

Communicative Requirements of Legal Internships Abroad and Consequences for ESP Courses at University Level

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Abstract This article describes the communicative requirements of legal internships in English-speaking countries from the viewpoint of German law students. Its factual base is a survey by questionnaire¹ of the language-related experiences of law students at the University of Münster during their internships abroad, focusing on oral communication. An analysis of the communication constellations they encountered is followed by a description of the communication problems that arose. Didactic consequences for ESP courses aimed at preparing students for these legal internships are then presented.

Keywords Content and Language Integrated Learning (CLIL), English for Specific Purposes, ESP methodology, institutional communication, Legal English, internships

1 The Münster FFA programme

At the University of Münster, Germany, the Law Department and the Language Centre jointly offer a two-year certificate programme in Common Law and Legal English, the so-called FFA programme,² which students can attend parallel to their German Law degree course. The FFA has been running since the winter term 1995/96 and at the time was only the fourth such programme at a German university.³ Originally only offered for English and French, it has now also been extended to Spanish. In order to be accepted into the FFA, students are required, in a placement test (“C-Test”), to demonstrate a general language competence in the foreign language equivalent to level C1 of the Common European Framework of Languages. In English, between 160 and 200 students regularly begin the FFA and the dropout rate is relatively low, with around 85% successfully completing the programme after the two years.

The FFA programme consists of nine courses, of which five are law lectures held in English and four are language classes, each covering two hours per week for one semester.

Table 1: Course programme

Semester 1	– The Common Law Legal System – Skills-oriented language course of the student’s own choice (e.g. Reading Skills for Law, Debating, Academic Writing)
Semester 2	– Constitutional Law – Tort Law – Conversation and Presentation Skills for Lawyers
Semester 3	– Contract Law – Legal Research and Writing
Semester 4	– Specialist course of the student’s own choice – Legal Translating

The FFA law lectures are basically comparable to law lectures on the same topics held at an English or American university. They cover the same basic issues, though naturally less in-

tensively and with a shorter reading-list of cases. The introductory law course “The Common Law Legal System” focuses on aspects such as the history of common law, equity, the UK/US court systems, the jury system, the legal profession, *stare decisis* or statutory interpretation. In the second term, students have a choice between Australian, British and US Constitutional Law. Beyond general aspects such as separation of powers, parliamentary structures or constitutional documents the content of these lectures will consequently vary according to the country chosen. The emphasis of the Tort Law course usually lies on negligence and strict liability. Contract Law covers, amongst other things, such basic issues as offer and acceptance, consideration, performance and breach of contract. One difference to similar law lectures in English-speaking countries is, however, that German law and the German legal system can be used as a foil to point out similarities and differences between the different jurisdictions and legal systems. The three compulsory Legal English classes are all skills-based but do, of course, incorporate the content of the law lectures. Thus the debates, research tasks or translation texts dealt with in the various language classes will concern legal issues covered by the lectures the students have attended up to that point.

In addition, students have to complete a compulsory legal internship abroad lasting a minimum of three weeks.⁴ This internship can be undertaken in any institution where lawyers can be employed. Our students therefore mainly find placements with law firms (which can, of course, greatly vary in size), barristers’ chambers, courts, public authorities, legal departments of companies, or embassies. The aim of the internship is for the students to gain practical experience in an actual working environment of English-speaking lawyers, to observe and actively take part in ESP and general language situations and, by no means least, encounter and familiarise themselves with a different socio-cultural environment. The students can choose when to do their internship. However, the majority (98.5%) wait until they have completed at least two of the four semesters of the FFA, and, in fact, about half do not go abroad until after their third FFA semester. This means that before they go abroad, virtually all the students take part in the second-semester Legal English class “Conversation and Presentation Skills”, which – in part for this reason – focuses on oral communication skills such as small talk, telephoning, moderating meetings, giving presentations or taking part in debates and mock (jury) trials.

In their choice of internship location, the FFA students by no means restrict themselves to staying close to home as Table 2 shows, which takes into account the 100 second-year students who had completed their internship by May 2010.

Table 2: Geographical distribution of internships

Europe	47
England	36 (London 21)
Wales	1
Ireland	5
Germany	5
North America	44
USA	39 (New York 17)
Canada	5
Africa	4
Asia	2
Australia/ New Zealand	3

This geographical variety of internship locations, which regularly encompasses all five continents, is of relevance for the linguistic preparation of the students' stay abroad, as will be discussed below. It also makes for interesting reading when the students submit their internship report, which then forms the factual basis for part of a final FFA oral examination.

2 Specific nature of legal internships

The requirement of having to communicate and act successfully in a foreign language during their legal internships places certain demands on the students. They need subject-specific and institutional knowledge concerning the legal system in question and have to be familiar with subject-specific communication situations in the foreign socio-cultural environment. For a German law student, a work placement in a Common Law country harbours particular challenges as the legal system as such is different from the German Civil Law system, with differences not only in substantive law but also in legal methodology and the underlying legal philosophy.

A comparison with medical internships can serve to illustrate this issue. In medicine, the subject matter basically remains the same, regardless of the country and the language the student is completing the internship in. The student intern may encounter a different segment of medical practice (e.g. tropical diseases) than in his/her home country or different technical and pharmaceutical means, which in turn may lead to different forms of treatment. But nevertheless the student can refer to an extensive shared knowledge of medical facts, procedures and methods which are, furthermore, not language-based in nature. In medicine, language is not the sole carrier and conveyor of information (cf. medical imaging, for example). In law, however, language plays an absolutely central role; Becker-Mrotzek, for example, points out that in the administration of justice, social reality is primarily created through language and communication.⁵ In a legal internship, the German law student encounters different substantive legal content, different legal institutions and different legal procedure, all of which are, basically, language-based. The student therefore enters not only a different language environment but also a different subject-specific mind-set, too.

3 Legal internships as institutional communication

Some of the students have not completed an internship in Germany before going abroad and therefore cannot take recourse to any practical legal experience. On account of their university studies, they do, though, possess an academically acquired theoretical knowledge of German Law, as well as a grounding in Common Law. Subject-specific communication, however, is determined not only through the subject as an academic discipline but for the main part also through the specific conditions of its application and administration in the practice of the profession (see also Brünner 1993: 735). In turn, the practice of the profession that the students participate in takes place in various legal institutions, i.e. mainly in law firms (see Table 3) but also at court or in legal departments.

Table 3: Institutional distribution of internships

Law Firm	48
single practitioner	3
2–10 lawyers	26
11–50 lawyers	8
> 50 lawyers	11
Chambers	8
Court	2
Other	9

In general, institutions develop as a result of the needs of society, serving the continuity of society and therefore having a stabilising role. They reflect the ideological, political and economic reality of a society. Ehlich/Rehbein (1977) describe institutions as fulfilling the purpose of realising relevant aims of society as a whole. These aims determine what structure an institution has and which actions it allows or requires of those acting in it, the actants, to carry out. Ehlich/Rehbein distinguish two groups of actants, whose knowledge of these actions differ and who therefore possess different possible ways of acting. Whereas agents as representatives of the institution have to ensure that the specific institutional aims are implemented and accomplished, it is the clients who make use of the services provided by the institution or who may be obliged by society to cooperate with the institution. In a legal context, judges, lawyers or court personnel can be considered institutional agents, whereas defendants, plaintiffs or witnesses are institutional clients. Both groups have possibilities for action which are largely regulated and determined by the institution as the action space (Ehlich 1991: 136).⁶ The law student may be familiar with these groups of actants from the German legal system, but only has limited knowledge concerning their possible scope of action within the foreign institution.

In accordance with Brünner (1993: 739), we believe that subject-specific, professional action in both its language and non-language based forms is shaped by institutional as well as subject-specific conditions. Knowing what these conditions are is an important part of the communicative requirements of the internship. In legal institutions, the possibilities for action are highly regulated. In a trial, for example, court procedure and the individual's role within the trial are clearly regulated by law. Characteristic features of the legal institution *court* are the hierarchical structure, asymmetry of authority and regulations concerning, for example, the role, function and behaviour of the individual actants (including consequences for failure to adhere to these regulations). Concerning language, these regulations are reflected in rules regarding, inter alia, who is allowed to speak (when) in court, which types of questions may be asked, how the judge is to be addressed or which set legal expressions have to be used in which situations. Furthermore, conventions of behavioural codex such as dress and demeanour are also determined by the institution. These conditions of behaviour cannot, however, be considered arbitrary, but stem from the function of the institution. In law, in particular, they have developed as the result of a long tradition and are determined to a particular extent by their socio-cultural environment.

Understanding the role of the judge is an example of institutional knowledge about courts. In Common Law courts, the role of the judge differs greatly from the role of the judge in German courts. In a jury trial, for example, the judge is not the fact-finder but has the task to ensure that correct procedure is followed during the trial and that the law is applied correctly. By contrast, it is the jury that is the fact-finder, deciding on the basis of the evidence presented

whether a defendant is guilty or not, or whether the preponderance of the evidence favours the plaintiff. Unlike in the so-called inquisitorial system of the German courts, there is no attempt by the judge to discover the facts of the case by questioning the witnesses, but the rhetorical actions of both parties' lawyers as part of the so-called adversarial system are aimed at convincing the jury through (and of) their respective presentation of the facts.

As a result of the different approach to legal issues and different court procedure in the two legal systems, German law students will also encounter communication constellations and types of discourse in law firms which do not exist in the same manner, if indeed at all, in a German law firm. One such example are depositions, in which a lawyer can interview the other party's witnesses under oath before the trial, often in the lawyer's own law firm. As the majority of our students do their internship in a law firm, Table 4 illustrates some of the constellations that may arise in the day-to-day work of an American attorney.

Table 4: Examples of work-related communication constellations of an American attorney

expert – expert	
same discipline	
same level	attorney (for same client; colleague from law firm)
not same level	attorney (of the other party)
not same discipline	judge
	law intern (as prospective expert)
	expert witness (own witness)
	expert witness (of the other party)
expert – institutional agent	e.g. other law firm employees, secretarial staff, public authority employees, court staff
expert – layperson	potential client
	own client
	other party
	own witnesses
	the other party's witnesses

If we add variables such as the reason for the verbal encounter (e.g. the giving of legal advice, an interrogation, a meeting or conference, the questioning or cross-examination of a witness in court) or the place in which the encounter takes place (e.g. law firm, court, judge's chambers, police station, prison), then it becomes clear what a large variety of constellations a lawyer may have to deal with – and a German law student may encounter during the legal internship.

Furthermore, the role of the student intern within internship-related communication is a special one. S/he is in a situation of instruction and learning but, unlike at school or university, this instruction and learning does not take place within an institution that has evolved for the purpose. Both instruction and learning occur within the day-to-day work of the legal professional, in a framework of observation, instruction and the student's own actions – though the latter admittedly rarely take place outside of an instruction or observation context. In order to find out what exactly characterizes this special communication situation within the framework of foreign legal institutions, we carried out a survey amongst second-year FFA students who had already completed their internship.

4 The survey

In summer 2010, 67 second-year FFA students took part in a paper-and-pencil survey on their internship and completed an 8-page questionnaire in German.⁷ For the most part, the items were structured questions.⁸ An open-ended item was only employed at the end of the questionnaire to invite comments and suggestions. The questionnaire items were determined on the basis of field knowledge provided by written and oral internship reports⁹ and through the use of a linguistic-pragmatic approach to draw up a typology of communication constellations (see Table 4, for example) and their characteristics. In addition, items concerning issues not normally addressed in internship reports such as non-law-related conversations or internship preparation were also included. The questionnaire was then tested in an FFA language class with 22 students. The results of this pre-test indicated that the items were comprehensible, unambiguous and comprehensive. Thus it was possible to use the questionnaire unchanged for the remainder of the survey.

As shown in Table 5, the questionnaire focused on different types of communication constellations that can occur in a legal internship within either the instruction-learning context (4. & 5.) or the daily routine of a lawyer in which the interns were allowed to take part (6.–9.). The constellations thus covered communication between experts as well as communication between experts and laypersons.

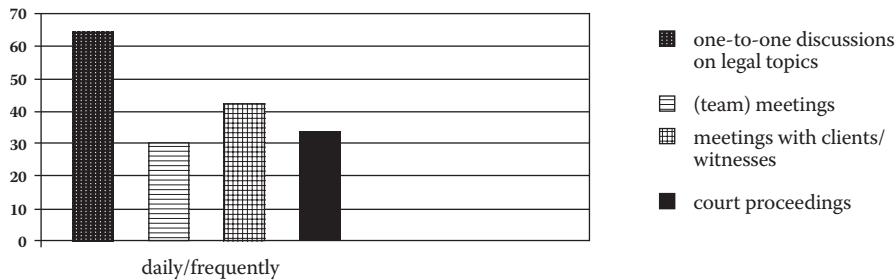
Table 5: Content of questionnaire

1. basic information on internship (when, where, type of institution)
2. C-Test score (voluntary)
3. law-related communication constellations (general)
4. initial briefing and assignments
5. one-to-one conversations/discussions on legal topics
6. (team) meetings
7. meetings with clients/witnesses
8. court proceedings
9. non-law-related conversations
10. tasks and assignments
11. preparation for internship
12. usefulness of internship
13. further comments and suggestions

Up to five questions were asked per heading, in particular with regard to who participated in the specific communication constellation, how often the student experienced this constellation,¹⁰ what role the student had, and what type (if any) of language or communication problems arose (see Table 7). As a rule, multiple answers were possible. The questionnaires were then analysed using the evaluation software EvaSys (version 4.1). In addition, students who agreed to be contacted at a later stage were asked by e-mail specifically about any language/communication problems they had mentioned.

Table 6 shows the frequency of specific communication constellations the students were involved in.

Table 6: Frequency of specific constellations in %



Furthermore, the questionnaire elicited information on the student's role within the various actual communication situations, also with a view to ascertaining the function of the individual situations within the internship as a whole. In this context, a differentiation was made between receptive and various forms of active language skills, and students typically had a choice between items such as *only listened/introduced myself in detail/took part in the conversation and asked for information/took part in ... and gave information/took part in ... and expressed my opinion*. Additional items were *prepared (for) the conversation/gave a presentation/took notes for myself/took notes for my supervisor/took minutes* to give us an insight into preparation and follow-up as both require varying types of reflection on language and content. Clearly these items cover a large spectrum of relevant language acts, often complex in nature. Taking part in or even initiating a conversation requires knowledge of the conventions of turn-taking; the items "asking for/giving information and expressing opinion" cover a variety of illocutionary acts; taking notes requires being able to listen for gist as well as for detail, differentiating between relevant and non-relevant content and being able to transfer the spoken word into written language, to give a few examples.

5 Results of the survey

The survey made clear that the majority of institutions took their role as internship-providers seriously. The main contact person concerning legal and procedural issues within law firms or at court was virtually always the supervising lawyer or judge.¹¹ Though the students also talked to paralegals and secretarial staff about issues of institutional procedure, these conversations happened much less frequently. The figures for *initial briefing and assignments* illustrate this point. In 83.6% of cases it was the supervising lawyer who briefed the students initially, and the figure for assignments was even higher at 91%. So clearly the lawyers did not delegate these tasks to other members of staff. When asked about the quality of the introduction to the institution and its procedures, almost two thirds of the students awarded it a grade A.¹²

Concerning *initial briefing and assignments* the students saw themselves as playing an active role; 86.6% (the highest overall figure for this item) stated they had *taken part in the conversation and asked for information*, 22.4% even said that they *initiated the conversation*, and 64.2% took notes for their own use. This is, of course, the constellation in which the structure and course of the internship are determined, and the success of the internship will to some extent rest on the successful communication in the initial briefing and the assignment of tasks.

During the *one-to-one conversations/discussions on legal topics* the majority of students (approximately two-thirds) also played an active role, contributing to the conversation, asking

for information, as well as giving information and/or stating their opinion, and only one third of the interns merely had the role of observer. For these students the conversations therefore mainly served the purpose of knowledge transfer, partly linked to the task of taking notes. Indeed, in this constellation half of the students decided to take notes. Interestingly, students who did their internship in barristers' chambers or large law firms (>50 lawyers) took part in law-related conversations particularly frequently (75% and 90% respectively). In part they were simply third-party observers, but the majority of these conversations took place in an instructor-pupil context. 14.9% of interns even stated that they initiated such conversations.

The constellation (*team*) *meeting* is an example of in-house communication and more than half of the meetings attended by the students (60%) concerned both legal issues as well as the coordination of tasks and procedures. However, this constellation had little significance for the interns as only one-third stated they had taken part in meetings daily or frequently, whereas one third never experienced this situation at all. When the students did take part, their role was mainly that of an observer.¹³ The figures for active participation are very low, namely between 11% and 16%. As the participants in this type of constellation usually have a right to turn-taking, one can perhaps infer that the interns' status as non-members of the institution played a role here.

The constellation *meetings with clients/witnesses* differs from the above-mentioned constellations as we have here a conversation between a legal expert as agent and (usually) a legal layperson as client. As was to be expected, the interns usually only had the role of observer in these cases¹⁴ and were only rarely allowed to participate, let alone take the role of the agent. In fact only four students experienced this, one example being a student who, after having observed several similar conversations, was allowed to hold standardised interviews with potential clients (with the supervising lawyer present) in which certain information was to be elicited from the client on the basis of a questionnaire. Though this constellation was an integral part of many internships, there were clear differences according to place of internship. In the larger law firms, the students virtually never attended such meetings, whereas in the smaller and mid-sized law firms (up to 50 lawyers) almost half of the interns attended client/witness meetings daily or frequently; of the eight students who interned with a barrister, three also attended such meetings frequently. In some cases, the students were also given specific tasks such as preparing the meeting (4.5%), taking notes (11.9%) and writing minutes (6%).

Two-thirds of students (68.5%) attended *court proceedings* more than once; around one third even did so daily or frequently. Once again there were clear differences between the various institutions. Law firms with 11–50 lawyers as well as the large law firms were clearly under-represented (9% and 12% respectively). Students interested in experiencing court proceedings should therefore consider choosing smaller law firms or barristers' chambers if they are not applying to a judge or court. For obvious reasons, the students could, of course, not act in court themselves, but they did receive specific tasks. If the supervising lawyer was interested in a court case but could not attend him-/herself, a student was instructed to listen to the proceedings, take notes and later report. Such a task clearly requires a high degree of listening comprehension proficiency combined with factual and procedural knowledge.

Regarding the situation *non-law-related conversations*, students were asked the question: "How often did you have conversations (small talk) about non-legal topics (e.g. drinks party, commute, lunch or coffee break, office trip)?" Apparently such conversations mainly only occurred within the internship institution itself. Informal contacts or small talk situations with lawyers from other law firms, court staff or employees from other institutions were negligible in frequency. Also any conversations with clients/witnesses virtually only occurred on a pro-

fessional basis, with only 12% stating that they had also talked about non-law-related topics.

To summarise, student feedback from the survey¹⁵ clearly belies the preconception that interns are predominantly only asked to make coffee and do photocopying. On the whole, the degree of contact with substantive legal content and legal procedure is high, even if the specific constellations and the level of active involvement in the supervisor's work vary according to the type of institution and area of legal work concerned. It was to be expected that the interns can – and indeed are to – employ a greater spectrum of language skills in constellations which form part of the instructor-pupil framework. In constellations which occur as part of the institutional agent's professional activities, such as meetings with clients/witnesses or trials, the intern predominantly has the role of observer. However, even here the intern's role is not solely a passive one as s/he is regularly given assignments in the context of these constellations.

6 Communication problems

The questionnaire also covered problems arising in the various communication situations, and the students were given a list of possible answers covering areas such as insufficient knowledge or lack of practice concerning specific aspects of the situation in question. Interestingly, problems did not, in fact, arise with that many students. Overall, at least two-thirds of students stated that they did not experience any communication problems in the constellations surveyed. Table 7 shows the results for *initial briefing and assignments* as the situation in which most communication problems occurred.

Table 7: Reasons for communication problems during 'initial briefing and assignments'

lack of

knowledge of the law	34.3%
knowledge of legal procedure	25.4%
knowledge about the institution	22.4%
knowledge of legal terminology	19.4%
knowledge of general vocabulary	4.5%
practice in that situation	10.4%
familiarity with accents	16.4%
familiarity with the register	16.4%

The briefing occurs at the beginning of the internship when the students are not fully accustomed to the foreign-language environment and are only beginning to gain an insight into the subject-specific and institutional proceedings they will be dealing with during the internship. In addition, briefing – unlike small talk situations, for example – is a situation where understanding detail is important. Thus students are more likely to notice comprehension problems and actually consider them an issue.

The general pattern indicated by the figures in Table 7 holds true for most of the survey. As a rule, most of the problems mentioned concerned either law- or institution-related communication and were attributed to a lack of legal/procedural knowledge and legal terminology. It is worth noting at this point, however, that these figures all reflect the students' own assessment. As Grieshaber/Becker (2002: 350f.) point out, language-related communication problems can be attributed to subject-based issues by the speaker in subject-specific contexts.

The highest figure for lack of legal knowledge overall was 34% in *briefing*. This constellation also had the highest number of students reporting problems related to legal procedure (25.4%), followed by one-to-one conversations and trials (both 23.9%). Lack of knowledge about the institution was apparently only relevant for the briefing situation whereas lack of legal terminology was additionally also mentioned in connection with one-to-one law-related conversations (22.4%) and trials (23%).

At the end of the questionnaire the students had the possibility of adding their own remarks. Several students specifically mentioned that, at the beginning of their internship, they had frequently been asked to introduce themselves and explain the German Law degree system. At this point they had encountered problems through not knowing a number of words of an institutional nature pertaining to their German law studies such as *Zwischenprüfung*, *Freischuss*, *Schwerpunktfach*.

Regarding general language competence (especially vocabulary), the students collectively did not report discernible problems. In fact, 4.5% was the highest figure, occurring in the context of *briefing* and *non-law-related conversations*. This serves as confirmation that the placement test at the beginning of the FFA programme serves its purpose and that the general language competence of all the FFA participants is sufficient in order to successfully master an internship abroad.

Some students did, however, mention comprehension problems resulting from regional accents or specific registers (e.g. slang), if only to a limited extent. These problems occurred most frequently at court (20.9%), which comes as no surprise considering the number of different speakers that may be involved in a trial (and the added difficulty that the students do not always know beforehand what the case is about or what content a witness statement will contain). Other situations in which accents or register played a role were *briefing and assignments*, *one-to-one legal conversations/discussions* and *client/witness meetings* (all approximately 16.5%).

Table 8 gives an overview of all the above-mentioned communication problems.

Table 8: Reasons for communication problems

language	non-ESP	lack of familiarity with accents/pronunciation, register
	ESP	lack of knowledge of legal terminology
subject	subject-specific	lack of legal knowledge
	institution-related	lack of knowledge regarding institutional procedures

The majority of students stated that their communication problems decreased in the course of the internship, the reasons being that they had familiarised themselves with the legal content (49.3%), the legal procedure (40.3%) and the institution as such (38.8%) and had acquired the necessary legal terminology (46.3%). One third specifically mentioned the help they had received from their supervisor and one quarter felt that increasing confidence had also improved their ESP communication skills. This feedback confirms the importance of stipulating a minimum length for an internship abroad as the students need to familiarise themselves not only with tasks and institutional environment but also with the (foreign) language and socio-cultural environment. In additional e-mail feedback, individual students

even expressly stated that they considered this acclimatization period to be a necessary part of what it takes to complete an internship successfully, i.e., to be an essential experience and accomplishment. Interestingly, they also stated that it was in any case not realistic for an FFA programme to prepare each student for the specific content and terminology requirements of the individual internships and that this was each student's own responsibility. While this is certainly true, it is nevertheless necessary to reflect on how internship preparation can be improved further.

7 Consequences for ESP courses

The types of knowledge needed to cope successfully with an internship abroad concern the subject matter itself, the relevant institutions, the foreign language and the foreign culture. Whereas the students need a certain grounding in all of these categories before their internship, it is, of course, a main aim of the internship itself that the students expand existing and acquire new knowledge. Objectives of the survey were therefore to determine whether the students already had sufficient pre-existing knowledge in order to profit from the internship, what challenges they faced and what problems arose. As a conclusion we can therefore now list four consequences, which pertain not only to FFA programmes in particular but to university ESP courses/programmes in general, namely

1. ensuring sufficient general English competence at entry-level
2. combining content and language in ESP programmes
3. focusing on skills in the ESP courses
4. enabling students to prepare internships autonomously

General English Competence

In the survey, the majority of students reported perceiving only few, if any, language problems concerning general English. Even bearing in mind that they may not have been aware of all language mistakes made or infelicitous expressions used, there do not appear to have been many communication problems where the use of general English was concerned. This fact confirms the requirement of a relatively high general English competence level (C1) for students wishing to begin the FFA. This substantial grounding in general grammar and vocabulary etc. clearly provides the necessary basis for students to cope with authentic general-language situations and apparently also provides the necessary basis for them to acquire both legal language and content in the FFA programme and during the internship.¹⁶ It also validates our decision to largely refrain from addressing general-language issues in our FFA language classes.

Content and Language

The survey shows that students predominantly encountered situations where they were having to understand – and often actively use – legal language in order to deal with legal content. Therefore it only makes sense to combine legal content and legal language in ESP programmes. This can be put into practice in different ways. On the course level, the content and language integrated learning approach (CLIL) provides a framework for both teaching and learning scenarios.¹⁷ The use of authentic texts and sources of law is essential and also serves a motivational purpose. Substantive legal content is simply what the law students are interested in, be

it in law lectures or in legal language classes (cf. Griefhaber/Becker 2002: 348). The structure of a certificate programme as a whole can also benefit from the integration of content and language. The FFA programme in Münster, for example, is not split into a language phase and a law phase, but English law lectures and Legal English classes run parallel and the language classes integrate legal topics and content discussed in the law lectures of the same or a previous semester. Furthermore, a combination of content and language also functions with regard to the course instructors, by having a teaching staff within an ESP programme that represents both language teaching and subject-specific backgrounds so that, in the case of an FFA programme, language teachers and lawyers who are both teaching Legal English can complement each other's knowledge and skills.¹⁸

Language and Communication Skills

During their internships the students were exposed to many different communication situations and constellations, requiring a great variety of (frequently) complex language skills. They were often actively involved in these situations, whether that be through sitting in on meetings/interviews and taking notes/minutes or reporting back to their supervisor, or in actively participating in one-to-one discussions.¹⁹ It is therefore clear that the ESP courses which the students attend before (and after) their internship should also be skills-based. This both guarantees genuinely useful preparation and also creates a more authentic learning environment, i.e. going beyond the integration of authentic materials to giving the students realistic assignments (research tasks, preparing discussions/meetings, taking minutes, etc.). However, language classes cannot introduce and practice every possible skill or combination of skills (cf. also *internship preparation*) and must therefore also focus on equipping students with useful strategies to help them to cope in unforeseen situations they have not expressly practised beforehand – and this can refer to both subject-specific communication situations as well as situations that can occur in any line of work. Examples for the latter given by students in the section *further comments and suggestions* and in e-mail feedback covered, for example, suggesting (more interesting) tasks during the internship or dealing with conversations on topics they felt uncomfortable with (e.g. extreme political views of a client) and being able to change the topic without causing offence etc. Discussing and practising strategies and skills can also help boost confidence in a difficult internship situation.²⁰

Internship Preparation

It is clear from both the geographical variety of internship places and the variety of types of institutions (cf. Tables 2 and 3) that university language classes cannot prepare each student individually for their internship place. What can be done in language classes at a tertiary level, however, is to equip the students to prepare themselves individually and autonomously for their internship places so that they can exploit fully this valuable learning opportunity. Though some students did confirm that they had done some preparation for their placements, they mostly only mentioned textbooks or specific terminology for the area of law the lawyer/law firm specialised in, and few students apparently went beyond this. Language classes should, therefore, make students aware of more creative ways of preparing for their internships. Issues with listening comprehension and specifically the understanding of local accents mentioned in some of the questionnaires can serve as an example. In addition to focusing more on listening comprehension in classes, the instructors can make students

aware of the possibilities of using a variety of resources easily available to them, specifically the Internet. Audio and video material from the internship region or town, e.g. local TV news, films set in the region, interviews with local D.A.s/law enforcement representatives or politicians, can help the students acquaint themselves with the regional accent – and acquire relevant socio-cultural knowledge at the same time. This method is obviously not restricted to practising listening comprehension. The students can also be encouraged to research the legal institutions of their place of internship, i.e. the court system, district attorney's office, barristers' chambers etc.²¹ As they then have a personal interest in finding this information, they are completing a genuine research task in a foreign language, and thus also developing their knowledge of relevant legal terminology.

Finally, the survey results also validate the decision taken at the inception of the FFA to have the students do an internship abroad. Even though the students have to spend time on the internship and incur extra costs,²² the benefits of experiencing at first hand both the actual work of an Anglo-American lawyer and the use of general and legal English usually outweigh this as can be seen in the overwhelmingly positive student feedback to the questions about the usefulness of the internship on a legal, language and personal basis.²³

When experiencing the work of an English-speaking lawyer at first hand in an English-speaking country, the students find themselves in an authentic, independent learning situation where what they learn, how they learn and how much they learn is largely up to them. The role of the university law and language programme they attend beforehand is therefore both to prepare them in communicative competences and help them prepare themselves as autonomous learners for this unique and fascinating learning experience. ♦

Notes

- ¹ Unless otherwise stated, any statistical figures pertaining to legal internships quoted in this article refer to this corpus of 67 questionnaires.
- ² *Fachspezifische Fremdsprachenausbildung für Juristinnen und Juristen (FFA)*; for a more detailed description of the programme, see also Morales-Maag (2006).
- ³ The number of similar programmes has since increased and a special foreign languages supplement to *RiW* (4/2010), a journal on International Business Law, now lists 14.
- ⁴ The Münster FFA programme was the first to make an internship a required component – and most other FFA programmes still do not do so. However, student feedback has shown it to be a highly valuable and important part of the FFA programme. If reasons such as financial hardship, health issues, etc. make going abroad impossible, then students can also do their internship in Germany with an English-speaking institution that mainly deals with Common Law or International Law (e.g. embassy of an English-speaking country, international law firm, Army Prosecuting Authority).
- ⁵ „Soziale Wirklichkeit wird in der Justiz vornehmlich durch Sprache und Kommunikation hergestellt.“ (Becker-Mrotzek 1991: 270).
- ⁶ „[W]eitgehend regulierte und durch die Institution als Handlungsraum determinierte Handlungsmöglichkeiten“ (Ehlich 1991: 136).
- ⁷ A further 30 students were asked to take part in an online survey. As only very few of these students decided to take part, only the data from the 67 paper-and-pencil questionnaires was used for this article. (The other second-year students had not done their internship at this time.)
- ⁸ In addition, any questions other than those concerning frequency or degree contained the option “Other” to let students add constellations/tasks, etc. not covered by the given list. However, only very few students made use of this option.

- ⁹ As FFA instructor and examiner since the inception of the FFA, Birgit Beile-Meister has read and graded over 400 written internship reports as well as discussing the content with students during their FFA oral exam.
- ¹⁰ The possible categories concerning frequency were 'daily/frequently/sometimes/once/never'.
- ¹¹ In total, 88.9% of students talked to their supervising lawyers and judges daily/frequently. Conversations with other lawyers of the same institution also occurred regularly (61.1% daily/frequently). It is striking how often the students talked to their supervisor or other lawyers of the institution about administrative procedures (57.5% daily/frequently).
- ¹² A grade B was awarded by 22.4%; only 14.9% awarded a grade C.
- ¹³ 'Only listened' was stated by 43.4%; 'made notes for myself', by 37.3%.
- ¹⁴ More than half (52.2%) stated 'only listened'.
- ¹⁵ This is also supported by the internship reports and oral exams, in which the internship is discussed.
- ¹⁶ Engberg/Janich (2007: 212) point out this role of general language competence for subject-specific competence with reference to L1.
- ¹⁷ Cf. also Quennet (2010), who describes a CLIL-based university ESP course for geography students.
- ¹⁸ See also Griebhaber (2007: 246f.), who stresses the importance of ESP instructors who are not lawyers having access to expert legal knowledge.
- ¹⁹ In addition to the oral communication situations the survey focused on, the students were, of course, also given research and writing assignments.
- ²⁰ In feedback from an earlier survey, a student related how he, on his very first day in the USA, had to stand in for the law firm secretary who was ill and how the knowledge that he had practised telephoning in one of his FFA language classes had given him the confidence to tackle telephoning and the other secretarial tasks.
- ²¹ Students are given this type of research task in various Legal English classes of the FFA programme (particularly in Legal Research and Writing).
- ²² The internship abroad can frequently count toward the internship requirements of the students' German Law studies, which offsets the time and cost expenditure to some extent.
- ²³ Expansion of legal knowledge: 1.7, improvement of language skills: 1.9, life-enriching experience: 1.2, internship satisfaction: 1.5 (mean scores on a scale of 1 = positive to 4 = negative).

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