion adopted, one of them being the criterion of thematic field which leads to the categorisation of legal translation according to branches in the legal system (Biel 2014:51). In the context of such a heterogenous character of legal translation, scholars acknowledge the variability of linguistic realisations in translating legal texts, depending on the textual and communicative context, and – as may be deduced – on the category of legal translation, in that they point to the need to adjust the target text tothe communicative needs and requirements of the target culture (e.g. Biel 2017: 316–336, Chromá 2014: 121–144, Flöter-Durr and Grass 2016: 87, Matulewska 2014: 167)[1], whether these are imposed by institutional frameworks (Biel 2014) or emerge from an individually designed scenario. Further, it is argued that the genre factor is a significant determinant of the communication style adopted in translation (Albi 2013: 1–21, Goźdź-Roszkowski 2016: 51–67). Many studies advocate multi-perspective research in legal linguistics, which would also cover sociolinguistic aspects. Galdia (2017: 68–69) is an example here in that the scholar claims that legal linguistics involves research that is significantly heterogenous in terms of its interdisciplinary character with a strong pragmatic component.

In recognition of the distinctive character of specific categories of legal translation and the wide-ranging methodological framework of legilinguistics, it is hypothesised that translation of commercial law documents displays certain unique characteristics

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[1] Such an assumption is also claimed in reference to other specialised languages (see, for example, Grabowski 2015: 23-33).

which result from its sociocultural and sociolinguistic background.[2] The study addresses the research problem of the sociolinguistic background of certified translations with regard to commercial law documents in the Anglo-Polish legal trade in court settings[3] and the related scope of competence needed to practice translation in the said domain.[4] Specifically, the research question posed by the author is whether there are any tendencies in the sociolinguistic profile of certified commercial law translations as processed in the adjudication process of the registration proceedings at the Register of Entrepreneurs of the National Court Register.

With the aim of fitting in with the ideological standpoint of such multi-perspective research and in order to formulate the answer for the research question posed, the author conducted an online survey questionnaire (https://www.interankiety.pl/i/RGmj5rDv). The survey is the first stage of a project devoted to the corpus analysis of court translations and it has been ascribed a number of aims: allowing for a preliminary definition of the genre profile of the texts making up the corpus-to-be; identifying the general sociologically-conditioned tendencies in their structure; and – primarily – determining the practically feasible search criterion for compiling a design corpus for further analysis (the ensuing stages of the said project). The survey covers nation-wide data. The respondents were judges and referendaries belonging to the judiciary in the Regional Courts, Economic Divisions, sections of the National Court Register (henceforth referred to as KRS, from the Polish *Krajowy Rejestr Sądowy*).[5]

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[2] The term *sociocultural* is used here in reference to the notion of legal culture, where law – in the sense of institutions and values – constitutes an element of culture in general and legal culture is treated as an element of context (Jopek-Bosiacka 2010: 188–196). The term *sociolinguistic* is used in the wider sense as a concept embracing the totality of factors (also those exceeding the limits of the legal system) related to or having an influence on the linguistic structure of texts in translation or – in narrower sense – in reference to the strictly sociolinguistic regime of texts in translation, without reference to the domain of law specifically.

[3] The term *court settings* implies coming under the competence of the National Court Register.

[4] *Certified translations* are further referred to as translations or translated texts. For the sake of accuracy, it needs to be noted that the attribute *certified* is not consistently included in the questionnaire questions. The terms *texts/documents in translation* cover both source and target texts.

[5] The acronym is used exclusively in the discussion. The graphical representations included in the paper follow their own conventions.

2. Methodology, Hypotheses

The study consists in conducting a survey which took the form of a custom-designed questionnaire, henceforth referred to as the questionnaire.[6] In terms of type of data, the study represents the desk research type. The questions did not address the subjective views of the respondents. The answers were to be based on facts, which was ensured by careful selection of the respondents. The structure of the questions was varied in order to meet the aim of the research; that is, in order to obtain information about the specific variables and it can be enumerated according to three categories. Hence, we have: (i) open questions (question no. 1 about the volume of cases in point) and half-open questions, where the respondents are offered the option of submitting their own formula ('others, what kind of'); (ii) single-choice questions (whenever a pie chart is provided) and multiple-choice questions; (iii) questions built against nominal scales and questions built against an ordinal scale. The questions making up the questionnaire are standardised and are based on the individual hypothetical assumptions of the author, derived from the main hypothesis, as discussed above, which sanctions the relevance of the linguistic and extralinguistic context for the translation practice, variability of forms and solution, as determined by the specific communicative background, the trends that were the target in the present study. Standardisation of the multiple and single choice options allows us to identify whether the data constitute specific patterns; in other words, whether the answers point to the analysed situation having a hermetic character.

The study is quantitative in nature (Wejland 1992: 51–81). It was conducted with the use of the CAWI technique (*Computer Assisted Web Interviewing*) and the data were analysed quantitatively and qualitatively (Babbie 2008: 421–476). The quantitative analysis was conducted with the use of the Statistical Package for the Social Sciences programme (Bedyńska and Brzezicka 2007: 181, Nawojczyk 2002: 223). The data gathered in the questionnaire has been quantitatively analysed in order to verify the nation-wide patterns in the volume and the distribution of the relevant language material with regards to such questions as the origin of the English texts on file, the dominant text genres, and the critical errors in translation.

The respondents constitute a homogenous group of adjudicators at the KRS, that is judges and/or court referendaries.

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[6] For methodological details of the study see Schleef (2014: 42–57).

The data presented herein were calculated as the average of the answers submitted by the respondents from 13 divisions of the KRS in Poland, one from each division. The population covers 28 units (court divisions of the said types in 21 cities). 13 units responded, which constitutes 46.4% of the total population. The data obtained come from various locations and thus they are representative of the nationwide tendencies. To ensure the reliability of the data the following conditions were met: (i) percentage of the answers is statistically significant, (ii) notification of the respondents and dissemination of the questionnaire is adequate, and (iii) respondents make up a homogenous group.

3. Scope of Research with Reference to the Legal Background

In order to facilitate the understanding of the context of the research let me briefly introduce the relevant institutional setting. The KRS is a court division and – at the same time – it is a centralised, computerised database of the entities that participate in the professional legal trade, in particular in the economic sphere. The KRS is an example of a public register that aims at maintaining records of specific organisational units operating in the civil law trade. Since it is centralised, it enables quick and easy access to the data from any KRS all over Poland (Ciulkin, Jakubecki and Kowal 2004: 36).

The KRS was created on the basis of the Act of 20th August 1997 on the National Court Register (from Pol. *Ustawa o Krajowym Rejestrze Sądowym*) and has been in operation since 1st January 2001. The KRS comprises three distinct registers: (i) the Register of Entrepreneurs (henceforth RP, from Pol. *Rejestr Przedsiębiorców*); (ii) the Register of Associations, other Social and Professional Organisations, Foundations and Public Healthcare Institutions; (iii) the Register of Insolvent Debtors. The object of the KRS is to provide reliable and up-to-date information related to the legal status of the entities in the register, their financial condition and manner of representation.

In the context of the aim of the study under discussion here the focus is on the RP whose functioning – by virtue of legislative

provisions[7] – involves trans-border and thus interlingual communication. Entities entered in the RP of the KRS include mostly commercial law companies, as enumerated in the Code of Commercial Companies (from Pol. *Kodeks Spółek Handlowych)*, but the operation of these often involves a foreign factor.

In order to encapsulate the organising force for setting the research project on the right path, the author referred to the overriding notion of *a case with foreign element* which determined the conceptual framework of the questionnaire. The said concept was borrowed from the legal theory referred to as *a case with foreign element* defined as '[…] any court proceedings, where at least one party has a seat abroad, there is a need to examine evidence abroad or the object of the dispute is foreign' (Więcławska 2016: 245–253 after Gołaczyński 2015).[8] It was assumed that adjudication

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[7] As discussed in Więcławska (2013: 73–86) Polish legislation provides for the models of trans-border communication. The case in point is art. 89 of the Act on Freedom of Economic Activity (from Pol. *Ustawa o Swobodzie Działalności Gospodarczej*) which sets forth that filing of a branch of a commercial company with the registry court shall include specific documents and their certified translations:
'Niezależnie od obowiązków określonych w przepisach o Krajowym Rejestrze Sądowym przedsiębiorca zagraniczny jest obowiązany: […]
3) jeżeli działa na podstawie aktu założycielskiego, umowy lub statutu – złożyć ich odpisy do akt rejestrowych oddziału wraz z uwierzytelnionym tłumaczeniem na język polski';
[…] 4) jeżeli istnieje lub wykonuje działalność na podstawie wpisu do rejestru – złożyć do akt rejestrowych oddziału odpis z tego rejestru wraz z uwierzytelnionym tłumaczeniem na język polski; […]; Irrespective of the obligations defined in the statutory provisions on the National Court Register, a foreign entrepreneur is obliged: […] 3) to file into register the copies of a founding act, articles of association of statutes, if he operates on the basis of these; sworn translation of the documents into Polish should be attached;
4) if he operates or carries out his business activity on the basis of the entry into the register – he is obliged to submit a copy of the certificate of incorporation into the register together with the sworn translation of this; […] (*translation mine*).
[8] 'In a legal doctrine, the concept of a court case with a foreign element is most widely discussed in reference to the relevant EU regulations on jurisdiction, recognition and enforcement of judgements and the relevant domestic regulations in the EU Member States, that is Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement

in such cases involves processing foreign *documents in translation* which the study refers. The questionnaire was constructed in such a way that the dominating trends in translation practice are identified with regards to the subject matter and the formal side of the registration proceedings together with their linguistic aspect from the perspective of adjudicators.

The notions of *registration proceedings*, *the entry in the KRS*, *commercial law company, legal form*, when considered in the light of legal trade with a foreign element were to constitute the sociocultural background for identifying the sociolinguistic profile of court translations in the said domain. On the operational side, functioning of the RP of the KRS is organised around registration proceedings which end with an entry in the RP of the KRS, unless motion for an entry is dismissed. Registration is not limited the first entry of a legal entity in the RP of the KRS (constitutive entry), but it also covers the entry of any change in the situation of a company (e.g. change of business name, change in representation). The registration proceedings take place in the form of an in-camera court session, where a judge or a referendary issues a decision about the entry or dismissal of an application for an entry in the sense outlined above.[9] Importantly, the decision of the judge or referendary is made on the basis of a special form and appendices which may include documents in translation.

4. Findings - Statistical Data

The data included in the questionnaire may be said to relate to three main problem areas corresponding to the following research questions: (i) volume-related questions; (ii) questions related to the sociocultural context of the translation practice; and (iii) questions related to the issue of error in translation and its consequences on the adjudication practice. The discussion is organised according to the order of the problem areas mentioned above and it proceeds from the initial questions towards the final

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of judgements in civil and commercial matters' (Więcławska 2016: 245–253.)

[9] The adjudication procedure also covers resorting to other instruments (e.g. orders in more specific cases); however, discussion of these would exceed the limits of this paper.

sections of the questionnaire. The data are supported by relevant graphics presenting the distribution of all the answers that were submitted by the respondents. In the course of the discussion, at points the author resorts to some generalisations in presenting the values. The focus is on the tendencies that appear as negatively and positively extreme values and thus significant since they are illustrative of strong and statistically significant trends.

Three questions can be said to match the first category, referred to as volume-related data. The first of these included in Figure 1 rests on the hypothesis posed by the author in relation to the type of court proceedings run at the RP of the KRS, where the documents in translation serve as the foundation upon which the adjudication is based and – at the same time – respondents are asked about the relevant statistics. Here, the answer that was chosen most often was a value between 41 to 60 cases with a score of 30.8% of the total percentage of answers. The other four options, relating to the volumes of up to 10, up to 20, up to 40 and more than 60, each account for 15.4% of the total percentage of answers. The least popular answer pointed to there being no data available.

Three of the respondents provided extra information to complete the standardised answer scheme. Namely, for two of the respondents their answers exceeded the standardised limits, in that choosing the option 'more than 60' they added a comment specifying that the total number of the said cases is to be placed in the range between 80 to 100, and for the third respondent the answer was '200 cases'. Interestingly, one comment informed us that there are no systemic facilities to specify exactly the data that could be of interest to us.[10] The following Figure 1 provides visual support for the data in question.

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[10] The term *systemic* here is used with reference to the IT search mechanism in the electronic system of registration, as run by the RP of the KRS and it is not used in the sense it is commonly used in legilinguistic studies in relation to the intertextual character of legal discourse (e.g. Kjœr 2007: 506–515).

Figure 1. Volume-related data: Cases with foreign element.

The numer of registration-related cases with foreign element (documents in translation are attached to the registration files) run by the National Court Register per year amounts approx. to:

⊡ up to 10   ▦ 10-20   ▪ 21-40   ■ 41-60   ☐ more than 60   ⊡ no data

7,7%

15,4%   15,4%   15,4%   15,4%   30,8%
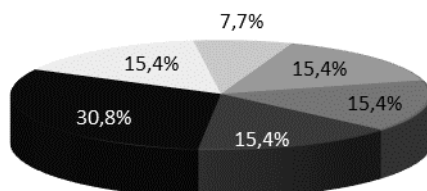
The next two pie charts relate to the volume of texts in translation that are of interest to us. Figure 2 allows us to place the English/Polish and Polish/English translations against the background of the total volume of texts in translation that serve as appendices in the court proceedings at the RP of the KRS. Here, the majority of the respondents claimed that the English/Polish or Polish/English translations constitute less than half of the total volume of texts in translation. Such answers were given by 46.2 % of the respondents. 30.8% of the total volume of answers claimed that the texts in translation involving English and Polish language as a target or source language respectively constitute more than half of the total translation output attached to the court files under scrutiny. This choice, which is second in the total share of the output of answers, is followed by the answer 'more or less than half of the total volume of all the texts in translation attached to the KRS files' with a score of 15.4 %. The statistically least significant answer, pointing to there being no documents in point, constitutes 7.7 % of the total volume of answers. Figure 2 below evidences the data discussed above.

Figure 2. Volume-related data: Distribution load of the Polish/English English/Polish translations in comparison to the total volume of certified translations.

Certified English «» Polish translations which are on files of the entities registered in the Register of Entrepreneurs of the National Court Register as compared to the number of certified translations from other languages «» Polish per year amount

▣ more than half of the total volume ■ approx. half of the total volume

▣ less than half of the total volume   there are no such documents
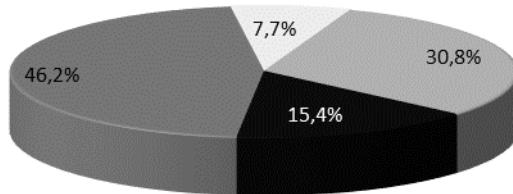
In an attempt to determine the relevant volume-related data in more detail the respondents were asked to provide answers in relation to the tendencies as regards the directionality of translation in the context of English and Polish interlingual communication in court settings. The tendencies seem to be clear here and the answers prove to be highly consistent. The vast majority of the respondents claimed that the documents in translation from English into Polish prevail (61.5%). Only one respondent was of the opposite opinion, claiming that the distribution of the translation load leans the opposite direction, that is, translations from Polish into English being in the majority. Finally, answers indicating the exclusivity of translation from English into Polish and equality in the number of texts translated in both directions in point were in an absolute minority, each with a score of 15.4% of the total volume of answers. For visual illustration of the discussed trends, see Figure 3 below.

Figure 3. Volume-related data: Directionality of translation in the Anglo-Polish translation market.

In respect to the commercial contacts with the entities located in the English speaking countries, the tendencies related to the directionality of translation of the documents on file at the Register of Entrepreneurs of the National Court Register are

- only the documents translated from English
- documents translated from English into Polish are in majority
- documents translated from Polish into English are in majority
- the volume of documents in translation in both directions is equal
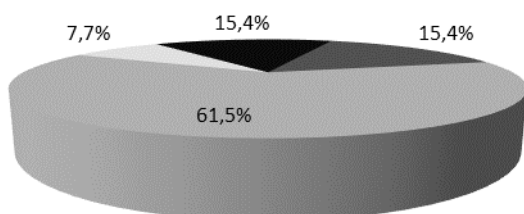
The data related to the problem area of sociocultural context were extracted from the answers to the multiple-choice questions in which the respondents were asked to specify the cultural background and – notably – culture here is to be understood as a concept embracing the legal system and rules prescribing the operation of the system (Jopek-Bosiacka 2010: 188–196). In short, the questions in point focus on the procedural aspect of processing the documents in translation[11] in court settings in the said institutional context. The aim here was to collect information referring to: the relevant profile of court proceedings in which documents in translation are processed (Figure 4), the system-inherent possibilities of the extraction of these documents (Figure 5), their genres (Figure 6), the country of their origin (Figure 7) and – finally – the type of legal entity to which the documents in question relate, that is their legal form (Figure 8).

The information connected with the legal context is to enable the author to identify the areas in which the court practices involve processing documents in translation and – further – to account for the broader normative context. The respondents were asked in what type of cases the adjudication was based on the said

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[11] From now on (conclusions excluded) the terms *documents in translation*, *translations* or *translated texts* refers exclusively to the Anglo-Polish translation market.

documents. They were to choose one or more of the options related to registration of various entities. Specifically, two values scored around 70% of the total volume of answers and these point to the existence of documents in translation in cases related to the registration of a foreign branch of a company (69.2%) and to the registration proceedings in relation to a company that has a shareholder who is a foreign entity (76.9%). The third score that may be considered significant in terms of volume accounts for 38.5% and it provides for the registration proceedings in relation to the trans-border merger of companies as a plausible context for the adjudication on the basis of documents in translation. For details that are relevant here, see the graphical representation provided below (Figure 4).

Figure 4. Sociocultural context: Type of registration proceedings, where documents in translation are processed.

The documents in translation from English into Polish are attached to the files run by the Register of Entrepreneurs of the National Court Register in the following cases:

registration proceeding in relation to the company in which shareholder is not a foreign entity — 7,7%

registration proceeding in relation to the transborder merger of companies — 38,5%

registration proceeding in relation to the branch of a foreign entrepreneur — 69,2%

registration proceeding in relation to the company in which shareholder is a foreign entity — 76,9%

,0%   50,0%   100,0%

In order to determine the practical and system-related technical possibilities of localising the documents of interest for us on the court files in the institutional context covered by the analysis, the respondents were asked to answer the multiple-choice question related to the feasible search criterion. The respondents prove to be in considerable agreement here. Namely, more than 69% of the respondents opted to adopt the selection criterion based on the formula of the branch of a foreign company. The remaining answers scored slightly less than 40% each and – as emerges from Figure 5 – these provide either for selecting cases,

where one of the shareholders does not have either a REGON or PESEL number (38.5 % for each option individually). 30.8% of the total population claim that there is no system-enhanced method that would enable us to select a statistically representative sample of texts in translation.

Figure 5. Sociocultural context: Search criteria for the compilation of the corpus.
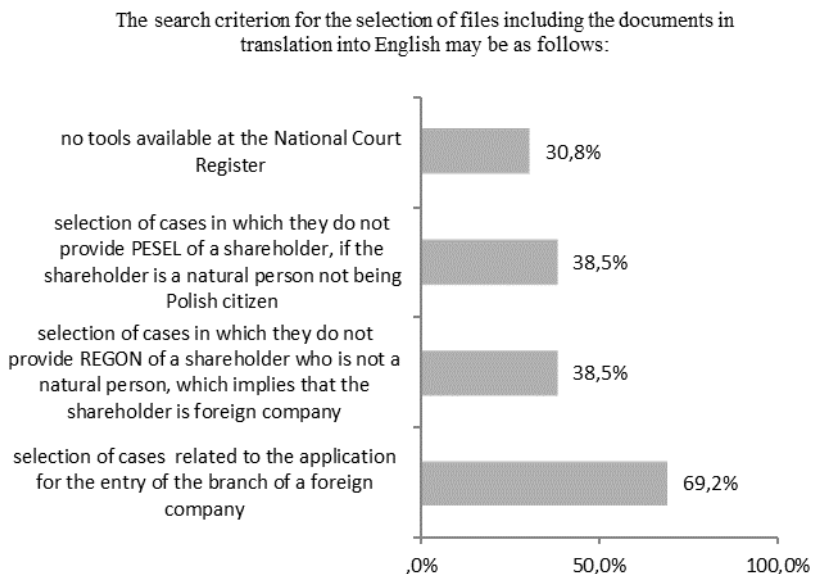
The data regarding the genre profile of texts in translation confirm the existence of specific trends. All the genres that the author hypothetically assumed to be processed in the specific court setting and proposed in the multiple-choice question as options to be selected were marked by the respondents but – as evidenced by Figure 6 – their frequency distribution proved to be unequal. The data in point can be considered in relation to three frequency distribution categories which can be naturally distinguished against the principle of approximated values. Hence, the 'written resolutions' and 'power of attorney' fit into a category comprising cases ascribed 100% occurrence. This is followed by the category of genre files, which scored 84.6% of frequency occurrence. This includes 'copy of registration certificate', 'copy of articles of association' and 'copy of statute'. The frequency distribution category that appears next

in significance is not homogenous volume-wise. Here we have scores between 20% and 69.2% and the category is headed by documents labelled as 'current appointment report' and the lowest value in this category is ascribed to the document referred to as 'notice of change of company name' with a value of 23.1%. Finally, as evidenced in Figure 6 below, the fourth frequency distribution category comprises three items with a score of 7.7% and thus may be considered as statistically marginal. Two of the options that belong here – in most general terms – involve a specific type of application for the entry in the RP of the KRS and a statement about a change in company status, both in relation to a specific legal form, that is, limited partnership. The third choice considered to belong to the frequency distribution category in point here covers genres supplied by the respondents themselves as matching the open option 'others'. These are (i) 'contract for disposal of shares'; (ii) 'notarial certification of the authenticity of signatures'; (iii) 'apostille'. For a visual illustration of the discussed tendencies, see Figure 6.

Figure 6. Sociocultural context: Genre distribution.[12]

Documents in translation into English that are on file of the entities entered in the Register of Entrepreneurs of the National Court Register are as follows:

Document	Percentage
(i) umowa zbycia udziałów/contract for disposal of shares; (ii) notarialne poświadczenie podpisów/notarial certification of the authenticity of signatures; (iii) /apostille	7,7%
WNIOSEK O ZAREJESTROWANIE SPÓŁKI KOMANDYTOWEJ/LP5 APPLICATION FOR REGISTRATION OF LIMITED PARTNERSHIP	7,7%
OŚWIADCZENIE O ZMIANIE/LP6STATEMENT SPECIFYING THE NATURE OF CHANGE IN THE LIMITED PARTNERSHIP AND STATEMENT OF INCREASE IN THE AMOUNT CONTRIBUTED BY…	7,7%
ZAWIADOMIENIE O ZMIANIE FIRMY SPÓŁKI /NM01(EF) NOTICE OF CHANGE OF NAME BY RESOLUTION	23,1%
MIANOWANIE DYREKTORA SPÓŁKI/AP02(EF) APPOINTMENT OF CORPORATE DIRECTOR	38,5%
MIANOWANIE DYREKTORA/AP01(EF) APPOINTMENT OF DIRECTOR	46,2%
AKTUALNY ODPIS Z REJESTRU/CURRENT APPOINTMENTS REPORT	69,2%
ODPIS Z REJESTRU/FILE COPY OF CERTIFICATE OF REGISTRATION	84,6%
ODPIS AKTU ZAŁOŻYCIELSKIEGO/COPY OFARTICLES OF ASSOCIATION	84,6%
ODPIS STATUTU/COPY OF STATUTE	84,6%
UCHWAŁA/WRITTEN RESOLUTIONS	100,0%
PEŁNOMOCNICTWO/POWER OF ATTORNEY	100,0%

,0%   20,0%   40,0%   60,0%   80,0%   100,0%

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[12] The titles of the documents are given in Polish and English since their translation is very much varied.

The data on the source culture to which the documents in translation are affiliated point to the complexity of the issue of legal, interlingual communication within the field of commercial law trade. The point here is that English language documents as source texts in the said context appear to be filed in relation to entities administratively linked to companies primarily established outside the territory of English-speaking countries and functioning on the territory of the Republic of Poland, or in the case of a shareholder who is a foreigner but not necessarily a citizen of an English-speaking country. The English language, as lingua franca, is not reserved as a language of communication the countries, where it has the status of official language. Notably, using English as a communication language in the said context is made possible in view of the lack of normative conditionings that would impose the obligation of having all the documents filed at the RP of the KRS to be certified translations[13].
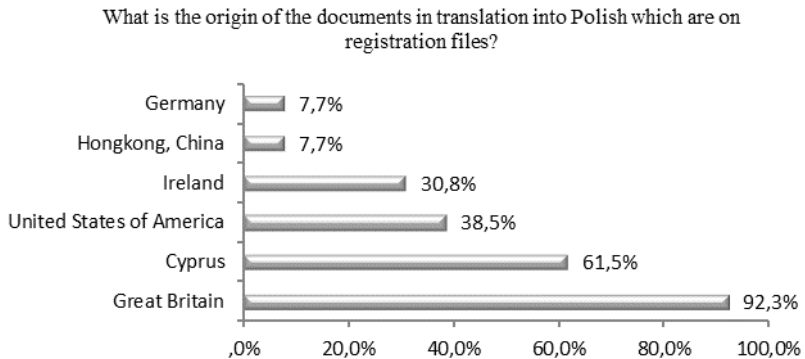
Hence, we see in Figure 7 that – although marginally in one case (7.7%) – English is present in the interlingual communication in the context of commercial law trade between entities whose operation involves, for example, an entity outside any English-speaking country. This may be the case of a company established in Germany or one that has a shareholder who is a German citizen.

In general, Figure 7 shows that, apart from the fairly obvious high position of Great Britain, the United States and Ireland here, Cyprus holds the second top-most position with a score of 38.5%. This confirms the high position of the English language in interlingual communication settings in post-colonial countries.

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[13] The legislator strictly prescribes the form of certified translations, which implies translation from the official language of a given country only for specified documents. For further information see the comment in footnote 7.
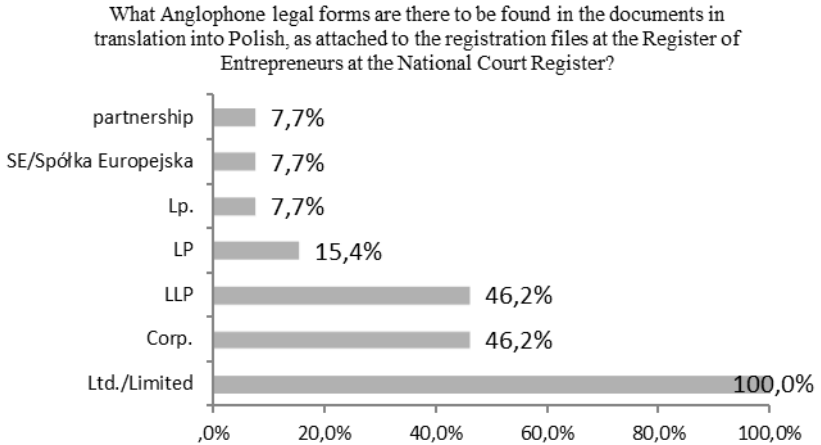
Figure 7. Sociocultural context: State affiliation of the English document at KRS

What is the origin of the documents in translation into Polish which are on registration files?

Germany — 7,7%
Hongkong, China — 7,7%
Ireland — 30,8%
United States of America — 38,5%
Cyprus — 61,5%
Great Britain — 92,3%

(,0% 20,0% 40,0% 60,0% 80,0% 100,0%)

Establishing the existing trends with regards to the frequency of occurrence of specific legal forms is important in terms of delineating the extralinguistic context for translation practice in court settings. Most imminently, it enables us to closely identify the sociocultural dimension of the translation trade and thus – bearing in mind the interdisciplinary character of legal translation practice and education – profile the thematic competence derived from the relevant normative regulations applicable for the specific legal forms included in the frequency list and – in particular – those that score the highest results on the list (see Figure 8).

Referring to the frequency data on the legal forms presented in Figure 8 below, the champion here is the legal form denoted as *Limited*, alternatively occurring in the short form *Ltd*. with a score of 100%. In general, the respondents selected all the options proposed by the author in the standardised multiple-choice scheme, though the frequency distribution differs, as testified by the data emerging from Figure 8. *Corp.* and *LLP* occupy the second top-most position with 46.2% each and are followed by *LP* scoring 15.4%. The last place belongs to the legal forms referred to as *Lp.*, *SE* and *partnership*, the latter being the option provided by the respondents themselves in the space 'others, specify what kind of'.

Figure 8. Sociocultural context: Legal forms of the entities managing interlingual communication.

What Anglophone legal forms are there to be found in the documents in translation into Polish, as attached to the registration files at the Register of Entrepreneurs at the National Court Register?

Legal form	Percentage
partnership	7,7%
SE/Spółka Europejska	7,7%
Lp.	7,7%
LP	15,4%
LLP	46,2%
Corp.	46,2%
Ltd./Limited	100,0%

The problem area of translation quality is the third and final conceptual category where the remaining data emerging from the questionnaire can be subsumed. The data that introduce us to the linguistic context of the study in general relate to the adjudication procedure in the outlined context, the concept of critical error, factors leading to linguistic unnaturalness and finally ways of increasing the communicative value of the translation.

The question included in Figure 9 raises an issue of high importance in that it puts the texts in translation into their functional context as texts that are aimed at the exercising of a specific function in the registration proceedings leading to the award of an entry. Namely, the respondents are asked whether the subject matter of formal inaccuracy in a translation can result in the dismissal of the application for an entry to the RP of the KRS.

In general, the respondents were rather negative about the possibility of an entry into the RP of the KRS being refused for translation-inherent reasons (69.2%). To specify the finding further, 15.4% of the respondents claimed that the said scenario is not possible. 53.8% of the respondents shared the same opinion, with the reservation of not being absolutely certain about the answer. Possibly here, the lack of complete, systemic data extracted by the application of a specific information technology solution was a factor. There is one answer, accounting for 7.7% that points somewhat hesitatingly to the possibility of a negative outcome of

court proceedings caused by factors related to the text in translation. 23.1% of the respondents did not opt for either a positive or a negative answer, instead choosing the answer 'I do not know'. Figure 9 visualises the distribution of the values in point.

Figure 9: Linguistic context: Dismissal of an application for entry to the KRS.

Does it happen that an application for the entry to the Register of Entrepreneurs of the National Court Register is dismissed due to subject matter mistake or formal inaccuracy in the certified translation of a document on file?

■ rather 'YES' ■ I do not know ▨ rather 'NO' ▨ absolutely 'NO'
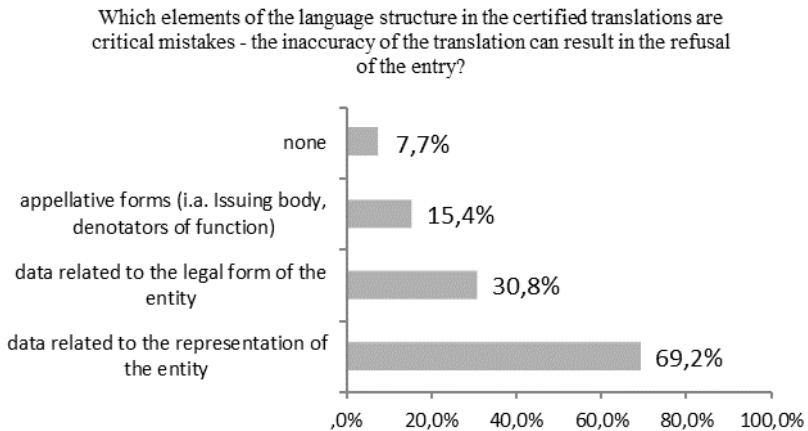
15,4% 7,7%

23,1%

53,8%

Figure 10 is illustrative of the data linked to the specificities of language structure in translation which significantly negate the validity of the translation in terms of the partywise positive outcome of the registration proceedings. The question here relates to the specific category of intralinguistic errors[14], namely errors of usage, also referred to as stylistic errors. Systemic errors (language errors covering grammar, lexis and phonetics) were excluded from the study since the author did not aim at investigating language incompetence in the general sense, but focused on the register-related failures in translation.[15] The data related to the representation

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[14] Errors can be divided into extralinguistic (from Pol. *zewnątrzjęzykowe*) and intralinguistic (from Pol. *wewnątrzjęzykowe*). The latter are divided into two categories with further subcategories: (i) systemic errors, also referred to as linguistic errors: grammatical, lexical and phonetic errors and (ii) errors of usage, also referred to as stylistic errors. For a complete categorisation of errors see (Kubacki 2012:218 after Markowski 2002).

[15] Kubacki (2012:218) defines *errors of usage* as 'niewłaściwy dobór środków językowych polegający na niedostosowaniu ich do charakteru i funkcji wypowiedzi' [.... Niewłaściwy rejestr, styl, nadawanie wyrazom nowych znaczeń'. '[…] improper choice of linguistic means which consists in failure to match them to the character and the function of the utterance.

of a given entity applying for registration at the RP of the KRS constitute a critical area in that a majority of the respondents (69.2%) find it the most important element of language structure, where inaccuracy is to be particularly avoided. Not much more than 30% of the respondents chose the answer related to the legal form. The remaining answers reached values below 16%. They were appellative forms with a value of 15.4% and an answer with a value of 7.7% that excludes all of the standardised options provided in the multiple-choice set.

Figure 10. Sociolinguistic context: Critical error area.

Which elements of the language structure in the certified translations are critical mistakes - the inaccuracy of the translation can result in the refusal of the entry?
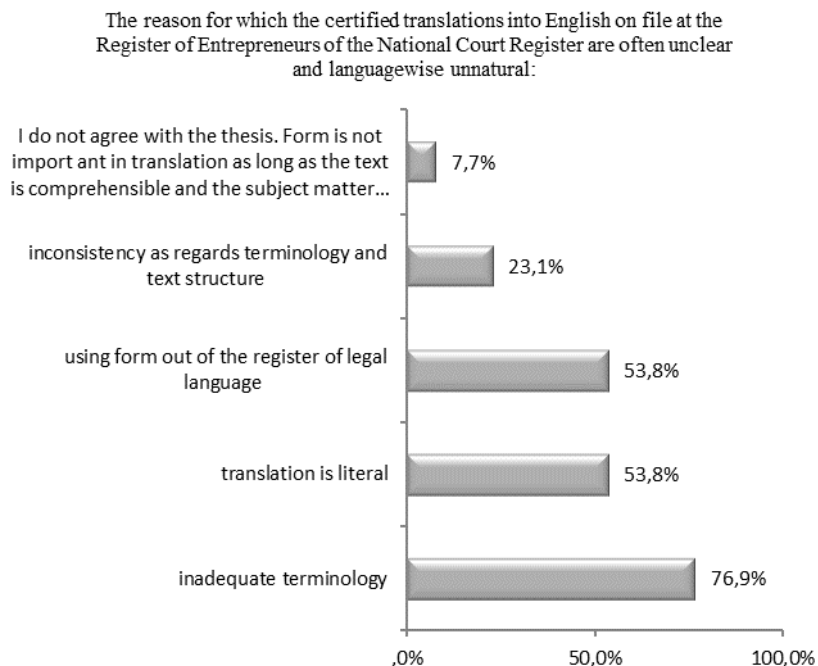
.Another set of data related to the problem area in the sociolinguistic context is provided by the respondents answering the question about the reasons for unnaturalness of the translation-based communication. Inadequate terminology heads the list, accounting for 76.9% of the total volume of answers. The second place is occupied *ex equo* by a literal character of translation and employment of forms outside the legal register, with a score of 53.8% each. Inconsistency in translation with regard to terminology and text structure seems to be much less significant for legal practitioners (23.1%). One respondent went even further by saying that form is not important.

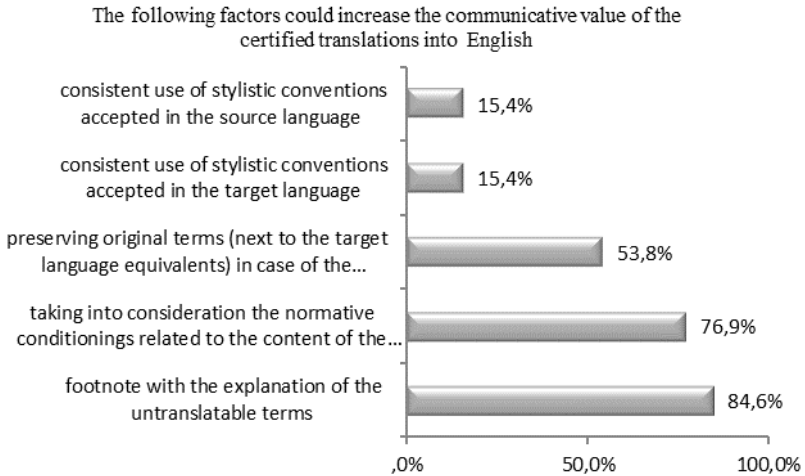[…] Improper register, style and use of terms with distorted meaning.'; *translation mine*.

Figure 11. Sociolinguistic context: Problem areas in the language of translation.

The reason for which the certified translations into English on file at the Register of Entrepreneurs of the National Court Register are often unclear and languagewise unnatural:

Category	Percentage
I do not agree with the thesis. Form is not import ant in translation as long as the text is comprehensible and the subject matter…	7,7%
inconsistency as regards terminology and text structure	23,1%
using form out of the register of legal language	53,8%
translation is literal	53,8%
inadequate terminology	76,9%

The last question referred to identification of the factors that could increase the communicative strength of texts in translation. This was in the form of a multiple-choice question and the respondents were asked to choose from 5 values of variables. The most frequent choices include provision of an explanatory footnote in a case where a translator encounters an untranslatable term. Such may be the case with culture-bound terms.

This value was followed by taking into account normative prescriptions of the target legal culture (79.9%). More than half of the population (53.8%) opted for preserving original terms in the target text. The two bottom-most values of variables (15.4%) involve sticking to the target-language or source-language stylistic conventions.

Figure 12. Sociolinguistic context: Factors increasing the communicative value of translations.

The following factors could increase the communicative value of the certified translations into English

consistent use of stylistic conventions accepted in the source language	15,4%
consistent use of stylistic conventions accepted in the target language	15,4%
preserving original terms (next to the target language equivalents) in case of the…	53,8%
taking into consideration the normative conditionings related to the content of the…	76,9%
footnote with the explanation of the untranslatable terms	84,6%

,0%   50,0%   100,0%

5. Conclusions

The study was an attempt at identifying a general sociolinguistic context for the certified translation market of commercial law documentation in court settings, with special focus on Anglo-Polish translation. The data obtained in the questionnaire were analysed with the use of quantitative methods, which allowed us – in the most general terms – to formulate some findings with respect to the frequency of specific phenomena and the distribution of textual features in the domain under scrutiny. The data can be said to be related to three main problem areas: volume-related context, sociocultural context and sociolinguistic context, in the senses ascribed to them in this paper. In general, the study aimed to provide answers to the following research questions:

1. How big is the commercial translation market in court settings and what part of it is occupied by Anglo-Polish translations?

2. What is the legal background with respect to the case category, type of registration proceedings, category of legal entities and type of documents that are relevant for the translation process?

3. Are the documents in translation accurate in terms of linguistic structure, if not – where do they fail?

To sum up, the results show a considerably hermetic sociolinguistic profile of the translation market in the scope examined, in that the majority of the respondents selected the standardised answer options and rarely added their individually formulated responses. This shows that the hypotheses upon which the questionnaire was built were justified. Further generalisation of the results leads to the formulation of conclusions on two levels. On the one hand, the findings confirmed the existence of definite and strong tendencies in some areas with respect to the frequency and distribution of events and/or features, which shows that some phenomena are present and widely common irrespective of the territorial competence of the court where a given judge or referendary adjudicates and – consequently – irrespective of the amount of the workload at a specific KRS or the individual professional experience of the adjudicator themselves. This includes, for example, the two top-most results for the most common genre categories, with scores of 100%. On the other hand, without prejudice to the conclusion presented above, in some respects the distribution of values was more dispersed, in that the percentages for various answers were fairly equal. The data related to the case category involving the processing of documents in translation are illustrative here. It may be assumed that there is a correlation between the amount of case turnover at specific courts, which is determined by geographically-conditioned economic factors, and the scope of pattern diffusion with respect to the sociolinguistic profile.

The conclusions would not be complete without making reference to the research limitations encountered by the author. The data, although statistically significant in view of the size of the population, provide very general information addressing the research problem and they should and will be further quantitatively and qualitatively analysed in the ensuing stages of a larger project involving corpus analysis. This is true especially in view of the fact noted by one of the respondents that there exist no technical facilities that would enable us to filter the specific data from the computerised system run by the RP of the KRS. The data presented here are desktop data provided on the basis of on-hand experience.

The scope of the research in the broad sense may be perceived as a factor pointing to the originality of the study and – in terms of the subject matter – its significant practical implications. Firstly, the data have nation-wide scope and thus they constitute an original and important part of the research into the field of the translation market. Secondly, the originality of the study lies in its interdisciplinary character, in the fact that the judiciary is addressed, and more importantly in presenting the insider perspective of the authorities involved in functionally-oriented evaluation of the documents in translation. This is crucial given the fact that an application for registration may be dismissed or accepted depending on the specific linguistic forms used.

On the practical side, the data obtained in the questionnaire: (1) provide guidelines for further project work related to the compilation of the custom-designed corpus (what to look for, possible volume to be obtained, search methodology) and (2) serve as a factor in the selection of the specific population (courts and cities where a search of court files will be conducted) to ensure the representative character of the corpus.

References

Albi, Anabel Borja. 2013. A genre analysis approach to the study of the translation of court documents. *Linguistica Antverpiensia* 12: 33–53.

Babbie, Earl. 2008. *Podstawy Badań Społecznych*. Warszawa: PWN.

Bedyńska, Sylwia and Aneta Brzezicka. 2007. *Statystyczny drogowskaz.* Warszawa: Wydawnictwo Szkoły Wyższej Psychologii Społecznej 'Academika'.

Biel, Łucja. 2014. *Lost in the Eurofog: the Textual Fit of Translated Law*. Bern: Peter Lang.

Biel, Łucja. 2017. Enhancing the communicative dimension of legal translation: comparable corpora in the research informed classroom. *The Interpreter and Translator Trainer* 11: 316–336.

Chromá, Marta. 2014. Making sense in legal translation. *Semiotica* 201: 201–144.

Ciulkin, Leszek, Andrzej Jakubecki and Norbert Kowal. 2004. *Krajowy Rejestr Sądowy i Postępowanie Rejestrowe. Praktyczny Komentarz*. Warszawa: Wydawnictwo ZPP.

Flöter-Durr, Margarete and Thierry Grass 2016. Kommunikative Probleme in der Rechtsübersetzung. *Quo Vadis Romania*. 80 QVR 48: 80–93.

Galdia, Marcus. 2017. *Lectures on Legal Linguistics*. Frankfurt am Main: Peter Lang.

Gołaczyński, Jacek (ed.). 2015. *Jurysdykcja, uznawanie orzeczeń sądowych oraz ich wykonywanie w sprawach cywilnych i handlowych. Rozporządzenie Parlamentu Europejskiego i Rady (UE) nr 1215/2012. Komentarz.* Warszawa C.H.Beck.

Goźdź-Roszkowski, Stanisław. 2016. The role of generic competence and professional expertise in legal translation. The case of English and Polish probate documents. *Studies in Logic, Grammar and Rhetoric* 45(58): 51–67.

Grabowski, Łukasz. 2015. Keywords and lexical bundles within English pharmaceutical discourse: a corpus-driven description. *English for Specific Purposes* 38: 23–33.

Jopek-Bosiacka, Anna. 2010. *Legal Communication: Cross Cultural Perspective*. Warszawa: Warsaw University Press.

Kjœr, Lise Anne. 2007. Phrasemes in legal Texas. In *Phraseologie. Ein Internationales Handbuch der Zeitgenössischen Forschung/Phraseology. An International Handbook of Contemporary Research*, ed. Harald Burger, Dmitrij Dobrovol'skij, Peter Kühn and Neal. R. Norrick, 506–515. Berlin/New York: Walter de Gruyter.

Kubacki Artur, Dariusz. 2012. *Tłumaczenia Poświadczone. Status, Kształcenie, Warsztat Odpowiedzialność Tłumacza Przysięgłego*. Warszawa: Wolters Kluwer.

Markowski, Andrzej. 2002. (ed.). *Nowy Słownik Poprawnej Polszczyzny*. Warszawa: PWN.

Matulewska, Aleksandra. 2014. In quest for attaining sufficient equivalence. Polish and English insolvency terminology in translation. A comparative study. *Studies in Logic, Grammar and Rhetoric*. vol. 38 (51): 167-188.

Nawojczyk, Maria. 2002. *Przewodnik po Statystyce dla Socjologów*. Kraków: SPSS Polska Sp. z o.o.

Schleef, Erik. 2014. Written Surveys and Questionnaires in Sociolinguistics. In *Research Methods in Sociolinguistics.*

A Practical Guide. ed. Janet Holmes and Kirk Hazen Wiley, 42–57. Oxford: Wiley Blackwell.

Wejland, Andrzej P. 1992. Kwestionariusz. In *Podręcznik Socjologicznych Badań Ankietowych*. ed. Paweł Daniłowicz, Zbigniew Sawiński, Franciszek Sztabiński, Paweł B. Sztabiński, Andrzej P. Wejland, 51–81. Warszawa: Instytut Filozofii i Socjologii PAN.

Więcławska, Edyta. 2013. On various degrees of stability of multi-word combinations in the language of Polish law. *International English Studies Journal, Studia Anglica Resoviensia*. 10: 73–86.

Więcławska, Edyta. 2016. Integrating the needs of the local market in teaching legal translation. *Humanities and Social Sciences*. 23(2/2016): 245–253.

Legislative Texts

Ustawa z dnia 2 lipca 2004 r. o Swobodzie Działalności Gospodarczej (*Journal of Laws* of 2004, no. 174, item 1807 with later amendments).

Ustawa z dnia 20 sierpnia 1997 r. - Przepisy wprowadzające ustawę o Krajowym Rejestrze Sądowym (Journal of Laws of 1997, no. 121, item 770 with later amendments)

Ustawa z dnia 15 września 2000 r. Kodeks Spółek Handlowych. (*Journal of Laws* of 2000, no. 94, item 1037 with later amendments).

PLAIN-LANGUAGE APPROACH IN LEGISLATIVE DRAFTING: A PERSPECTIVE FROM POLAND

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Abstract: The purpose of this research is to explore plain-language postulates reflecting on legal drafting assumptions since legal acts should be precise, clear and express with no doubts the intention of the legislator. The aim of this project is to commence discussion about improving the clarity of Polish consumer law based on selected plain-language techniques. This article agrees that the aspiration to make the law comprehensible for all subjects is an idealistic postulate. Ultimately, despite this, legislators' obligation is to make an effort to increase the intelligibility of legislation wherever it is possible.

Key words: Plain legal language, Legal Texts, Polish Consumer Law, Legal Drafting, Clarity, Simplification

PLAIN LANGUAGE W TEKSTACH PRAWNYCH
– PERSPEKTYWA Z POLSKI

Abstrakt: Przedmiotem artykułu, jest omówienie ruchu „plain legal language" czyli zrozumiałej i efektywnej komunikacji w tekstach prawnych. Zaprezentowany zostanie rozwój ruchu „plain language" oraz postulat powszechnego rozumienia prawa, w odniesieniu do polskich dyrektyw redagowania tekstu prawnego. Wybrane techniki i narzędzia standardu „plain language" zostaną w formie eksperymentu zaimplementowane do ustawy konsumenckiej. Artykuł opisuje rozwiązania, które potencjalnie mogą zwiększyć komunikatywność tekstów prawnych.

Słowa kluczowe: plain legal language, teksty prawne, prawo konsumenckie, zasady techniki prawodawczej, postulat powszechnej zrozumiałości prawa

1. Introduction

For centuries, lawyers have been using a specific writing style which became too complex for unqualified users to comprehend. Those standards contain long, complex sentences; specialized jargon; archaic, inflated vocabulary and impersonal constructions. A new chapter in this field was opened by the plain-language movement, which promotes clear and effective communication. The main goal of this movement is to prepare texts which a mass audience can easily understand. This standard encourages writers to avoid jargon, redundancy, ambiguity and obscurity.

Plain-language fundamentals have been aggregated in dozens of guidelines and involve *'planning a document, designing it, organising it, constructing sentences, choosing words and testing mass documents on typical readers* (Kimble 2006: 45). These guidelines are very dynamic and continuously expanding after being widely discussed. However, it is important to note that all of them are "user-centric". All rules promote the use of language that the final user understands and feels comfortable with. According to plain-language guidelines, the crucial phase has been defined as the moment before writing the document, when the sender needs to perform a research about the audience, their needs, education and language competencies. The value of thinking about what suits the users leads

also to usability tests, which confirm whether the documents are comprehensible by the users. According to plain-language guidelines, readers' comprehension might be improved by linguistic changes such as writing short sentences, avoiding arcane vocabulary, using vigorous verbs and favouring the active voice. Furthermore, the plain-language framework is supported by visual and design techniques like simple typography and adding useful headings, lists or tables. These improvements are as important as linguistic changes; moreover, according Martin Cutts, *'plain language need effective layout otherwise only half the job has been done'* (Cuts 2010: 3).

The art is to apply plain language guidelines in legal texts to encompass all the complexity of the law. Strategic concern is that the meaning of legal texts might be hard to understand especially from the perspective of the lay public. Key concern is that to comprehend legal documents, specific knowledge and language competences might be required, which are usually out of non-lawyers reach. As per Rabeea Assy '*Using the law effectively requires expertise that goes far beyond understanding the meaning of the words used to communicate it'* (Assy 2011:376).. Polish theorists of the law in many publications explored characteristics and functions of legal language and have been focused on common understanding of law postulates. The conclusion is that legislators have to face the challenge of seeking compromise between rendering the law intelligible to the unspecialized users and enhancing precision. Despite claims that sole or perfect solution might not exist, it's worth looking for solutions like plain language approach, which can address both legislators and non-lawyer's needs. The dilemma of how to implement plain language guidelines into legal texts will be explored later in this study by presenting proof of concept assumptions related to redrafting the polish consumer law.

2. Progress towards plain-language in legislative drafting

Plain language standards have been already implemented in many documents from governance, administrative, business and legal area. For better understanding of the matter, examples of plain language

standard implementations from selected countries are presented below.

In Poland, there are a number of projects in businesses, like banking or insurance, where the plain language guidelines play a vital role. Pleas for clarity also resound in the Ministry of Finance's initiatives where, together with the Tax Administration, they are seeking new ways to improve written communications with the citizens to boost tax revenues at very low cost. According to the studies, the results can be achieved by rewriting official letters by applying behavioural science. Straightforward language along with clear and direct information about key facts also plays a vital role in reducing complexity. Researchers' findings prove that revised correspondence is much more effective than standard documents and consequently leads to increased revenue from tax collection (Hernandez et al 2017:6). These initiatives from diverse areas lead to the conclusion that plain language is becoming more and more popular in Poland and is being highly appreciated, by both the authors of the texts as well as the readers.

Another example of plain-language legislation is the Plain Writing Act of 2010, which President Obama signed into law on 13 October 2010. The purpose of this Act is to '*improve the effectiveness and accountability of Federal agencies to the public by promoting clear Government communication that the public can understand and use*'(Public Law 111 – Oct. 13, 2010 124 Stat. 2851). The next legislative initiative was implemented in New Zealand. The purpose of this Act is to improve the effectiveness and accountability of New Zealand's governmental organisations by requiring them to communicate clearly with the public.

Apart from legislative acts which regulate plain-language postulates, it is worth mentioning examples which provide information on how plain-language standards might be implemented in common law. One example of the practical use of plain language comes from New Zealand legislative drafting. The Income Tax Act from 1976 had been simplified by adopting the plain-language approach, including re-organisation of the structure, organising the materials from general to specific, changes in terminology and usage of tables to aggregate content. The Income Tax Act 2007, which received Royal assent on 1 November 2007, represents the fourth and final stage of the re-writing of the income tax legislation using plain drafting techniques. The bill was introduced

on 15 November 2006 and had its first reading on 23 November. From this point of view, another interesting example is a demonstrative project conducted by Martin Cutts, who decided to redraft an Act of Parliament about Timesharing. The results of this experiment have been widely discussed, including feedback from parliamentary office members who were responsible for the original version of this Act. In his publications, Martin Cutts emphasizes that the incentive to launch this initiative was not to show the errors of the parliamentary office staff who created the Timeshare Act. What is more, it has been pointed out that they had a very difficult task to perform, taking into account the circumstances of law-making, such as a structured legislative process, limited time or the need for numerous consultations. As Martin Cutts wrote '*The project does not seek to belittle the considerable skills of the parliamentary counsel, who do a difficult job under trying circumstances'* (Cutts 1993: 6). Martin Cutts' intention, however, was not to push through his work, "The Clearer Timeshare Act", as the one that should absolutely replace the original Act. The key value of this exercise was to indicate the need for changes that must be introduced into legal texts. The specific example shows how this should be done and the direction in which the legal text changes should be implemented. The debate between the promoters of simple language, the members of the Parliamentary Council and representatives of the government on the possibilities of simplifying legal texts is also a significant milestone for the entire plain language movement

3.   Legislative drafting in Poland

Discussion about the clarity of legal texts has been present in the Polish legal environment for several decades, including assumptions in the field of theory and legal philosophy. The scope of these achievements is related to a common understanding of law, clarity and communicativeness. Many postulates reflect basic plain-language rules like the focusing-on-audience approach. Knowledge of legal norms is a prerequisite for the effective impact of law on social life. Receiving a message from the legislator 'in an adequate manner' empowers citizens to make real use of their rights

and comply with their obligations (Zieliński 2012: 51). Pleas for achieving this goal resound in publications by increasing the communicative nature of the legal system manifesting itself in '*formulating legal provisions in such a way that the broadest possible circle of interested persons can determine on their basis who, under what circumstances and what should be done*' (Zieliński 2012: 51)'.

In addition to theoretical achievements, plain-language postulates have already been already reflected in "Principles of Legal Technique" from 2002 (Wronkowska, Zieliński 1997: 199), which regulates how acts should be prepared in Poland. One of the elementary principles states that the law should be precise and understandable for the reader[1]. Another rule stipulates avoiding long, excessively complex sentences[2], which corresponds to the plain-language standard that specifies short and simple sentences. Article 8 promotes avoiding legal jargon by giving consent for using specialist terminology only when it is necessary to fulfil the precision requirement. Moreover, Polish regulation directly advocates using terms in their basic and commonly accepted meanings[3]. From practical perspective, implementation of all the postulates might be challenging, taking into account the legal language specificity and complex legislative process, which put tremendous deadline pressure on legislators. Undoubtedly, the process of rewriting such texts requires a lot more commitment and effort, sometimes making the task almost impossible. The challenge is even greater because the results of the use of plain-language techniques in legal texts provoke criticism all over the world. Martin Cutts responds to criticism by writing about Clarifying Eurolaw: '*Directives may never be written in the plainest of plain language, but they should at least be understandable to reasonably literate, motivated people who are prepared to make an effort* (Cutts 2001: 3).

With regard to those findings, this article agrees that the aspiration to make the law comprehensible for all subjects

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[1] Art.6, Principles of legislative technique of June 20, 2002 (Journal of Laws 2016, no.283).

[2] Art.7, Principles of legislative technique of June 20, 2002 (Journal of Laws 2016, no.283).

[3] Art.8, Principles of legislative technique of June 20, 2002 (Journal of Laws 2016, no.283).

is an idealistic postulate. Ultimately, despite this, legislators' obligation is to make an effort to increase the intelligibility of legislation wherever it is possible, taking into consideration all aspects of complex legal language.

4.   Plain language approach in the Polish Consumer Act

The intention of the author of this study is to conduct an experiment on implementation of plain-language techniques into Polish consumer law. The Polish Consumer Act came into force in December 2014; therefore, its exemplifying current example of legislative drafting inPoland[4]. Moreover, consumer law has an impact on a wide and diverse group of readers in their everyday lives, for example, regulating how consumers might return a product and get a refund. Without a doubt, this area of law should be as straightforward as possible; readers must be able to understand it without having to seek professional legal advice. The project of consumer law revision should be seen as an experiment which will explore the plain-language framework and polish the principles of legal technique. The first project phase involved the implementation of specific tools to clarify the language and increase the usability of the consumer law. In the case of linguistic changes, the author has been focused on reducing the length of sentences, using simple and common vocabulary, using shorter and simpler sentences, using natural grammatical structures and favouring verbs over nouns. All linguistic changes were preceded by an analysis of the original meaning and legislators' intention. Furthermore, Polish consumer law has been changed visually by typography improvements like using headings and tables, wider spaces and margins, highlighting techniques and division into sections and subtitles.

Despite the fact that legal language is incredibly complex, intelligibility of legislation might be achieved by plain language guidelines, which should be implemented into legal texts in reasonable way. The plain-language standard '*is not an absolute*' (Cutts 2010:

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[4] Consumer Rights Act of May 30, 2014, (Journal of Laws 2014, No 827).

XII) and sometimes authors have to seeking compromises between precision and clarity. When discussion about converting from legalese to plain language turns to the concrete example, it is important to be aware of the risks and limitations, however '*risk is worth it, and writers should not be dissuaded*' (Kimble 2006: 38). The following examples will present which plain-language guidelines have been applied and modified into Polish consumer law and why

According to plain language guidelines, the text must address different audiences separately. In the case of legal texts, fulfilment of this rule is difficult to adopt, because legal acts laws regulate different areas of expertise and govern the lives of many citizens who have different levels of education, language competences and experience. However, there is no doubt that some specific groups of law have to be comprehensible and clear for lay people who must be able to understand their rights and obligations sufficiently for "ordinary" circumstances, as indicated by Rabeea Assy, '*clearly, certain areas of law might be simple enough to be approached without legal advice like instructions concerning how to return a product and get a refund might be examples in point*' (Assy 2011: 382). With regard to the spoken approach, it is worth following to the trends of the plain-language movement where many re-writing projects include tax or consumer law. In light of this, Polish consumer law might offer a good starting point for a concrete example of the implementation plain-language guidelines into legal texts. Moreover, the assumption regarding the addressee of the consumer law is that the users are educated, motivated and prepared to make an effort during reading about their rights and obligations.

Further consideration deals with visual aspects and tools such as main pages and tables of contents. According to the author of this study, the first impression might have a very strong impact on users' attitudes and willingness to obtain knowledge about their rights and obligations. Therefore, the main page of the original consumer act should be rebuilt and improved to increase the overall effectiveness of the legislation. Below there is an comparison of the main page of both versions.

Picture 1: Original Consumer Rights Act – Main Page.
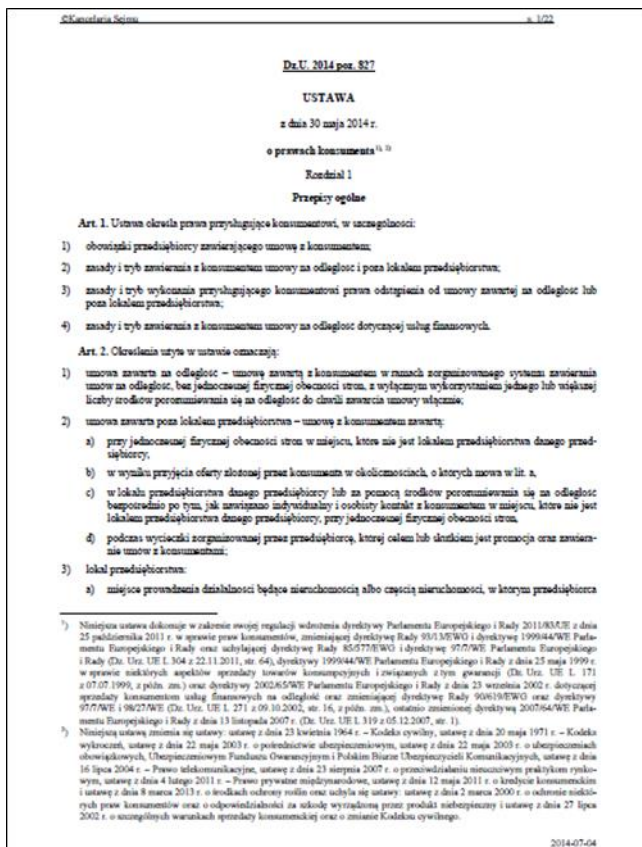
On the first page of the original act, there is a lot of information including: act number, type, enacted date, title and content which consists of the first articles from chapter one. In addition, on the main page, legislators placed references which indicate the directives of the European Parliament and a list of acts that were amended or repealed. Undoubtedly, all these elements are important and must be presented; however, it is worth considering whether the order of the information is appropriate from the users' perspective. By drawing attention to key information, it is hard to justify why the title of the act, which defines the regulated scope, is only in the fourth position. This is the most important information for users and should be placed at the beginning, before the act number or enacted date.

Referrals are an obligatory part of the act and their content plays a vital role, but the presentation of the referrals does not encourage the user to read this part. In the reviewed document, referrals are grouped and presented in a clearer layout.

In the revised version, the main page offers an introduction and contains all the required information, presented in a different order to the original version. Moreover, the author refrains from presenting articles from the first chapter and focuses only on information that is valuable for users during their first time reading the act.

Picture 2: Revised version – Main Page.
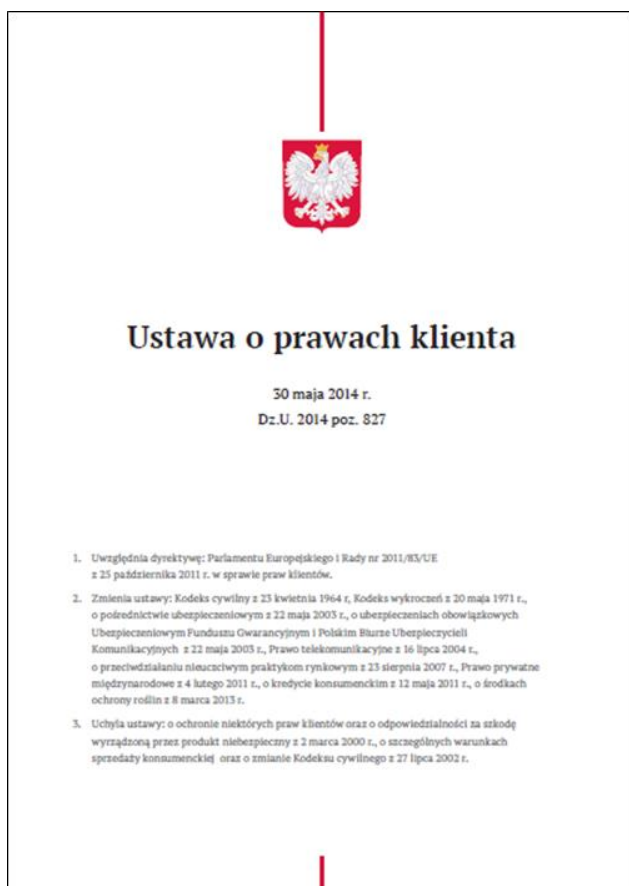
Another way to support users in comprehending important information easily might be the implementation of a Citizen Summary, which has been introduced in revising the timeshare act project. As Martin Cutts notes, '*It would not have the force of law but would spell out the main points of the legislation*' (Cutts 2000: 8). Another plain-language guideline encourages the use of reader-centred structure of the document. One of the specific rules recommends organizing material so that readers can grasp the important information early and navigate through the document easily (Cutts 2010: 135). To address this need in legislative drafting, it is worth implementing a table of contents, which, when well-prepared, would make it easier for reader to get an overview of the act, navigate the entire document and help them find the information they need. In Polish legislative drafting, there is no such construction as table of contents; therefore, this proposal might be a perceived as controversial. Ultimately, despite this potential criticism, the author of this study strongly believes that a table of contents should be an obligatory part of all legal acts in Poland.

Picture 3: Revised version – Table of contents.

Spis treści

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5.   Conclusion

The ultimate goal of the Polish consumer law revision is to trigger discussion about Polish legislative drafting and seek possibilities to improve clarity of law for non-qualified users. The discussion is based on concrete examples, is in legislators' interests and will be valuable for citizens as well. Even potential criticism of plain-language guidelines' implementation into legal text can bring added value for common understanding of law postulate fulfilment.

The author agrees with M. Cutts, who wrote that '*revised documents are never better or clearer until users' performance proves*

it' (Cutts 1993, 6). Regarding Polish Consumer Act usability tests will be conducted in the near future with non-specialized users and users with a legal background. Feedback will be analysed and all insights will complement theoretical discussions. Those findings, which will be discussed in separate publication should indicate which plain language guidelines address legislators' and non-qualified users' needs and which parts of the rewritten and restructured document are unacceptable. The conclusions reached as a result of the research might be useful in exploring potential solutions for clearing up polish legislative drafting, where feasible.

References

Assy, R. 2011. Can the law speak directly to its subjects? The limitation of plain language. *Journal of Law and Society, Number 3, September*.

Consumer Rights Act of May 30, 2014, (Journal of Laws 2014, No 827)

Cutts, M. 1993. *Unspeakable Acts*. Clarifying the language and typography of an Act of Parliament. Discussion Paper, January 1993.

Cutts, M. 2000. *Lucid Law*. Additional research by Monica Sowash, Plain Language Commission.

Cutts, M. 2001. *Clarifying Eurolaw How European Community directives could be written more clearly so that citizens of Member States, including lawyers, would understand them better*. Prepared for the European Law Conference, Stockholm, June 2001.

Cutts, M. 2010. *Oxford Guide to Plain English*, Third edition, Oxford University Press: Oxford.

Hernandez, M., Jamison, J., Korczyc, E., Mazar, N., Sormani, R. 2017. *Introduction of behavioural techniques to improve tax collection*, The results of empirical research in Poland, World Bank Group, June 2017.

Kimble, J. 2006. *Lifting the fog of legalese, Essays on Plain Language*, Carolina Academic Press, 2006

Principles of legislative technique of June 20, 2002 (Journal of Laws, 2016 r. No 283)

Public Law 111–274—OCT. 13, 2010 124 STAT. 2861

Wronkowska, S., Ziembiński, Z. 1997. *Zarys teorii prawa*. Ars Boni et aequi: Poznań.

Zieliński, M. 2012. *Wykładnia prawa. Zasady, reguły, wskazówki*, LexisNexis: Warszawa.