

Research Assessment Exercise 2020

Impact Case Study

University: City University of Hong Kong |

Unit of Assessment (UoA): 31 - English language & literature |

Title of case study: Improving legal communication: Training materials for novice lawyers |

(1) Summary of the impact

Dr Hafner's research on professional and academic legal discourse has had an impact on professional legal training through enhancing the legal writing skills and oral advocacy skills of novice lawyers (in the academy and the profession), especially those for whom English is a second language. Dr Hafner's research on features of the professional and academic legal genres has led to the creation of training materials specifically tailored to the language and communication needs of novice lawyers. These language-focused, video-based professional training materials are publicly available on YouTube and have been used by a wide global audience (6,077 subscribers and 305K views at the time of writing). The training materials have been used in the education and training of law students in a range of institutions around the world and by novice legal professionals who consult the videos as a source of professional development. Dr Hafner has developed legal practitioners' language skills and understanding of research methodology by contributing to events and publications in Hong Kong and beyond, with an estimated audience of 15,000 legal and language professionals. |

(2) Underpinning research

Hafner's (2010, 2013, 2014) studies in applied linguistics have examined the linguistic and discursive features of different legal genres in common law systems, especially barristers' opinions (the legal advice that barristers, i.e., experts in trial advocacy and procedure, provide to solicitors). By comparing the writing of expert barristers with that of novices, these studies show how legal expertise is discursively constructed. Notably, the studies show that expert writers use language in markedly different ways compared to novices, especially in how they appeal to authority, discuss the law and make use of stance markers. These findings have provided important insights for novice legal professionals wishing to learn to write like an expert lawyer. This applied research is written for an academic audience interested in the analysis of specialized discourse in a range of disciplines, while at the same time seeking to drive changes to practice in the specific legal disciplinary area in focus.

In their study on the development of the Hong Kong Learner Corpus of Legal Academic Writing in English, Hafner and Wang (2018) show how this corpus can be used to identify the disciplinary features of legal writing that Hong Kong law students need to learn. This study examined the use of 'boosters' (words like 'certainly', 'definitely') in the writing of law students from 1st to 4th year of study. It showed that such vocabulary use diminished over time, demonstrating a preference in more experienced writers to make claims in a tentative way.

Moens and Sharma (2014) describe the features of effective oral advocacy with a particular focus on how to be a successful advocate in arbitration mooting (i.e., mock trial) competitions. Hafner (2018) complements this work by combining a focus on language and communication with a genre analysis of arbitration moot presentations, i.e., the oral arguments that law students present to practitioners as part of a mock trial. This research has provided important insights for law students and novice legal professionals as they develop their oral advocacy

skills. |

(3) References to the research

Hafner, C. A. (2010). A multi-perspective genre analysis of the barrister's opinion: Writing context, generic structure, and textualization. *Written Communication*, 27, 410–441.

Hafner, C. A. (2013). The discursive construction of professional expertise: Appeals to authority in barrister's opinions. *English for Specific Purposes*, 32, 131–143.

Hafner, C. A. (2014). Stance in a professional legal genre: The barrister's opinion. In R. Breeze, M. Gotti, & C. Sancho Guinda (Eds.), *Interpersonality in legal genres* (pp. 137–160). Bern: Peter Lang.

Hafner, C. A. (2018). Spoken interaction in an academic legal context: The discourse of the arbitration moot. In G. Tessuto, V. K. Bhatia, & J. Engberg (Eds.), *Frameworks for discursive contexts and practices of the law* (pp. 175–194).

Newcastle upon Tyne, UK: Cambridge Scholars.

Hafner, C. A., & Wang, S. (2018). Hong Kong Learner Corpus of Legal Academic Writing in English: A study of boosters as a marked language form in an EMI context. *TESOL Quarterly*, 52, 680–691.

Moens, G., & Sharma, R. (2014). Advocacy for the Willem C Vis International Commercial Arbitration Moot. *International Trade and Business Law Review*, 17, 204–223. |

(4) Details of the impact

4.1 | Publicly available professional training materials

In 2015, Dr Hafner and colleagues from the Chinese University of Hong Kong, City University of Hong Kong and the University of Hong Kong began to develop language-focused professional training materials based on their research (primarily that of Dr Hafner and Dr Sharma as listed above). These materials aimed at improving the legal writing and oral advocacy skills of novice lawyers both at law school and in the profession. Drawing on Dr Hafner's research on legal writing and argumentation, and his colleagues' expertise in oral advocacy, the team was able to develop materials that target lawyers' use of specialised language to construct written and oral legal arguments. The materials were originally funded by the UGC (subsequently funding for additional materials has been provided by the Department) and developed by an interdisciplinary team consisting of applied linguists and legal academics. Three kinds of video-based materials were developed and have been available since 2016 through the website <http://legalenglish.hk> and a YouTube channel. The materials comprise:

- 1) Expert interviews on legal writing and oral advocacy, including a series of interviews with the Honourable Chief Justice of the Hong Kong Court of Final Appeal, Geoffrey Ma Tao-li; these interviews draw on concepts of audience, purpose, structure and form established as important to legal communication in Dr Hafner's research.
- 2) Instructional videos on legal writing; these draw on principles of legal communication established in Dr Hafner's research.

- 3) Instructional videos on oral advocacy; these draw on principles of legal communication established in Dr Hafner's and Dr Sharma's research.

The videos have achieved a wide reach. Analytics from YouTube show that they are being used both locally and internationally in at least 50 different countries.¹ The 'Legal English' YouTube channel currently has nearly 7,000 subscribers, and the videos on the channel have been viewed 305,000 times. The top five locations of the viewers are Hong Kong (13% of views), the United States (11.6%), India (9.5%), the United Kingdom (7.2%) and Australia (4.2%).

The videos are being used by both academic and professional users around the world. User data from the project website show that of 151 registered with the website, 27 identify as legal professionals, 13 as either law teachers or legal academics, 64 as law students and 13 as either language teachers or students. Professional users are therefore the second largest user group.

The videos have had a significant impact as they have been incorporated into continuing professional education by law firms and academic legal education by law teachers. [REDACTED], approached Dr Hafner unsolicited in 2018 to volunteer to contribute interviews about legal communication. He shared his practice of using the videos for professional training with novice lawyers in his firm (see testimonial). [REDACTED] stated, 'Advocacy skills are a regular discussion point amongst our team and the videos were both well received and practical'.

4.2 Interdisciplinary symposium on professional development

The research of Dr Hafner and his colleagues led to a half-day symposium in December 2016 in Hong Kong entitled 'Learning the language of the law: An interdisciplinary symposium for legal and language practitioners'. Speakers were practising legal professionals, legal academics and applied linguists. Between 50 and 60 local and international legal practitioners, language teachers and academics in the fields of law and applied linguistics attended the symposium.

4.3 Plenary presentation at the Annual Meeting of the Australasian Professional Legal Education Council

The research also led to Dr Hafner being invited to give a plenary presentation at the Annual Meeting of the Australasian Professional Legal Education Council in December 2018. The presentation was entitled 'Learning to think like a lawyer: An empirical interdisciplinary perspective'. In a letter from the APLEC Secretariat, [REDACTED] of APLEC stated: 'Your talk. . . was very well received and promoted discussion during later aspects of the conference'. The meeting was attended by 65 qualified legal professionals working in the professional legal training sector.

4.4 Professional development materials in legal professional publications

Dr Hafner and Dr Burke of City University were invited to contribute to the *Hong Kong Lawyer*, a publication of the Law Society of Hong Kong. This article addressed processes and products related to client correspondence, an important part of a lawyer's job. The journal has a print circulation of more than 13,000 copies and the audience includes solicitors, barristers, in-house lawyers, government legal officers and academics.

¹ YouTube analytics only report data for the top 50 countries.

(5) Sources to corroborate the impact

1. Website: <http://legalenglish.hk>
2. YouTube channel:
<https://www.youtube.com/channel/UCTSafUXPxxaJq82boiu7nsg>
3. Testimonial from professional user, partner in a Hong Kong law firm
4. Summary of YouTube video analytics, including video views by country
5. Knowledge Transfer Award of College of Liberal Arts and Social Sciences, CityU
6. Hafner, C. A., Lynch, K., Scully-Hill, A., Burke, J., & Sharma, R. (2018). Designing and evaluating digital multimedia resources for legal English: An interdisciplinary approach to innovation. *International Journal of Language & Law (JLL)*, 7, 142–166.
<https://doi.org/10.14762/jll.2018.142>
7. Letter of thanks from APLEC Secretariat
8. Invitation email from editor of The Hong Kong Lawyer
9. Hafner, C. A., & Burke, J. A. S. (2017). A closer look at writing products: Finessing opinions in client correspondence. *Hong Kong Lawyer, July 2017*, 80–81.
10. Hafner, C. A., & Burke, J. A. S. (2017). Survival Tips for the Uber Quick New Order of Client Correspondence: Sounds like a Plan?. *Hong Kong Lawyer, June 2017*, 81.