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Legal Linguistics as an Academic and Professional Discipline: Identifying Clients, Customers, Stakeholders

Abstract

Legal linguistics is a relatively new discipline, of growing significance in the light of internationalization of legal life and the broader context of globalization, where English is the chosen form of communication. Currently, few programmes are available to prepare practitioners, if indeed it is clear who practitioners actually are, or again what the parameters of their profession may be, or where legal linguistics fits within the future education and training needs of law professionals. With the assistance of available literature in the field of legal education, combined with research based on a focus group of professionals involved in the field, this paper explores the field of legal linguistics by approaching it from the aspect of the “outsider”. In particular, it asks, analyses, and discusses two problems: “Where does legal linguistics fit in the broader context of future legal education needs?” and “Who are its potential beneficiaries?” The pertinence of this approach lies in the logic that any course of study requires a unique selling point, from the standpoint of both professional and wider relevance. The outsiders in this case are stakeholders, in particular the target client of legal linguistics programmes, that is, those who receive the service, and the paying customer, who may not always be the client and, finally, others with an indirect interest in legal linguistics, from individuals through law firms, banks, and others in the private sector, to governments and international or supranational bodies. The aim of the paper is to provide an aide-mémoire to those involved in developing and marketing legal linguistic education and training programmes and modules, to place legal linguistics within visions of future legal education, and, finally, to identify further areas for research.

1. Introduction

The importance of legal linguistics stems at least in part from the internationalization of legal life in the broader context of globalization, with English as the law’s *lingua franca*, and the implications of these factors for the education and training of law professionals. This paper² sets out to discover the potential beneficiaries, direct and indirect, of education and training in legal linguistics. Put differently, who has an interest in legal linguistics studies, and who are the potential stakeholders? To contextualise the question, the paper examines legal linguistics against a backdrop of new approaches to the education and training of law professionals, also taking into account the views of a focus group of professionals in the field. The aim is to assist those involved in developing and marketing legal linguistics study and training programmes, modules, or courses, in particular with a view to tailoring, packaging, and presenting content to potential users.

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2 This paper (Goddard 2009/4), delivered at the XVII European Symposium on Languages for Specific Purposes / CPTSC - 17-21 August, 2009 in Aarhus, is the fifth in a series of linked papers in part satisfaction of the requirements of a doctoral programme in legal linguistics at the University of Lapland under the provisional title of “Towards a master’s programme in legal linguistics”. The author refers to others of his papers written in 2009, only one of which has so far been published, with the others still in press.

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2. Globalization and internationalization

2.1. Practical impact on lawyers and translators

Earlier research (Goddard 2009/1), briefly summarized, suggests that the new international lawyer must be ready to advise, to give opinions, to draft, or to litigate – often on more than one body of national law and supranational law – and must be able to offer legal perspectives beyond the client’s national and cultural perspective, together with interdisciplinary background knowledge. In turn, the legal translator requires familiarity with (a) comparative law, (b) legal issues involving more than one nation’s law, and (c) source and target languages, amongst other skills (Šarčević 1997: 113-114). However, as we shall see, that is not all.

2.2. English as *de facto* global legal language: challenges arising

The same research, in examining the challenges of English as the global legal *lingua franca* for lawyer and non-lawyer non-native users of English in legal contexts, asserted (Goddard 2009/1) that the rise of English as the *de facto* global legal language intensifies the need for translation of legal texts into English, and – as a corollary - production of legal texts in English, often by Non-Native Speakers of English (NNS). In addition, especially NNS translators and lawyers may face overlapping difficulties in practice when working in or through English. (Goddard 2009/1; Goddard 2009/3) The situation becomes more complex in the context of developments in the law, such as transnational law and emerging fields of law (Goddard 2009/3). This has interesting implications for the education and training of law professionals, especially non-native speaker users of English in legal contexts.

2.3. Globalization and internationalization: impact on legal education needs

The paper (Goddard 2009/1) went on to adduce support from the literature, and examined how these knowledge and skills requirements fit into general visions of legal education (Goddard 2009/1). We now summarize these briefly in the following section (3.1.), then take a further look at the literature (3.2.) in the light of the author’s earlier findings (Goddard 2009/1) on overlapping skills and knowledge requirements – hence also education and training requirements – of law professionals (3.3.).

3. The future shape of legal education

3.1. Summary of author’s earlier review of literature³

Globalisation requires legal education to prepare practitioners “to deal with foreign legal systems, and to defend their own positions in cross-cultural negotiations”, implying the need for legal knowledge, familiarity with legal cultural differences, and sufficient mastery of the English language (Gessner et al. 1996: xv). Modern legal education is an interdisciplinary exercise (Gessner *et al.* 1996: xv), foreseeing “recreation of a common European Legal Culture” (Gessner et al. 1996: xv-xvi), whereas the reality remains that legal education is still labouring under the effects of nationalism, with the “deplorable result that lawyers stopped looking beyond their national borders” (Zweigert/Kötz 1998: 15 and 29).

New strategies are called for in legal education (Drolshammer/Vogt 2003:1); a need exists for analysis of the effects of globalization on the legal world. Areas for training include: substantive law training in the national law of the lawyer’s home jurisdiction; training in other legal systems; foreign and international legal research abilities; an understanding of the international legal profession; proficiency in relevant foreign languages; interdisciplinary background knowledge; general educational background; experience in global transactions (Drolshammer/Vogt 2003: 7-8).

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Law professionals need three kinds of knowledge: expert, legal, and linguistic (Salmi-Tolonen 2008:135), also to adjust their “mental models by acquiring more multidisciplinary knowledge and paying attention to the implications that can be drawn from the scientific study of legal language.” (Salmi-Tolonen 2004: 1191).

With law “no longer considered exclusively in terms of national sources... it is the discipline of law in its entirety which must assume the cognitive burden of providing information on law beyond national borders.” (Glenn 2006: 57,59)

Globalisation and the expansion of transnational law “changes law in the sense of rules, principles, institutions and procedures” and “legal education should be able to answer the call of the wild *i.e.* face the promises and perils of transnational legal education.” (Husa 2009)

3.2. Updated review of literature

More recent research by the author in the autumn of 2009 appears to affirm the above, as shown below.

According to one view (Valcke, 2004:160) too little attention has been paid to the question concerning the overall pedagogic design of injecting transnational or global material into law curricula. She has criticised lack of “coherent pedagogical vision”. In the Canadian context, the same author adds (Valcke 1996: 67) that:

[L]egal players must be capable of playing two games at once, which requires that they be trained to juggle with, and yet never confuse, two distinct set of rules. Only if legal players can properly accomplish this will the integrity of the various games being played be preserved. In mixed jurisdictions, therefore, it is the very identity of the legal games, not just their respective dynamism, that is at stake for legal education.

Another view (Husa 2009) points to an evolution that has taken place in the context in which teaching and learning of law occur. In particular, the authority of the nation state is in decline while various forms of sub-national law as well as pluralistic and transnational elements are strengthening, finding themselves in tension with the central system of the state. This evolution includes the proliferation of supranational or transnational legal regimes⁴, such as the EU, while national and international legal spheres also overlap, for example in the field of human rights. Husa concludes that “future legal education ought to respond more seriously to the globalisation of law”.

These themes are taken up elsewhere (Arthurs 2009), with globalization seen as the cause of restructuring of the economy, in turn leading to reconfiguration of the legal services market, so that:

In the United Kingdom, the decline of the industrial economy and the rise of one based on information technology and financial services has led directly to the decline of High Street law practices which serve small, local businesses and to the growth of large, city firms which serve a global clientele. It is no coincidence that with the advent of globalization, some of our best students decide to seek careers with global law firms or that some of our best scholars focus their research efforts on influencing the outcome of global legal issues.

Thus, globalization features prominently in the needs of legal education and scholarship, so that tomorrow’s law students and staff are likely to feel more comfortable than their predecessors with global legal institutions, doctrines and processes, many set up by transnational businesses, professional communities, NGOs and sectoral associations that “set standards, settle disputes, impose sanctions, generate meaning, propagate values and confer legitimacy.” (Arthurs 2009) The same author again stresses the impact on national governments of the powers of EU Institutions “to strike down, rewrite or mandate the enactment of national legislation”, with non-governmental tribunals also being empowered under global economic treaties (e.g. the WTO and NAFTA)

4 About the concept of transnational law, see Zumbansen, Peer 2006: *Transnational Law*, in Elgar Encyclopaedia of Law, 738 (Jan Smits ed. 2006).

“to neutralize or invalidate the laws of member states.” Additionally, national governments increasingly share responsibility with international agencies (e.g. Interpol, the World Bank, the WHO) and others (e.g. private security firms, airlines, banks, hedge funds and drug companies) for “forestalling or responding to terrorism, economic perturbations, pandemics and environmental catastrophes.” Finally, “globalization has effectively decoupled the idea of law from the idea of the state”, with studies of transnational corporations, commercial networks and business transactions suggesting that non-state law “prevails even – perhaps especially – in the most privileged precincts of global business, finance, communications and transport”, requiring future legal professionals to offer “a new repertoire of intellectual skills” (Arthurs 2009) and a new approach to law studies involving “what explains law as a social phenomenon, what is the nature of legal knowledge, what does it mean to think like a lawyer, [and] what it means to think like a citizen alive to law’s symbolic and persuasive attributes”. (Morissette 2002: 12, 22).

Another proponent of changes in legal education (Chesterman 2009) points out that “[l]eading law firms increasingly present themselves as ‘global’, a status measured for the first time in 1998 when the *American Lawyer* first published its ‘Global Fifty’ list of firms ranked by size and revenue,” (Morris 1998: 45) noting a boost in this trend from the rise of “non-traditional regulatory regimes that transcend traditional jurisdictional analysis” from ISO standards to internet regulation, so that “contemporary normative questions are frequently global rather than local.” (Kingsbury *et al.* 2005: 15; Chesterman 2008: 39). Crucially, for operational effectiveness in this new legal world, law professionals “need to be comfortable in multiple jurisdictions, often simultaneously” (Tan 2007), so that lawyers need to be educated as “residents” rather than “tourists” in new jurisdictions (Daly 2005: 785), ready to move both jobs and countries several times in the course of their career. (Dinovitzer/Grath 2007).

It follows that the law professionals of tomorrow require what one author (Fine 2009) terms “cross-jurisdictional ability” and “[The ability] to operate and manage cross-border transactions and dispute resolutions effectively.” (Northwestern Plan 2008) In addition, students must possess “cross-cultural sensitivity” and the ability to work effectively on teams with people from different cultures. (Northwestern Plan 2008) This is the basic rationale behind the North American Consortium of Legal Education (NACLE) (Atwood *et al.* 2005: 542-547). One recipient of such an education (Weber 2009) points out that the advantages are clear:

knowledge of various legal systems and traditions, familiarity with the techniques of legal comparison, language skills, intercultural experience and, derived from broad cultural experience, the ability to think outside the box. The fact that the students study different legal orders and the multilevel system of EC and national law at the same time and in several languages speaks for itself.

3.3. Comparison with other research by the author⁵

A comparison of these findings shows striking similarities with the list of legal and linguistic needs of lawyers and translators appearing from the author’s earlier research (Goddard 2009/1). This indicates a significant overlap between legal and linguistic needs of lawyers and translators in terms of need for certain knowledge and skills. These were collated as follows:

- Comparative law for lawyers and legal translators
- Legal systems and specialisms for lawyers and legal translators
- Comparative legal cultures for legal translators and lawyers
- Legal methods for translators
- Legal English for lawyers and legal translators
- Translation skills
- Legal linguistic skills for lawyers and legal translators
- Legal writing and drafting for lawyers and legal translators

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- Concepts and terminology for lawyers and legal translators
- Legal informatics for lawyers and legal translators

The significance of the above is that legal linguistics appears to fit comfortably within the wider field of modern legal education and training, in the context of globalization and internationalization. We now examine how legal linguistics as a product might be tailored for marketing, and how legal linguistics might be packaged and delivered.

4. Legal linguistics: a relatively new discipline

Legal linguistics as an emerging discipline (Goddard 2009/3) needs to be effectively showcased, for two related reasons. Firstly, marketing to potential applicants, employers, and stakeholders must show legal linguistics as having clear practical professional relevance. Secondly, legal linguistics programmes must be appropriately focused to respond to the needs of the discipline and the market. (Goddard 2009/3)

4.1. Theoretical Parameters of legal linguistics

At the conceptual level, some attempt has been made to delineate legal linguistics (Mattila 2006: 6-21). However, as has been pointed out (Engberg/Burr 2009: 111-128), the referential field is not well-defined and internationally accepted, although “agreement exists about the core characteristics of the discipline”. Moreover, as a term in itself, “legal linguistics” appears not to enjoy full equivalence between different languages. (Mattila 2006: 6-8)

At a practical level, another view of legal linguistics (Salmi-Tolonen, 2004: 1191) stresses the need for greater recognition of the interplay between legal knowledge and linguistic knowledge, affirming that while legal scientists and practising lawyers acknowledge the importance of the intertwining of language and law and language, much remains to be done to ensure full realisation of the potential benefits of linguistics and linguistic methods. (Salmi-Tolonen 2004: 1191 citing Hart 1961; Bhatia 1994; Bowers 1989; Kurzon 1987):

The first and foremost purpose of legal linguistics is to look forward and see how linguistic methods can help legal professionals at the various stages of their careers. We need to raise the general level of language awareness and increase linguistic knowledge among legal professionals and people in public office; in addition, we must be aware that meanings are subjective and that shared meaning must be negotiated.

Developing this theme, the same author (Salmi-Tolonen 2004:1191) asserts:

The purpose of legal linguistics is to study the language of the law, in all its forms, and its development and usage in order to create new knowledge of the interplay between language, law and society. This body of knowledge should grow through systematic academically approved methods; only then can it proactively serve in legal training and society in general.

4.2. Legal linguistics programmes: few but varied

Few eponymous legal linguistics programmes exist,⁶ while those that do exist do not appear to share the same approaches. We will briefly examine these.

4.2.1. Separate programmes for lawyers and translators

One approach (Engberg/Burr 2009) argues for two curricula that “share an interest in educating specialists in the field of legal language” but that “they differ in that they aim at educating studen-

⁶ See, e.g. the following websites:

Riga Graduate School of Law http://www.rgs.lv/index.php?option=com_content&task,

University of Lapland <http://www.ulapland.fi/?deptid=28571>

University of Cologne http://verwaltung.uni-koeln.de/abteilung21/content/e77/e559/e4963/e18111/index_ger.html

ts to function as different types of experts”, with one curriculum that “aims at generating legal experts who apply their solid knowledge about languages and linguistics in solving legal problems” while the other “aims at generating experts in language and linguistics who can draw upon solid legal knowledge to solve communicative problems such as the translation of legal texts.” While acknowledging a degree of overlap between needs of lawyers and translators, they stress the importance of the distinction, which they justify on the basis that “the skills necessary for performing these two functions are not identical.” Interestingly, they apply the term “legal linguists” to those who are to become “law specialists with a considerable degree of expertise in law”, while translators “are specialists not in law, but in language and need therefore only to be able to interpret and phrase legal texts correctly.” Importantly, they note that “we cannot confine ourselves to teaching our students static knowledge frames. They must be made aware of the unstable nature of such frames. And we must supply them with tools to follow and assess the dynamic process.” Significantly, too, “[b]oth programmes are built on three pillars: Training in law, training in linguistics, and training in language proficiency.” They place emphasis “on knowing enough to be able to find the specialised knowledge one needs in order to solve a concrete problem rather than on conveying any kind of totality of knowledge of a (sub-)field of law” and acknowledge that “from a professional point of view having skills in interpreting legal texts along the same lines as legal experts is an important competence in all kinds of work with legal texts.” (Engberg/Burr 2009: 126)

4.2.2. Joint programme for lawyers and translators

An alternative approach is described in detail in an earlier paper by the author (Goddard 2009/2). Significantly, this approach was heavily influenced by pragmatic concerns. In particular, the programme was commissioned by a stakeholder (the Latvian government) with lawyers specifically in mind. However, the author, who led the team that set up the programme, intuited that insufficient lawyers would apply to achieve the minimum numbers required to run the programme. For that reason, a programme was devised that would also attract translators. As it turned out, the numbers of lawyers who applied (three) would not have justified running the pilot programme. Put differently, it was the translator applicants that enabled the programme to run. Moreover, when a revised programme was offered two years after the pilot programme in academic year 2009-2010, again it was translators who made sufficient numbers to run the programme, with only three lawyers applying.

However, as noted above, earlier extensive and intensive research by the author (Goddard 2009/1) suggests that in the context of globalization and English as the global legal *lingua franca* the knowledge and skills needs of translators and lawyers and the corresponding education and training requirements of both groups do appear to overlap significantly in certain areas. This is confirmed e.g. by (Šarčević 1997: 113-114) as well as by many others (Goddard 2009/1). This may to some extent justify running joint programmes. At the same time, the author frankly admits feeling more comfortable with the approach described in 4.2.1. (Engberg/Burr 2009).

4.2.3. Legal linguistics integrated into other programmes

In the context of including legal linguistics in education and training programmes for law professionals, the author noted in the conclusion to an earlier paper (Goddard 2009/1) that:

with universities under pressure to focus on ECTS credits in main areas of the curriculum, it may be more realistic to achieve the required input in dedicated interdisciplinary programme modules jointly for legal translators and for lawyers who aim to operate internationally or to translate legal texts.

However, it appears that integration into the law curriculum is possible. Clear evidence of this appears in the shape of the University of Lapland (Mattila 2009), where legal linguistics features throughout five years of law studies. Importantly, the University of Lapland has a chair in legal linguistics and many foreign exchange students, while much work is done in English with the aim

of preparing students for an international career. Interestingly, “[t]he teaching partners and the trainees represent both lawyers and linguists, notably translators”. (Mattila 2009)

4.3. Legal linguistics in action: practical professional parameters

If legal education and training requires programmes and modules in legal linguistics, for whom might such programmes and modules be directly or indirectly relevant? How to reach and approach them? These matters are explored in the following section.

4.3.1. Expected outcomes from legal linguistics programmes

To obtain perceptions of legal linguistic skills and how these might be deployed in practice, the author (Goddard 2009/3) framed a survey questionnaire sent by email to a focus group of academics, potential employers, legal translators, and past and potential students of the Riga Graduate School of Law’s master’s programme in legal linguistics. The questions were arranged to test the consistency of responses. Replies were received from the following:

- Four potential students, including two translators working with law firms
- Two former students, one with a law qualification, the other without
- One translator with the European Court of Justice
- One lawyer-linguist from the European Council
- Four academics

The full questionnaire is reproduced in the Annex, along with replies to selected questions relevant for this paper. The first of these is Question A (see Annex):

Does “legal linguist” consist of specific identifiable skills? If so, what skills?

This produced answers that can be summarised as:

knowledge of domestic law, EU law, comparative law, cultural studies, LSP, linguistic analysis, legal argumentation, semantics and at least two languages, legal translation/interpreting, legal drafting, understanding of special features of legal texts, semiotics, discourse analysis.

This question and the following two questions were deliberately overlapping, with a view to testing consistency and obtaining concrete answers by different approaches.

Next, question G:

For a *potential student*, what does a legal linguist’s qualification mean in terms of professional development and the employment market?

The answers to this question (see Appendix) were somewhat vague, too indeterminate to summarise.

By contrast, answers to the related question H (see Annex):

What can an individual do, or do better, after a legal linguistics programme?

were far more concrete and can be summarized as follows:

understand the concepts/notions behind legal terms, be able to compare them across languages and legal systems, define their similarities and discrepancies, understand other legal cultures and traditions, communicate with legal linguists within EU and outside EU; understand and analyse legal documents, especially such written in at least two languages; legal translation/interpreting, legal drafting, foreign language teaching for lawyers, research; revise legal texts, interact in multilingual context; a better understanding of the connection between law and language but also of differences between legal systems; enhance analytical skills important for any lawyer; in-depth understanding of legal texts, legal environment and its impact on supplied services (e.g., translations of legal texts), legal linguists should be able to improve relations between text authors and end-users by textual means; be employed by the institutions mentioned in the answer to Question E or go on scientific research in legal linguistics in order to enhance and facilitate development of the relatively new scientific direction; to understand

better “the way of legal thinking” or in case of lawyers – to understand language laws better and their influence on text, to have technical skills in writing/translating/interpreting legal texts (e.g. text order, composition), provide a language expertise of a legal text; apply learning outcomes in practice and continue professional improvement; better understand legal language and its peculiarities thus avoiding misunderstandings and being able to work more efficiently

These concrete answers, compared to the answers to the two related questions, strongly suggest a need to communicate to potential students and other stakeholders the learning outcomes of a legal linguistics programme. However, while they are also useful in compiling a skills set for legal linguists, it should not be overlooked that the limited spread of respondents means that this research should be seen as preliminary, with further research required. For example, none of the respondents chose dictionary compiling as a task for legal linguists, whereas this would seem eminently suitable as a task involving legal linguists in view of the recent finding that many legal dictionaries are of poor quality (De Groot and van Laer 2008).

5. Cui bono? Potential beneficiaries of legal linguistics studies

5.1. Stakeholder: definition

Stakeholders are those with a direct or indirect interest (stake) in an organization arising from:

- (a) the potential effect on the stakeholder of the organization’s actions, objectives, and policies, or
- (b) the potential effect on the organization of stakeholder actions, objectives, and policies.

Put differently, stakeholders are “individuals or entities who stand to gain or lose from the success or failure of a system or an organization.” (Hunter-Taylor 2001) According to stakeholder theory, organizations should in their own interests pay heed to stakeholders, using stakeholder analysis to create a framework within which to identify, evaluate, and then incorporate stakeholder interests in decision-making.

Note, though, that not all stakeholders are equal, so that different stakeholders are entitled to be treated differently. This involves stakeholder management.

5.2. Stakeholder management

Stakeholder management⁷ involves two major elements: stakeholder analysis and stakeholder planning, with stakeholder analysis as the technique used to identify those whose goodwill is key, and stakeholder planning as the technique used to develop that goodwill. Stakeholders fall into several categories, with primary stakeholders ultimately affected by an organization’s actions, secondary stakeholders comprising individuals or organizations indirectly so affected, while key stakeholders, who may also be either or both primary and secondary, wield significant influence on or within an organization.

Stakeholder theory is well developed. For example, classification of stakeholders may be based on power to influence - “the degree to which managers give priority to competing stakeholder claims” (Mitchell, Agle *et al.*, 2007:854). Another classification is based on potentials for threat and cooperation (Savage, Nix *et al.* 1991). Others have devised means of testing stakeholder expectations (Fletcher, Guthrie *et al.* 2003) and satisfaction (Turner, Kristoffer and Thurloway, 2002).

5.2.1. Stakeholder analysis

Key information that can help understand stakeholders includes establishing, e.g.:

7 This section sourced Mindtools at http://www.mindtools.com/pages/article/newPPM_08.ht

- Their financial or emotional interest in outcomes
- Their main motivation
- The information they need, and how to communicate it
- Their opinion of the relevant activity, and what that opinion is based on
- Influences on their opinions and on their opinion of the relevant activity

5.2.2. Stakeholder planning

Briefly, stakeholder planning involves first establishing what is required from each stakeholder, such as direct or indirect financial support. Next follows identifying messages that need to be conveyed to stakeholders, e.g. showing benefits. The next step involves creating a step-by-step action plan for dealing with stakeholders, taking into account e.g. available resources, with main focus on high-power, high-interest stakeholders.

5.3. Stakeholders in legal education⁸

According to one author, “The stakeholders in professional legal education are: the legal profession as employers of practitioners; admitting bodies; the community; practitioners; courts and tribunals; educational and training institutions; students; teachers and trainers; and clients.” (Hunter-Taylor 2001) According to another, stakeholders include “the regulatory bodies regarding general standards and quality, the professional bodies, legal educators, law practitioners, employers and students.” (Mytton/Meladze 2006)

In an educational institution, stakeholder analysis goes far beyond the first stage of identifying obvious stakeholders, such as students, faculty, and administrators, to include alumni, and potential employers of graduates, as well as ultimate consumers such as – in the case of a law school – consumers of legal services and law firms.

However, student activities both in the classroom and outside it are generally disconnected from the potential future working environment.

The clear message is (Hunter-Taylor 2001) that this approach needs to change, in that a graduating student who is unemployable or only employable with extensive retraining is the product of a failure within the educational institution. Stakeholder analysis signals an important interrelationship between employers and educational institutions. That is, educational institutions with a better sense of employer needs and businesses that can make their needs known are both likely to benefit. This may require some change in attitudes of both educational institutions and employers.

The same author (Hunter-Taylor 2001) emphasises that:

Rather than guess about employer needs, educational institutions should inquire about them. Once armed with the data, institutional leaders can assess how those skills might be incorporated into the classroom and campus experience.

As otherwise expressed (Gross/Godwin 2005): “Educational administrators are increasingly recognizing what businesses have long understood: customer satisfaction matters.”

As we shall see, stakeholders in legal education are not confined to those detailed above.

5.4. Stakeholders in legal linguistics

The author has carried out preliminary research (Goddard 2009/3) into stakeholders in legal linguistics education and training, in the shape of the questionnaire referred to above, partly reproduced in the Annex. Questions P and T asked, respectively:

What kinds of organization might directly benefit from what legal linguists do?

⁸ This section draws on Hunter-Taylor, Sharon 2001: Professional Legal Education: Pedagogical And Strategic Issues University of Technology, *Sydney Law Review* Vol. 3, available at <http://www.austlii.edu.au/au/journals/UTSLRev/2001/6.html>

and

What kinds of organization might indirectly benefit from what legal linguists do?

Unsurprisingly, the answers to these two questions were significantly much the same. Potential employers were seen as e.g. EU institutions, law firms, universities, law schools, terminological institutes, international organisations, translation agencies, law enforcement agencies, research institutions, the ECJ, legal departments of larger companies, ministries, parliaments, courts, publishing houses, notarial offices, governmental or non-governmental organisations working in the field of Law harmonisation process.

As to those with an indirect interest, these are seen to include e.g. business intelligence, international banking, stock markets, international trade, ministries, Courts, The EU, other international institutions, national governments, clients of law offices and translation agencies, persons who work with legal texts, end-users who receive legal texts for practical purposes, research and education institutions, entities and individuals that depend on accuracy and reliability of legal documents.

6. Conclusion

Legal linguistics plays a vital role as part of the response by legal education and training to the globalization and internalization of law. In particular, legal linguistics is a clear “fit” in the education and training requirements for law professionals in the context of globalization and internationalization with English as the legal *lingua franca*. While this and earlier research by the author has opened up exploration of stakeholders in legal linguistics, further research is required in this area beyond the focus group of individuals who responded to the author’s survey. Moreover, the author’s research strongly suggests a need to communicate to potential students and other stakeholders the learning outcomes of a legal linguistics programme. This may partly overcome the difficulty that, while the core elements of legal linguistics are generally agreed, the full referential field is not entirely clear. At the same time, learning outcomes should be included in marketing and promotional literature, in order to demonstrate professional relevance to all stakeholders. Moreover, stakeholder analysis is needed, to include course, module, or programme evaluations from current students, with a view to re-examining course, module, and programme content. Those offering education and training in legal linguistics, as in other areas, should be aware that stakeholders become sources of revenue, such as students or sponsors, or providers of support in other forms, such as partner institutions. Fledgling courses, modules and programmes in this emerging discipline need support and nourishment from the stakeholder environment in which to test their wings.

Annex Part I: survey questionnaire

Invitation to Participate in a Research Project

- **What does it mean to be a legal linguist?**
- **Who are the beneficiaries of legal linguistics programmes?**

I am currently involved in a research project addressing practical issues related to legal linguistics programmes. The project addresses two questions, with results to be presented later this year in the form of conference papers. The first question asks what it means to be a legal linguist. The results are to be presented in a paper to be delivered at the CERLIS conference *Researching Language and the Law: Intercultural Perspectives*, University of Bergamo, Italy, 18-20 June 2009. The second question examines who are the beneficiaries of legal linguistics programmes, in the shape of clients, customers, and stakeholders. The results are to be presented at the *XVII European Symposium on Languages for Specific Purposes* at Aarhus School of Business 17-21 August 2009.

These questions need to be clarified, so that that legal linguistics programmes may, first, be appropriately focused and, second, seen by potential applicants, employers, and stakeholders as having clear practical professional relevance. To find answers to these questions, I combine theoretical and practical research, the latter in the shape of a survey among a focus group including academics, alumni and applicants from a legal linguistics programme, as well as potential employers and stakeholders. For efficiency and for your convenience, the questionnaire addresses both research questions. The study is performed as partial fulfilment of the requirements for a doctoral degree in legal linguistics at the University of Lapland, where my supervisor is Professor Heikki Mattila. The study is also intended to provide useful analytical information for a proposed Tempus project “Language and Law in the European Context”.

Your participation in this project will provide useful information on the topic. You have been selected to participate in the project because of your involvement in legal linguistics.

You will be asked to complete a survey consisting of twenty (20) open questions, with an additional ‘open forum’ question at the end, allowing space for you to say anything you would like to add. The total time required to fill out the survey should be no more than 60 minutes.

Participation in the study is strictly voluntary. You may withdraw from the study at any point without penalty. Participation involves no foreseeable risks and is not associated with your job performance evaluation. All data from this study are confidential and will be used for research purposes only. Data from questionnaires and instruments are anonymous. Names of participants will not be connected to information.

If you have any questions about the study, I shall be happy to deal with them.

If you would like to receive a summary of the results of this research, please let me know.

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Annex Part II: replies to survey questionnaire⁹

QUESTIONNAIRE: “What does it mean to be a legal linguist”? Who are the beneficiaries of legal linguistics programmes?
Would you please put your answers in the line below the question (next to the word ‘response’) and please email your reply to Christopher.Goddard@rgsl.edu.lv
If you cannot answer a question, please leave the response blank.
A. Does “legal linguist” consist of specific identifiable skills? If so, what skills?
Response: Yes, domestic law, EU law, comparative law, cultural studies, LSP Response: I think a legal linguist should have skills in linguistic analysis, legal argumentation, semantics and at least two languages. Response: knowledge of foreign languages + knowledge of legal matters Response: Knowledge of linguistics and law; as to practical skills: legal translation/interpreting, legal drafting Response: legal skills and language skills in particular Response: Has both legal and linguistic background. An understanding of special features of legal texts. Is aware of differences between legal systems. Response: exquisite and thorough understanding of legal texts, ability to improve them, make them reader-friendly and business-focused Response: Legal linguist definitely needs qualified skills both in Law and Linguistics and knowledge of at least one or two foreign languages. Response: I am not very experienced translator of legal texts. However, I would say that this profession is an interdisciplinary profession where the attention has to be paid as to the specific language, as well legal aspects, such as: specific reading skills (knowledge of the different interpretation methods of legal texts, traditions of thought, knowledge of the specific culture i.e. German legal system, tradition), specific writing skills, also technical skills in order to know how to compose correctly legal texts, terminology knowledge and skills to build up new terms in target language, knowledge of legal documents types. Response: legal and linguistic skills combined Response: Yes. To my mind a legal linguist must have theoretical and practical background of both law and linguistics in the working languages (i.e. Latvian-English). Response: ability to understand and correctly use the language and its legal terminology Response:
B. Is legal linguist a recognised – or recognisable – profession?
C. If not, is legal linguist included under some other professional classification(s)?
D. Is a legal linguist the same as a lawyer linguist?
E. Who might want to employ a legal linguist?
Response: EU institutions, law firms, universities, law schools, terminology institutes Response: EU-organisations, major national law firms, international organisations Response: international organizations // the EU Response: EU institutions, national translation agencies, lawyer firms, law enforcement agencies, universities, research institutions Response: Anyone working with multilingual legal texts. the ECJ employs them as legal translators and does not call them lawyer linguists but translators Response: Besides the EU, in any nation legal system a need for legal linguistic expertise exists with regard to lawdrafting. Response: translation agencies, law offices, universities, any agency dealing with law and legal language (state authorities, ministries, etc.), legal departments of larger companies. Response: Educational Institutions, Court, Parliament and any public or private institution, the field of work of which is related to both Law and Linguistics one and the same time Response: international companies, public institutions of the highest level (i.e., ministries), notary offices, court Response: law firms, translation bureaus specialising on legal translations Response: Any private company or governmental organisation working in an international environment or having business with international partners that involve legal support to any extent Response: lawyers, translation agencies Response:
F. How might a potential employer define what a legal linguist is and what they do?
G. For a <i>potential student</i>, what does a legal linguist’s qualification mean in terms of professional development and the employment market?
Response: -

⁹ Responses appear in their original form, i.e. not proofread.

<p>Response: It means to enter into a field in which there are many possibilities for professional development, but in which they will have to work hard to create a space in the employment market.</p> <p>Response: a competitive salary // permanent but tedious job</p> <p>Response: It should mean increased employability and better possibilities of professional development</p> <p>Response: probably very little as no one knows what they are or do. They have to call themselves legal translators for translation work, or international lawyers for commercial work. For the EU they just need to pass a competition and get on the list to be employed - not easy</p> <p>Response: Many probably associate such a programme with working in EU institutions.</p> <p>Response: most likely a student would use aspects of legal linguistics for his own further development beyond simple text drafting, translation or editing; on the one hand employers require constant increase in production (amount of drafted, translated, edited texts) and would not stress quality requirements as long as the product is sold, on the other hand special skills related to understanding and mastering legal texts allow students to be more selective in the terms of employment.</p> <p>Response: I believe, it means “well-sold” (high-salary) profession on the employment market though potential student should expect that number of potential employers is relatively fewer than employers’ of other professions.</p> <p>Response: it provides an opportunity to acquire specific additional skills as well for lawyers as well for translators that helps to work better with texts of a specific area (in this case – law).</p> <p>Response: the top of the career ladder might be sworn/court translator (the position may vary by country, though), on the other hand talented legal linguists may take up lawyer’s position. There does seem to be a need for legal linguists on the employment market, i.e. sworn translators, translators working for law firms</p> <p>Response: It gives a scientific degree, adds confidence and, certainly, knowledge and broadens horizons</p> <p>Response: new skills, new acquaintanceships, new possibilities</p>
<p>H. What can an individual do, or do better, after a legal linguistics programme?</p> <p>Response: understand the concepts/notions behind legal terms, be able to compare them across languages and legal systems, define their similarities and discrepancies, understand other legal cultures and traditions, communicate with legal linguists within EU and outside EU, translate legal texts, etc.</p> <p>Response: Understand and analyse legal documents, especially such written in at least two languages.</p> <p>Response: try to find a permanent well-paid job. if this fails, upgrade their skills and/or move to another field</p> <p>Response: Legal translation/interpreting, legal drafting, foreign language teaching for lawyers, research</p> <p>Response: translate legal texts, revise legal texts, draft legal texts, interact in multilingual context</p> <p>Response: A better understanding of the connection between law and language but also of differences between legal systems. Such a programme might also enhance analytical skills important for any lawyer.</p> <p>Response: legal linguistics programme should provide individuals with ability to have in-depth understanding of legal texts, legal environment and its impact on supplied services (e.g., translations of legal texts), legal linguists should be able to improve relations between text authors and end-users by textual means.</p> <p>Response: Be employed by the institutions mentioned in the Answer of the “Question E” or go on scientific research in Legal Linguistics in order to enhance and facilitate development of the relatively new scientific direction.</p> <p>Response: to understand better “the way of legal thinking” or in case of lawyers – to understand the language laws better and their influence on the text, to have technical skills in writing/translating/interpreting legal texts (interpunction, text order, composition etc.), provide a language expertise of an legal text.</p> <p>Response: apply the learned in practice and continue prof. improvement</p> <p>Response: Better understand legal language and its peculiarities thus avoiding misunderstandings and being able to work more efficient, can use tips and tricks of legal language translation, work more efficient by using tools of translation (i.e. TRADOS)</p> <p>Response: translations, understand both, translator’s and lawyer’s role in the process</p>
<p>I. Before a legal linguistics programme, what does a student believe they can offer employers after</p>

the programme?
J. Should all graduates of a legal linguistics programme offer the same competence?
K. Do lawyers who complete a legal linguistics programme differ in competence from translators and others who complete the same programme?
L. Does the term <i>legal linguist</i> contain the same conceptual substance between different languages and legal cultures?
M. Why might someone want to employ a legal linguist?
N. For a <i>graduate</i> in legal linguistics, what does a legal linguist's qualification mean in terms of professional development and the employment market?
O. Is a legal linguist the same as a legal translator?
P. What kinds of organization might directly benefit from what legal linguists do?
Response: governments, EU institutions, justice departments /ministries/, terminology institutes, law companies, legal translators Response: International organisations, especially in the field of commerce etc. Response: An international organisation working in/with several languages. Response: EU institutions, translation agencies, courts, law enforcement agencies, public administration Response: EU, international, UN, terminology, national EC transposition of legislation Response: The EU, other international institutions, national governments Response: law offices, legislators, translation offices. Response: Educational institutions, court, parliament, governmental or non-governmental organisations working in the field of Law harmonisation process which is the issue of utmost importance for all countries who already are the members of the EU or aspired countries for European integration. Response: notary offices, courts, institutions issuing legal documents. Response: law firms, ministries, EU bodies, publishing houses... Response: Any organisation having international affairs Response: EU institutions, international organizations, courts, translation agencies Response:
Q. After a legal linguistics programme, what does a student believe they can offer employers?
R. What does a legal linguist actually do?
S. How can legal linguistic skills be applied in practice?
T. What kinds of organization might indirectly benefit from what legal linguists do?
Response: business intelligence, international banking business, stock market, international trade Response: I do not know Response: the consumers of their work; in the case of Latvia – ministries, Courts, to a lesser extent – public at large. Response: - Response: any with an international or multicultural dimension Response: The EU, other international institutions, national governments Response: any client of law offices, translation agencies, persons who work with legal texts, end-users who receive legal texts for practical purposes. Response: All legal entities of public law and the whole society, as the service people are offered by the legal entities is relied on the specific part of legislation where legal linguist contributes significantly. Response: every entity or even person involved in legal relationships, which depend on legal decisions, accuracy of legal documents. Response: e.g. research and education institutions Response: any organisation that uses the result of a legal linguist, for example, a translated law that is publicly available for reference Response: the better quality of legal documentation is benefit for everyone

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