

LEGAL ENGLISH AND ADAPTED LEGAL TEXTS

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The article aims at analysing the significance of authentic legal English text and adapted legal texts in ESP classes. The authors point out the advantages and disadvantages of legal texts and analyse the possibilities of their efficient application in the teaching process. At the initial stage of teaching English legalese, materials prepared specially for teaching purposes in textbooks seem to be more appropriate as they are adapted for a particular level for law students whereas in more advanced levels, authentic texts in a legal English classroom can more considerably contribute to the learning experience. The usage of both legal authentic materials and adapted legal texts have tangible impact on mastering legal English.

Keywords: legal English, legalized texts, legal terms, authentic legal materials, motivation.

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Introduction

Due to the prevalence of the English language in international business relations, as well as its role as a legal language within the European Union, non-native English speaking law students and legal professionals are increasingly seeking specialist training in legal English, and such training is now provided by universities and colleges which focus exclusively on legal language. In addition, special courses are offered to those interested in learning or improving legal English.

Traditional English language training may not be sufficient to meet lawyers' English language requirements. The main reason for this is that such training generally ignores the ways in which English usage may be modified by the particular demands of legal practice – and by the conventions of legal English as a separate branch of English in itself, i.e. legal English which now is a global phenomenon. It is also referred to as legalese. Legalese is an English

term first used in 1914 for legal writing that is difficult for lay people to read and understand, the implication being that said abstruseness is deliberate for excluding the legally untrained (Noordin, Samad 2011: 1).

But what is precisely meant by “Legal English”? In W. Yeago's opinion, „Obviously, we are not talking about learning the substantive law of the hundreds of jurisdictions all over the world. Rather we are talking about how to speak and write about the law.... what expressions, collocations express most accurately your message – the significance and precision, if you will, of your communication“ (Yeago 2011: 1). English legalese is characterized by complex vocabulary, long sentences, numerous modifying clauses, abstract ideas, and the layman's need to understand the document's gist (Lee *et al.* 1999: 1).

It is far from being easy for teachers to achieve the aims of teaching legal English.

While teaching English legalese, the teacher faces numerous challenging tasks. Learning legalese focuses more on language in context than on teaching grammar and language structures as the students are learning the language integrated into a subject matter area important to them „in order to communicate a set of professional skills and to perform particular job-related functions“ (Liuolienė, Metiūnienė 2010: 111).

However, teachers of legalese could begin with simplified legal language. Some linguists (e.g., Debby S. Lee, a linguist and a lawyer) use the term „legalized English“ meaning texts written specially for teaching purposes in textbooks. Such texts are not authentic materials.

The present **article's objectives** are to define authentic legal materials (such as texts or recordings of native speakers) and analyze the advantages and disadvantages of two types of sources while learning English legalese– authentic legal materials and legalized English sources, i.e. ready-made textbooks/course books and recordings adapted for a particular level for law students.

The main **method of the research** is the analysis of methodological references and sources as well as the method of comparison of different sources while teaching English legalese to law students and practicing lawyers.

Advantages of legal textbooks

Undoubtedly, textbooks are an important resource for teachers in assisting students to learn legal English. They are the foundation of school instruction and the primary source of information for students and teachers. N. Noordin and A. A. Samad (Noordin, Samad 2011: 1) thoroughly explain the necessity of textbooks in the teaching and learning process. Most of their ideas hold true for legal textbooks. In the opinion of the aforementioned authors, the textbooks become the major source of contact the students have with the language apart from the input provided by the teacher. They appear

to be a necessary tool for law students as well. Textbooks allow teachers to easily design a syllabus with a clear organization and division into units or sections. The continuity of the units makes the course of legal English well-organized, integrated and coherent. It is possible to efficiently progress from learning easier legal vocabulary in context to more complicated one using the same textbook. Textbooks provide opportunities for students to develop their language competence and skills through diverse activities: reading legal texts, listening, writing, learning legal vocabulary and necessary phrases for communication, language of negotiation and presentations, etc. Thus, graded texts from textbooks can be safely and efficiently used while teaching legal English.

Reading legalized texts

In teaching legal English, the legal vocabulary is usually found in texts which seem to be the greatest lexical source. Legal textbooks provide texts which are frequently written specially for learners and can be defined as legalized texts. They can be concise, based on certain topics. Texts are usually supplemented by a glossary, comprehension questions, various tasks, comments, notes, etc, which considerably facilitate the understand of the message, ideas and language of the text. This is, for example, the case with the legal textbook „American Legal English“ by Debra S. Lee, Charles Hall and Marsha Hurley in the preface of which the authors mention: „[...] what we have done is provide a simplification of some aspects of American law and the vocabulary to discuss them along with opportunities for you to employ that vocabulary“ (Lee *et al.* 1999: 1). The authors think that learning about an area such as law is hard work, the issues are complicated, the evidence is not always clear cut and the statutes are frequently ambiguous. For this reason, the authors of the textbook present general knowledge in content-specific texts; the cited statutes may or even may not exist in a juris-

diction. The authors point out that should an attorney teach this course or read this book, he/she may notice what might appear to be glaring holes in the law; but the purpose of the book is „to provide a basic legal overview for students and to exercise language use“ (Lee *et al.* 1999: 2). The textbook strives to provide a framework for practicing use of legal language. Thus, even though most legal textbooks oversimplify the law, they still retain legal vocabulary and teach the legal language.

Reading authentic legal texts

It is understandable that the first stage of learning legal English should start with a legal textbook. However, teachers of legal English realize that the use of authentic texts in a legal English classroom can significantly contribute to the learning experience disregarding the challenges of finding, understanding and developing tasks based on authentic texts. Authentic texts have been defined by C. Wallace as „...real-life texts, not written for pedagogic purposes“ (Berardo 2006: 62). How do authentic legal texts differ from legalized ones? Authentic legal texts have been written for native speakers and contain authentic language while legalized texts are especially designed for language learning purposes whose language may sometimes be artificial or simplified concentrating on something that has to be taught.

Authentic legal texts have many advantages. First of all, learners of legal English feel comfortable in the familiar subject area, the texts are relevant to their studies, they are interesting to the students as they deal with the specific area of their profession – law. While reading the texts written by native speakers, the students get a better idea about how language is used in their profession in real life, outside the classroom. They are simultaneously provided with cultural and professional background. Thus, the learners are usually highly motivated in reading authentic materials as they will be able to apply what they learn in their English classes to

their main field of study or professional work. Furthermore, according to A. S. Berardo (2006: 62), while reading authentic texts, the learners of the foreign language are confronted with real, natural modern language used by native speakers, preferably the vocabulary – not just the technical words, but the words and phrases which are the most useful in their profession. Authentic sources may also contain a wide variety of text types or language styles not found in conventional teaching materials. While reading authentic texts, the students can feel a sense of achievement which may encourage further reading.

However, A. Krois Lindner (2008: 56) also indicates certain disadvantages reading authentic texts. She thinks that very suitable texts corresponding to the level of the students may not always be readily accessible to the teacher. Many learners could agree that authentic texts are sometimes very difficult, „highly technical, written for a specialist audience with insider knowledge“ (Krois-Lindner 2008: 56) and can be very difficult even for the teacher to understand. Moreover, these texts frequently need to be supplemented by useful tasks, which is the teacher's concern to design them (in comparison, the textbooks provide a great variety of ready-made exercises).

Sources of authentic legal texts

Among the great variety of authentic legal texts the following ones could be mentioned: publicly accessible text materials such as law firm brochures, annual reports of courts, newspapers, magazines, legal journals, scientific articles, legal cases, legislation, legal scientific and fiction books, different websites, etc.

One of the most invaluable source of authentic materials is the Internet. As the Internet has transformed communication around the world, it is natural that it plays a major role in the foreign language classroom. Teachers of legal English are also very well aware that the use of authentic Web materials in the classroom

can significantly enrich the learning experience (Liuolienė, Žuvininkaitė 2008: 87) enliven the class and create a more positive attitude toward learning, „immersing the student in a multidimensional English experience“ (Kelly 2002: 1).

The Internet, a modern day reality, seems to be one of the most useful sources of working with authentic legal texts. Most teachers of legal English would agree with S. A. Berardo (2006: 62) who points out that „whereas newspapers and any other printed material date very quickly, the Internet is continuously updated, more visually stimulating as well as being interactive, therefore promoting a more active approach to reading rather than a passive one“. Authentic texts enable learners to come into contact with the real language and content rather than the form. Using authentic materials is a relatively easy and convenient way of improving not only students' general skills, but also their confidence in a real situation. It is also very easy to access authentic resources in the target language and never has it been easier to create reusable resources (Kelly 2002: 1).

Thus, taking authentic texts from the Internet has certain advantages in comparison with printed sources. First, nowadays most students enjoy working with computers and find this way of learning highly motivating and attractive (Liuolienė, Žuvininkaitė 2008: 88). Furthermore, looking for materials in the Internet costs nothing, only time (Berardo 2006: 62). In addition, the Internet provides versatile sources of authentic legal texts. Students can read the cases of the European Court of Human Rights or the European Court of Justice, the websites of distinguished law schools, articles written and edited by professional legal analysts providing concise assessments of recent judicial opinions and legislative and regulatory actions, feature articles contributed by law firm partners, in-house counsels, and law professors, regulatory and legislative matters, legal documents: contracts, licences, court pleadings: summonses, briefs, judgments, Acts of parliament and subordinate legislation, EU legislation and other law-related issues. The teacher can

easily intergrate, combine and remodel legal materials to fit the needs of his students and supplement authentic legal texts with specially designed tasks. Consequently, many skills can be developed alongside reading, such as listening, writing, learning grammar.

Designing effective tasks for law students

The most challenging and difficult aspect of using authentic legal texts seems to be designing effective tasks as authentic materials have not been meant for learning. It was mentioned above that usually the teacher has to design multi-purpose tasks for authentic texts to enhance the use and value of such texts. One of the greatest advantages of reading authentic texts is drawing vocabulary from texts. For this reason, a great number of tasks can be designed: multiple choice, gap fills, matchings, definitions, cross-words, word search, etc. which would enable law students to easier learn legal terminology.

The Internet has endless possibilities to develop coherent and fully integrated authentic materials (Krois-Lindner 2008: 57). This could be illustrated by the www.l4law.org site which has recently been developed by law and language professionals from Central and Southeast Europe in cooperation with the U.S. Department of State. This is an on-line course for law students based on different topics. For instance, one of the units, *Medical Malpractice*, could illustrate the topic of Tort Law. This unit is based on authentic material, i.e. the real legal case *Cardwell v. Bechtol*¹. First, a video introduces the case on which all the exercises of the module are based. They include reading authentic legal materials (the legal case of *Cardwell v. Bechtol*) to acquaint oneself with the law in this area. Additional materials expand the legal knowledge of the subject area and include legal materials from around the world on this topic – authentic legislation of different countries. Legal

¹ *Cardwell v. Bechtol* Tenn. 1987 724 S.W.2d 739, 67 A.L.R. 4th 479.

vocabulary exercises include scrambled words and sentences, definitions and a crossword. Grammar exercises are quick reviews of the grammar the students have been exposed to in this unit. There also are listening tasks followed by comprehension exercises. Recordings of native speakers help to develop listening skills of the students. Reading exercises include filling in the gaps, rearranging passages or multiple choice tasks having read extracts from authentic cases. Writing, one of the most important skill for practicing attorneys, is taught through various tasks concerning letter writing. Moreover, there is the glossary for checking the basic words for the module and adding the new words that law students learn as they go through the materials. All the tasks are interactive, thus, the results and the progress are visible immediately. The developers of this course aimed at teaching legal English not only by introducing legal terms but also other words related to law (the so-called semi-technical words. To conclude, this multimedia course illustrates endless possibilities of designing effective integrated tasks based on authentic texts via the Internet.

Teachers could easily enrich their classes by designing interactive exercises on legal vocabulary themselves by using a special computer programme *Hot Potatoes* (<http://web.uvic.ca/hrd/halfbaked/>) whose suite includes six applications, enabling the teachers to create interactive multiple-choice, short-answer, jumbled-sentence, crossword, matching/ordering and gap-fill exercises for the World Wide Web. This programme is invaluable for teaching vocabulary, developing reading skills. Even students themselves can create tasks based on authentic texts or recordings.

Listening to Legal and Legalized Texts

Both reading and listening are considered as receptive skills, as well as writing and speaking are productive abilities. In the teaching process the development of listening skills is the part of effective communication as listening develops

not only competence in listening and speaking, it leads to critical thinking as well. However, very often students know and recognize the legal terms and other semi-technical words when they are presented visually but they do not recognize them in a spoken utterance. The main cause of this communication problem is the disability of listeners to recognize the words in the pace they are spoken, they are unable to use their legal vocabulary knowledge under the time pressure. The awareness of the difference between the text which is meant to be heard and the one to be read is of the greatest importance. Speech has such features as different accents and pronunciation, hesitations in speech delivery, incomplete utterances, rephrasing, unconventional syntax, etc. Readers normally deal with the final product of writing and have little or no difficulty with recognition of words as they have clearly expressed beginnings and endings whereas listeners have to process a speech stream consisting of series of words (Poelmans 2003: 14).

The variety of methods used by teachers and the types of legal (or legalized) materials introduced to students help them develop effective listening skills. Some modern linguists recommend the use of authentic legal materials as a highly efficient means for the build-up of professional vocabulary, enhancement of the quality of content in presentations and development of communicative skills as effective communication skills are now really important in every aspect of our life, especially in a professional career. By using authentic legal or legalized listening materials the students are given the possibility to develop the skills needed to comprehend and to use the language that is commonly found in real life situations, they are assisted in understanding the content and the purposes of the different types of spoken genres in a legal context, such as job interviews, lawyer-client interviews, providing advice, professional discussions with colleagues, negotiations, seminars and conferences.

Legalized listening texts are usually provided by the authors of modern legal language

textbooks (it must be noted, that very often they are also supplemented with authentic legal listening materials), whereas, authentic legal texts have not been specially prepared for legal English learners and they are delivered via technologies like radio, television, video, the Internet or CD-ROM. The Internet offers a wide range of listening practice for students. It is particularly useful for teachers teaching professional English in a very precise area – law, as Internet users can access variety of material produced by native speakers. The most useful websites which are used to build up legal and political vocabulary as well as developing listening and communicative skills are <http://www.guardian.co.uk/theguardian>, <http://www.nytimes.com/>, <http://www.bbc.co.uk/>, where original examples of formal authentic language (e.g. inauguration speeches of the USA presidents, the Queen's State Opening speeches, prime minister David Cameron at PMQs, etc.), details of lawsuits and opinions on different political and legal issues, newscasts, interviews, presentations, reports uttered in different accents can be found. Such websites as www.lawbore.net and www.venables.co.uk give access to short videos illustrating legal arguments and provide links to other sites useful for students of legal English. The greatest advantage of the Internet is that audio material that is available is much more up-to-date than DVD or recorded materials, it takes into account not only recent language reforms but also forthcoming changes to the legal system in the United Kingdom – for example, there is access to the latest news as many radio stations offer the possibility to listen to live broadcast.

As well as offering live broadcasts, there are opportunities to listen to recorded audio and video clips on the Internet or DVD, which means that students can work at their own pace and listen to more complicated sections of the recording several times, and to read accompanying transcripts before, after or during the listening (How to use the internet to develop listening skills 2010). A great number of authentic legal or legalized recordings on

various issues included into the law studies curriculum had been collected and attached to the course book "Listening for Law" by A. Liuolienė, R. Metiūnienė and D. Užpalienė. The authors of the course book created tasks based on listening to legal issues, the tasks are of great help for teachers and students to develop listening and speaking skills on topics such as types and sources of law, international treaties, the European Union and state governing issues, constitution, human rights and democracy, civil and criminal procedures, contracts and corporations, etc. (Liuolienė *et al.* 2011).

Moreover, listening to legal texts is successfully used as an alternative way of introducing a new topic or new legal terms (rather than using a text) and developing note-taking skills.

Tasks Developing Listening Skills

Listening to authentic legal or legalized materials demands not only the awareness of the peculiarities of English legalese and some insider knowledge, but also particular skills that are developed through pre-, while- and post-listening activities related to the provided listening material. In pre-listening stage a short discussion can be initiated as to what the students know and what they think of the topic before they listen to the text (activating world and personal knowledge). Pre-listening stage may contain satellite activities which focus on pronunciation, mastering legal vocabulary, reading and comprehension of information pieces related to the central legal text.

While listening to the conversation, the students have to focus on listening; therefore, the tasks should be very precise and explicit. Careful selection of meaningful tasks, that caters to developing specific listening skills, help to concentrate on listening and comprehension of the text, retrieving specific information and understanding separate legal terms. Then the students can be asked to use whatever information they gathered from the text to have an extended discussion in a post-listening stage

(allowing for more individualization and critical comments to be developed).

Different listening testing techniques chosen by the teacher, such as “completing charts/forms/tables”, “multiple choice”, “ordering”, “marking statements”, “true/false statements”, “extending lists”, open-ended questions”, “listening for specific information”, “listening for overall understanding”, “listening for gist”, “taking notes”, etc. provide the right level of challenge: the balance between the complexity of the language required for the task and the student’s ability is appropriate to allow for accuracy, fluency development and the language development. These tasks encourage the students not only to listen to the information but also to utter it orally (Metiūnienė, Užpalienė 2008: 111).

When designing lessons and teaching materials to further develop listening comprehension skills, students need to be motivated and stay motivated. This is best accomplished by determining the suitability of the listening materials, the techniques used in classroom teaching, and the use of authentic legal materials.

Numerous listening and speaking activities help build fluency through the integration of reading and writing. The skills obtained through these activities are widely used by students in their further studies: they make individual presentations, address the audience, present projects and participate in professional discussions using relevant communication skills both in general English and legal English.

Conclusions

The usage of both legal authentic materials and legalized texts have tangible impact on mastering legal English. At the initial stage of teaching English legalese legalized materials prepared specially for teaching purposes in textbooks seem to be more appropriate as they are adapted for a particular level for law students. Whereas in more advanced levels, the teachers of legal English realize that the use of authentic texts in a legal English classroom can significantly

contribute to the learning experience disregarding the challenges of finding, understanding and developing tasks based on authentic legal texts. When used effectively, legal and legalized materials can improve the teaching process and are highly recommended to teachers of legal English because:

- legal English learners feel comfortable in the familiar subject area;
- with reading the texts written by professional native speakers, as well as listening to authentic legal texts, the real world is brought into the classroom and the students get a better idea about how language is used in their profession in real life;
- professional language learners are confronted with real, natural modern language used by native speakers, preferably the vocabulary: legal and semi-technical words;
- students can feel a sense of achievement and confidence which may encourage further reading;
- well prepared communicative types of listening to authentic legal texts make oral communication more effective;
- the use of authentic materials stimulates and motivates learners to comprehend the content of an oral text because the practical benefits of understanding such authentic language material are obvious.

The sources of authentic texts significantly depend on the area of law. The teacher has a wide choice of authentic materials: company brochures, annual reports, newspapers, letters, magazines, journals, scientific articles, legal cases, legislation, books, different websites, recordings of authentic speeches, etc. For numerous reasons the most invaluable source of authentic legal materials is the Internet.

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TEISINĖ ANGLŲ KALBA IR ADAPTUOTI TEISINIAI TEKSTAI

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Straipsnyje nagrinėjama autentiško rašytinio ir sakytinio teisinio teksto bei adaptuoto teisinio teksto svarba, mokant profesinės užsienio kalbos. Autorės apžvelgia autentiškų ir adaptuotų teisinių tekstų naudojimo privalumus bei trūkumus, jų efektyvaus taikymo galimybes studijų procese.

Mokant profesinės teisinės užsienio kalbos, pradiniam etape naudojami adaptuoti teisiniai tekstai, specialiai parengti studentų mokymui, atsižvelgiant į jų kalbos mokėjimo lygį. Aukštesnio lygio studijų procese naudojami autentiški teisiniai tekstai padeda sukurti natūralią profesinę ir kultūrinę aplinką bei skatina studentus labiau domėtis studijuojamu dalyku. Studijuojant teisinę anglų kalbą, dažniausiai naudojami teismo bylų tekstai, įstatymai ir jų komentarai, pranešimai, nuomonės, politikos ir visuomenės veikėjų oficialiosios kalbos, reportažai, naujaušių žinių pranešimai ir kt. Be knygų, žurnalų, laikraščių, radijo, svarbiausias ir dažniausiai naudojamos autentiškos medžiagos šaltinis yra internetas. Labai svarbu sukurti tinkamas užduotis, kad autentiški tekstai būtų efektyviai panaudoti, plėstų studentų profesinį žodyną ir akiratį, skatintų jų motyvaciją bei kūrybiškumą. Dėstytojams dirbti su autentiška medžiaga yra įdomu, nors ir nelengva, nes tekstų paieška, užduočių kūrimas reikalauja daug laiko ir kūrybinės energijos.

Nepaisant tam tikrų trūkumų (jie aktualesni dėstytojui), autentiškų teisinių tekstų naudojimas yra visokeriopai skatintinas mokant profesinės užsienio kalbos. Pasirinkus tinkamą metodiką, ugdomi kalbiniai bendravimo įgūdžiai, kurie reikalingi studentams tolesnėse studijose ir profesinėje veikloje.

Reikšminiai žodžiai: teisinė anglų kalba, adaptuoti teisiniai tekstai, teisės terminologija, autentiški teisiniai tekstai.

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