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## **REEL JUSTICE IN THE CONTEXT OF TEACHING LEGAL ENGLISH AS A FOREIGN LANGUAGE**

**ABSTRACT.** The paper tackles the issue of law-related cinematic and television productions, metaphorically described as *reel justice*, in the context of teaching Legal English as a foreign language. In the light of current trends in ESP and film pedagogy, an integrated skills teaching approach is presented that attempts to invoke subject-specific, intercultural and language knowledge of Polish learners of Legal English. The core of the paper focuses on different film-based tasks, exploiting the American series *Boston Legal* as a didactic material. The paper concludes with recommendations for further research.

**KEYWORDS:** ELT, ESP, film pedagogy, generic knowledge, legal genre, needs analysis, reel justice, subject-specific knowledge.

### **1. INTRODUCTION**

The first law-related film in English was D.W. Griffith's *Falsely Accused* of 1908 (Papke 2007: 9), and ever since, numerous cinematic and television productions have tackled legal issues. The International Movie Database (IMDb), which is currently the most comprehensive film database on the web, lists 366 American, English-language films with plot descriptions that contain the word *lawyer*, 251 that mention *judge* and 50 with *jury* (Levi 2005: XII). Even if we take into account the duplicate film titles in each search result, those interested in legal cinema are confronted with a wide array of law-related genres to choose from.

Although the history of law on the silver screen dates back to the early years of the 20<sup>th</sup> century, the first research studies into the representations of law in popular culture, especially in movies, were undertaken as late as the early 2000s. The main reason for the lack of interest in this issue for almost

a century was a common belief, still cherished by some scholars (e.g. Ortega y Gasset 1980), that pop culture was not worth any scientific investigation.

Almost all the works devoted to the images of law on the silver screen could be described as comprehensive catalogues of law-related feature movies that have been classified by means of various criteria, including branches of law (Chase 2002), plots (Denvir 1996) or characters (Levi 2005). Recently though, the scholars' focus has shifted more towards the *law-on-TV genre* (Asimow 2009; Villez 2010). As a result, the catalogue of law-related productions has been enriched by television subgenres such as law series, court shows and docudramas.

In order to describe the plenitude of cinematic and television productions that deal with legal issues, the term *legal genre* is usually exploited. Its meaning, though, is rather ambiguous. Some researchers restrict the use of legal genre only to those movies in which the main scenes take place in the courtroom. For others, the prevailing criterion is the lawyer being the main protagonist, even if his role boils down to conducting an investigation (Villez 2009: 3). Villez (2009) herself proposes a much broader interpretation of the term. As she puts it, all the productions, in which "the central figure is a lawyer, a prosecutor or a judge, and where the audience can see them exercise their principal responsibilities: in the firm, in court, pleading, advising, negotiating, managing justice" can be classified as *legal genre*.

Apart from genre-based typologies, metaphors have been used to describe the portrayals of law on the silver and small screen. One of them is the apt phrase *reel justice*, popularized by the book *Reel justice: The Courtroom goes to the Movies* (2006) by Bergman & Asimow, which is understood as an umbrella term for various law-related cinematic and television (sub)genres and defined as such in this paper.

## 2. REEL JUSTICE IN EDUCATIONAL SETTINGS IN COMMON LAW COUNTRIES

As noted above, the field of law and popular culture has recently gained ground as something worthy of serious study. Law professors have been drawn into the area because the material seems both too rich and too pervasive to ignore (Joseph & Mertz 2000). Scholars, though, have expressed dissenting opinions about *reel justice*. For some of them, it is a curse rather than a blessing, since the portrayals of law on the TV screen are so distorted and simplified that they may do more harm than good.

On the contrary, less orthodox academics find legal cinema extremely useful in teaching both non-lawyers and students of law about real law in

the real world. As far as the first target group is concerned, the underlying educational goal is to increase the legal consciousness (“knowledge and opinion about law”) of non-lawyers by means of different TV productions, especially legal series and court shows.

However, before we concentrate on the role filmic texts play in legal education in academia, it would be advisable to refer to the classification of audiovisual texts from the educational perspective, as proposed by Günther Storch (1999). The author identified two main functions that may be fulfilled by audiovisual texts in foreign language teaching. The first, called *informational*, consists in presenting different types of information serving as content-based stimuli for written and oral output. Conversely, the other, *didactic* function exploits the texts as sources of language input including vocabulary, grammar and pronunciation.

As far as *reel justice* in legal education is concerned, the texts in question play the informational role and they serve two major purposes. The primary goal is to trigger discussion about vital ethical issues that lie at the heart of many famous movies. *Law and Film* courses, offered at some British and American law schools, focus among others on the following productions: *Dead Man Walking*, *The Green Mile*, *Let Him Have It* (the issue of capital punishment), *To Kill a Mocking Bird*, *Time to Kill* (the issue of racism) and *Philadelphia* (the issue of homophobia). However, the other, predominant purpose of *reel justice* in legal education is to develop the oratory skills of future lawyers. In common law countries, operating on the basis of adversarial systems of justice, a victory in the courtroom often depends on the skill of the advocate representing their respective party’s interests, even if this professional conduct might strike a foreign observer as being in many respects distinctly informal (Zweigert & Kötz 1998). Therefore, much emphasis is put on the training of oratory skills, using as templates closing speeches from the TV screen.

To strengthen the rationale for using *reel justice* in legal education, empirical studies into the exposure of law students to law-related pop culture<sup>1</sup> have been conducted (Salzmann & Dunwoody 2005; Asimow et al. 2005; see also Dąbrowski 2014). The surveys revealed that the respondents are not passive consumers of legal cinema and TV court shows. The figures presented in the above-quoted papers clearly show that a comparatively high number of law students (around 60%) credit popular culture as a significant factor in forming their opinions of lawyers and law. Furthermore, some of them, especially first-year law students, exploit *reel justice* as a source of sub-

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<sup>1</sup> It should be emphasized that the surveys’ focus was limited to filmic and televisual texts concerning law (see Jubas et al. 2015).

ject-specific knowledge. The gathered data also implies that the majority of those surveyed frequently watch law on TV and are therefore familiar with various productions, not only those labelled as part of the canon of the legal cinema.

Moreover, the empirical studies confirm that law-related TV programs and movies occupy the attention of law students. Despite changes accompanying the development of new social media, as well as other cultural technologies and practices, television has remained pivotal in their cultural life (see Saryusz-Wolska & Klejsa 2014; Jubas et al. 2015). Owing to the fact that *reel justice* exploited in an educational context strongly correlates with the cultural activities undertaken by the student outside the classroom, it may serve as an invaluable motivation booster (see Szalek 1992; Pfeiffer 2001).

### 3. REEL JUSTICE IN THE LIGHT OF CURRENT ELT METHODOLOGIES

Apart from common-law countries, in which *reel justice* is used at tertiary level as part of law school curriculum, many American law-related movies belonging to the canon of legal cinema, such as *Devil's Advocate*, *Erin Brockovich* and *Philadelphia*, have been used worldwide in ELT pedagogy. The classes based on these movies exploit their informational and didactic function. Consequently, numerous communicative tasks with two foci in mind have been designed. The first focus is to trigger discussion and debate on various social issues, whereas the other involves language practice.

Even though it is often claimed that the quality of foreign language classes at tertiary level that exploit audiovisual and audial texts leaves much to be desired (see Modrzycka & Iżykowska-Staruch 2007; Adamczak-Krysztofiwicz 2009), a rough overview of EFL lesson plans and worksheets<sup>2</sup> drawing on law-related video material shows the opposite. The proposed activities are making the most of the movie by involving the interaction of two subsuming cognitive processes: bottom-up (data-driven) and top-down (conceptually-driven), and almost all of them facilitate imaginative learning.

As far as movies in ESP pedagogy, especially in Legal English teaching, are concerned, the relevant subject-specific literature is rather scarce. Despite this deficiency, a few attempts at adapting *reel justice* for teaching purposes are definitely worthy of note, e.g. Chovancova 2012. Moreover, corpus-based

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<sup>2</sup> The analysed lesson plans and worksheets were accessed via the web: <<http://moscow.usembassy.gov/root/pdfs/erin-brockovich.pdf>, <http://annmichaelsen.com/2011/08/16/teaching-about-pollution-and-consequences-with-the-movie-erin-brockovich/>> (2.11.2016), <<http://www.eslmovies.com/Products/Details.aspx?ProductID=11&RefUrl=%2FDefault.aspx>> (2.11.2016).

techniques have been used to investigate the extent to which watching law-related movies and TV shows in a second/foreign language may facilitate incidental learning of technical vocabulary (Csomay & Petrović 2012). The study's results imply that the potential for incidental vocabulary learning through movies and TV shows with a legal content is great and that these media could also be used for teaching language patterns in an ESP classroom with a relevant focus.

Taking into consideration the current international status of Legal English – the lawyer's *lingua franca* (Drolshammer & Vogt 2003; Mattila 2006) – and the popularity of *reel justice*, the shortage of literature on the use of law-related audiovisual texts in the Legal English classroom is surprising. The reasons for the lack of interest in investigating law-related pop culture might be several. One of them could be the distrust of popular culture, expressed by both EFL and ESP pedagogy, which is claimed to do more harm than good in educational settings. The other reason lies in numerous distortions and simplifications of real justice on TV screen. As a result, law-related pop culture cannot be treated as a reliable source of specialist knowledge, which lies at the heart of ESP teaching. Above all, however, the scarcity of papers devoted to teaching Legal English as a foreign language through movies could be explained by the fact that ESP *per se* has not established its own methodology. Consequently, with respect to exploiting audiovisual materials in Legal English classes, ESP practitioners resort to the ample literature on film pedagogy or film literacy within the EFL domain (Lonergan 1984; Tomalin & Stempleski 1990; 1993; Holden 2000; Ishihara & Chi 2004; Viebrock 2016).

It has been claimed above that there is not a special methodology of ESP. Still, some prominent scholars strongly emphasize the specificity of ESP teaching (Dudley-Evans & St. John 1998; Hyland 2002). They argue that a special language requires a special methodology, which often reflects that of the disciplines and professions the special language serves (Dudley-Evans & St. John 1998). Furthermore, they contest the claim that weaker students should be familiar with generic language forms and functions before they concentrate on ESP (Hyland 2002). However, many researchers support the idea that the methodology of ESP differs little from that of ELT. Robinson (1991) argues that the only differences between both methodologies are those related to the student's specialism and/or his/her target needs (see also Gajewska & Sowa 2014). This claim has its foundations in current research into the nature of LSPs, which has clearly demonstrated that languages for specific purposes are not complete languages<sup>3</sup> in the linguistic

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<sup>3</sup> According to the main assumptions of anthropocentric linguistics developed by F. Grucza (1992), neither idiolects for specific purposes nor polylects for specific purposes are auton-

sense of the word. They are closely connected to the general languages as they share with them many linguistic features (Hutchinson & Waters 1987; F. Grucza 1994; S. Grucza 2007, 2008).

In the light of the theoretical considerations presented above, the methodology of ESP shows much resemblance to that of ELT. The former should therefore draw on the theoretical and empirical foundations of the latter. As a result, the design of Legal English classes based on *reel justice* should draw on theoretical and empirical foundations of film literacy in the context of English Language Teaching.

#### 4. POLISH LEARNERS OF LEGAL ENGLISH AND THEIR LANGUAGE NEEDS

Without any further comments on the definition of *text*, the terms *film*, *movie* and *audiovisual text* have been used interchangeably in the previous parts of this paper. Taking into consideration the omnipresence of the textual perspective in both EFL and media research, it has been taken for granted that all types of oral, written and multimodal utterances may be classified as texts.

Within the realm of foreign language teaching, the term (*glotto*)*didactic text* has been coined. As S. Grucza (1998:14) puts it, it encompasses all the texts utilised in the process of foreign language teaching and learning, which carry didactically relevant content (see also Dakowska 2001). In order to select the relevant texts, different criteria of linguistic, metalinguistic and didactic character can be taken into account (S. Grucza 1998; Adamczak-Krysztofowicz 2009; Wolak 2013).

However, the first and foremost prerequisite for designing ESP teaching materials involves identifying the learners' needs. Based on the relevant assessment data, needs-responsive ESP materials and methods are developed. Even though a reliable needs analysis, or rather a series of analyses (Belcher 2009), should focus on a very specific target group, numerous attempts have been undertaken to identify and describe the general language needs of various professional groups. In other words, language profiles of different professions including lawyers, engineers, accountants (e.g. Górńska-Poręcka 2007; Sierocka 2012; Gębal et al. 2015) have been created which may serve as a source of guidelines for teachers of languages for specific purposes.

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omous languages as their phonemic, graphemic, grammar and also lexical sets intersect with those of general languages, see also S. Grucza (2008).

As far as the language profile of Polish lawyers is concerned, two research studies are worth mentioning. The first, a part of action research (Sierocka 2012), analysed and identified the needs of 293 legal professionals including law students<sup>4</sup>, lawyers, civil servants and academic teachers. The other study, consisting of a survey, accompanied by interviews and some participatory observation (Górska-Poręcka 2007), was conducted among 10 lawyers. Although the above sample can hardly be called representative due to its small size and employment homogeneity, it proved entirely sufficient for the language needs identification. Based on the assessed data, the following language needs of Polish lawyers with respect to Legal English have been identified:

- the main aim of the research groups was to develop the necessary skills to communicate in their field of work;
- in the field of writing, the respondents opted for learning how to write formal correspondence and draft job-related genres: pleadings, contracts, letters of advice and case briefs;
- in terms of speaking, the following issues were comparatively popular among the respondents: giving opinions and advice to clients, speaking to the public and negotiating. The polled legal practitioners strongly emphasized the necessity to develop interactive skills, including holding face-to-face meetings with clients and conducting trade negotiations on their behalf;
- in the field of listening, the respondents opted for developing the skills of understanding authentic law-related spoken texts including public statements and news;
- in the field of reading, a wide range of relevant law-related genres were proposed including statutes, directives, contracts and agreements as well as press articles and scientific papers;
- as far as the role of grammar is concerned, most of the respondents claimed that only essential grammatical structures should be included in the course;
- with respect to branches of law and the underlying terminology, the polled selected Civil Law in its broadest meaning, as well as European Law, Administrative Law, Company Law and Criminal Law. Moreover, they declared an interest in learning about legal concepts typical of common law jurisdictions.

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<sup>4</sup> Even though law undergraduates are not qualified legal professionals, they have been included in the sample due to the fact that they are potential adult professionals interested in Legal English. Such a claim is also in compliance with the characteristics of *discourse community* (Swales 1990).

Based on the identified needs of Polish learners of Legal English and the didactic implications for exploiting movies in the foreign language classroom and teaching ESP, some guidelines for teaching Legal English as a foreign language through *reel justice* will be presented. All of them will refer to the American series *Boston Legal*.

## 5. BOSTON LEGAL IN A LEGAL ENGLISH CLASSROOM

Brinkerhoff (2009: 253) aptly notes that the series under review has made use of its own “creative license with the law”, going on to describe it as “an amped-up, reality-be-damned version of life and law”. It is namely the place where trials begin and end in one day, a mute assault victim can testify via cello, and a lawyer can commit hundreds of ethical infractions without disbarment. Nevertheless, its well-written and engaging script, frequently drawing on “ripped-from-the-headlines” stories (Villez 2010: 1304) may lend itself to educational purposes. The Legal English lesson based on the series *Boston Legal* (Season Five, Episode 2), tackled the issue of suits against tobacco companies which are often filed by relatives of late lung cancer victims. The lesson’s plan included the following learning outcomes:

- a) with respect to generic knowledge (see Candlin et al. 2002)
  - being able to identify the distinctive features of a closing speech as a spoken genre;
  - being able to write an argumentative essay (academic genre) taking into consideration relevant linking devices;
- b) with respect to disciplinary knowledge
  - being able to use subject-specific (legal and medical) vocabulary related to the instant case;
  - being able to identify different stages of a court trial;
  - being able to talk about different types of remedies available under Common Law;
- c) with respect to language knowledge (skills)
  - being able to elicit detailed information from an authentic audiovisual and visual text;
  - being able to talk about negative aspects of smoking.

The course of the lesson has been divided into three stages, commonly used for movie classes: previewing, while-viewing and post-viewing (Tomalin & Stempleski 1993). A description of each stage is elaborated below.



## 5.1. Pre-viewing stage

The main aim of pre-viewing activities is to tap into the students' background knowledge in order to stimulate the learner's imagination, spark their interests and aid in comprehension of a specific segment (Ishihara & Chi 2004). As far as the types of pre-viewing activities are concerned, Brandi (1996: 83–85) points out a wide range of tasks that could be exploited at this stage. He distinguishes:

- a) creative-productive activities involving various warm-up tasks utilising music (e.g. film soundtrack), visuals (e.g. film posters, subject-specific mind-maps) or role-plays
- b) language activities, usually lexical tasks aiming at the pre-teaching of relevant vocabulary (Gairns & Redman 1986; Nunan 1989).

As far as the lesson in question is concerned, at this stage the following visuals and thought-provoking questions, orientating students to the subject matter, were exploited.

*Look at the ads below and answer the following questions.*

- a) *What do these ads make you think of?*
- b) *Many countries have recently imposed a ban on tobacco ads. Do you agree with this approach?*
- c) *Do you think that anti-smoking warnings are successful in discouraging people from smoking?*
- d) *Due to the ban on direct tobacco advertising, some cigarette manufacturers now sponsor or advertise in sports events to surreptitiously promote their brands. Is this approach fair?*
- e) *Many tobacco manufacturers pride themselves on their "corporate conscience". How do you understand this term? How may it be applied?*





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Furthermore, the learners were pre-taught relevant vocabulary including among others the following lexical items: *carcinogenic substances*; *excruciating pain*; *to gloat over something*; *insidious changes*; *luscious flavour*

## 5.2. While-viewing

At the while-viewing stage, students focus on the gist of the content. They are encouraged to watch carefully so as not to miss important visual clues. To be able to 'make the most of the movies,' three important technical questions should be raised before presenting the movie to the students. Firstly, what type of approach in dealing with a particular movie should be taken - viewing a movie in its entirety or in segments? Secondly, will non-captioned or captioned films be more appropriate for a particular class? Thirdly, which video-teaching techniques (sound off/vision on, sound on/vision off, pause/freeze-frame control, jumbling sentence, split viewing) could be used (Tomalin & Stempleski 1990)?

The wide array of while-viewing tasks includes among others the following activities:

- answering questions testing both global and selective text comprehension;
- filling in gaps in charts, diagrams and tables with the information elicited from the audiovisual material;
- taking movie-based notes.

However, it must be borne in mind that all the tasks utilised at this stage should not merely focus on passive viewing. They are expected to make use

of the underlying bottom-up and top-down processes and, if possible, facilitate imaginative learning.

With respect to the lesson in question, the students were asked to watch three selected scenes from the series (*Boston Legal, Season Five, Episode 2, 14:52-19:15; 21:37-23:45; 26:59-35:00*) in order to decide whether the following arguments were used by the lawyers acting on behalf of the claimant and defendant. Additionally, they were required to complete the table with any other arguments used in the instant case. Another task's focus was to analyse both closing speeches in terms of efficacy of the applied rhetorical devices such as anaphora, metaphor and hyperbole.

Defendant (Tobacco company)	Claimant (daughter of a lung cancer victim)
<p><i>Volenti non fit injuria</i>  <i>Volenti non fit injuria</i>, or “to a willing person, no injury is done,” is a common law doctrine which means that someone willingly places themselves in a position where they are negatively affected by tobacco consumption.</p> <p>Contributory negligence  Contributory negligence is a common law defense to a claim based on negligence, that before the cases, the adverse effects were unknown. This has been one of the commonly used defences that defendants have used. Most of them will assert that it was the plaintiff himself that has contributed to his own injury as he has prior knowledge of the harm associated with tobacco smoking</p>	<p>Civil Rights  Tobacco companies have marketed menthol cigarettes specific to African Americans; groups have pursued civil rights remedies in court.</p> <p>Design defects  The design of tobacco products causes adverse health effects.</p> <p>Strict liability  The strict liability of the product.</p> <p>Product liability  The liability of the product lies on the manufacturer.</p> <p>Depriving of health hazards information  There is an ongoing civil court case in Finland, where three plaintiffs have sued tobacco companies on the basis that they marketed “light cigarettes” as non-hazardous to health, a claim the plaintiffs initially believed, before contracting serious lung diseases.</p>

## 5.2. Post-viewing

Whereas pre-viewing and while-viewing activities focus on understanding input, post-viewing activities centre on output practice. It includes going over the answers to the comprehension questions and predicting future course(s) of action, as well as getting learners to practice the language through role-plays and summaries, etc. However, the focal point of this stage should be shifted towards expanding on the issues tackled in the mov-

ie by means of debates, discussions or some drama techniques (Siek-Piskozub 2001). An important didactic issue underlying all the tasks at this stage is the integration of different language skills.

As far as the lesson under discussion is concerned, the learners were assigned an argumentative essay<sup>5</sup> of 250 words on the topic: *Tobacco companies should be held liable for the deaths of cigarette smokers*. Moreover, as a direct follow-up, a discussion on the ethicality of suits against tobacco companies was initiated. The questions arose as to whether America is rightly labelled as a litigious society and whether similar cases could be argued in our own country.

## 6. CONCLUSIONS

Despite its entertaining character, often described as crude (Villez 2010: 1303), *reel justice* seems to be a valuable didactic material that serves as a source of language, intercultural and subject-specific knowledge. As it tackles topics relevant to the learners' academic and professional concerns, it also readily engages their interest, and therefore plays a vital motivational role. Informal observations confirm that law-related TV productions are an effective means of transferring disciplinary knowledge. However, with respect to further research, it would be advisable to investigate the efficiency of *reel justice* more thoroughly, concentrating on both pre-experience and job-experienced learners of Legal English. A rudimentary analysis of course books for international learners of Legal English shows that almost none of them are accompanied by video materials, either DVDs or online formats, that have been integrated into the course. Therefore, files of lesson plans based on *reel justice* should be created, which in turn could supplement traditional topic-based LSP teaching materials with genre-specific communicative content.

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<sup>5</sup> The target group included full-time students at the Faculty of Law and Administration at University of Warsaw, who attended a Legal English Course at CEF C1 level, but aspired to take a *University of Warsaw Language Certificate Examination* at C1 level. An integral part of this exam is an academic essay. The writing practice was therefore intended as a preparatory task for the certificate examination.

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