ПРОВЕДЕНИЕ ИМИТАЦИОННОГО СУДЕБНОГО ПРОЦЕССА ДЛЯ ПОДГОТОВКИ СТУДЕНТОВ-ЮРИСТОВ К ИНОЯЗЫЧНОМУ ПРОФЕССИОНАЛЬНОМУ ОБЩЕНИЮ

Аннотация. Целью статьи является описание этапов проведения имитационного судебного процесса при обучении студентов-юристов английскому языку. В статье подчеркивается важность данного вида учебной деятельности для профессионально ориентированного обучения студентов иностранному языку и содержится подробная информация о различных видах заданий, которые могут использоваться в процессе подготовки к учебному судебному процессу, как в плане языка судебного разбирательства, так и в плане этикета.

Ключевые слова: имитационный судебный процесс, гипотетические судебные дела, этапы подготовки к имитационному судебному процессу, ведение судебного разбирательства, стандартные судебные фразы, судебные нормы и обычаи.

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HOLDING A MOCK TRIAL IN TEACHING FOREIGN LANGUAGE PROFESSIONAL COMMUNICATION TO LAW STUDENTS

Abstract. The article focuses on the steps of holding a mock trial in teaching English to law students and the importance of a simulated court for professionally oriented language teaching. The paper details different types of tasks in terms of court language and etiquette that can be used while preparing for a mock trial.

Keywords: mock trial, hypothetical cases, steps in the preparation for a mock trial, court procedures, common court phrases, judicial rules and traditions.

Playing roles in an ESP class is an effective technique to improve students' speaking and intensify learning. Playing roles in a mock trial has one more advantage for law students: it helps students to familiarize themselves with legal proceedings based on common law jurisdiction and compare them with those of their own country. In fact it is a technique of using CLIL methodology in a non-linguistic

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higher educational institution. Subject-language integrated teaching helps students to develop linguistic and academic skills which are necessary for learning both the subject and the language. Russian scholars think that realization of interdisciplinary links is “one of the most progressive concepts of methodology and pedagogy”¹.

Mock trial is a method to teach students to argue both sides of a hypothetical legal issue using proper procedures. It is considered a specific form of stimulation in which students are asked to argue points of law before a stimulated court. It is important that students acquire different public speaking skills such as body language, maintaining eye contact, articulating clearly, speaking with conviction, etc.

Holding a mock trial in a foreign language class will require preparation both in terms of the language and court rules. The mock trial can serve as follow-up activity after watching a law-related feature film in a foreign language. A good example is a court hearing of an insurance case in the film “The Rainmaker”. The plot of the film can also be chosen for playing out a criminal court trial. The latter case will require more imagination and creativity on the part of the students. For the topic teachers can also choose situations from literature such as an episode with a court trial in “Alice in the Wonderland” which has the element of a parody or situations from some serious novel. As newspapers regularly cover high profile cases they can be a good source of topics for a mock trial. Teachers can use hypothetical cases that address matters of current political and constitutional importance. In fact any civil dispute can serve as basis for a mock trial that is why it would be useful to end some topics from the textbook with a mock trial. As an alternative students can play out a trial based of the court requirements of their own jurisdiction.

Preparation for a mock trial should be started with revising court procedures. In the adversarial model the judge is required to listen passively to both sides of the case and then to make a decision. The lawyers take the largest share of action. So students can be asked to discuss the duties of the participants of a court trial. For this purpose teachers can give true or false statements so that students could react to them and extend the information contained in the statement, e.g.:

1. “Both prosecutors and defense attorneys have similar duties.” (True: They have a duty to examine the facts of the case and decide what evidence to present and how to best present it to convince a judge or jury.)

2. Court staff rules on motions made by either party. (False: It is the judge who decides it).

Then it is important to revise the steps in the trial. It can be done with the help of the following task:

Rearrange the steps in the trial in proper order.

1. Opening statement from the Defense.
2. Opening statement from the Prosecution/Plaintiff.
3. Presenting the Prosecution's/Plaintiff's Evidence.
4. Closing Arguments/Statement from the Prosecution/Plaintiff.

¹ *Haleeva I. I. Lingvisticheskoe obrazovanie v Rossiyskoy Federatsii v usloviyah ustoichivogo razvitiya: ekologo-sotsialniy podhod [Linguistic Education in the Russian Federation under Sustainable Development: Ecological and Social Approach]. Moscow : MGLU Publ., 2013. P. 29.*

5. Presenting Defense's Evidence.
 6. Closing Arguments/Statement from the Defense.
 7. The Verdict/Award
- (Answer key: 2, 1, 3, 5, 4, 6, 7.)

The language used in a court room is strictly regulated. Teachers can give students a list of English standardized expressions and set phrases used in courts. These court phrases can be divided into several categories.

Court phrases are expressed in different ways. Some common court phrases are imperative sentences, either in the affirmative form or in the negative one, e.g.:

- State your full name for the record.
- Call your next witness.
- Don't volunteer explanations of your answers.
- Don't discuss the case.

This category also contains more polite forms of imperative sentences, e.g.:

- Please proceed.
- Will the prospective jurors please stand?
- Would you raise your right hand?

Other court phrases include sentences with modal verbs of obligation, where *have to* expresses a strong obligation or a general obligation based on law or authority; *must* expresses a strong obligation that involves the speaker's opinion; *should* expresses a mild obligation, suggestion; *be to* is applied to express order or prohibition (in the negative form), e.g.:

- Bail should be continued.
- As jurors you are not to be swayed by sympathy.

This category also includes sentences with modal verbs of permission, e.g.:

- You can resume your seat.
- You may cross-examine, counsel.
- Some court phrases express requests for information or permission.

Court phrases expressing requests for information requiring a 'Yes' or 'No' answer are general questions, e.g.:

- Are you familiar with this?
- Do you recall making this statement?
- Would you like to say anything on your own behalf?
- You and each of you, do solemnly swear (or affirm) that you will well and truly try this case before you, and a true verdict render, according to the evidence and the law so help you God? (Oath to jurors on trial)

More often requests for information are expressed by special questions or less frequently by general questions, presenting some alternative, e.g.:

- How are you employed?
- Have you been threatened or coerced into pleading guilty?

Requests for permission are mostly general questions beginning with modal verbs 'may' or 'could', e.g.:

- Could I have a brief voir dire?
- May we have a short recess?

Sometimes requests for permission represent motions set forth by one of the parties, e.g.:

— I move to strike (the answer, etc.).

It is important to mention that some courtroom phrases are just statements. Generally statements are simple sentences either in the affirmative or negative form, e.g.:

— I have a procedural matter.

— The defendant has not made his bail yet.

Very often the statements are expressed by one-member and elliptical sentences, e.g.:

— Objection.

— Motion denied.

When introducing courtroom phrases in a classroom it is proper to ask students to explain what situation each phrase is used in. Following this task, students can be asked to sort out who these phrases belong to. Teachers should elicit full answers from their students, e.g. when discussing the question “Have you reached the verdict?” students are supposed to give explanation in different ways: It is what the judge asks after the jury return from the room for deliberation” or “Judges always ask this question when it is time to hear the jury’s verdict”.

The judicial system is full of rules and traditions. It is important that students should know the etiquette of the courtroom. For this purpose students can be asked to do the following exercise:

Choose the appropriate answer:

1. To address the court begin by saying:

a) Ladies and Gentlemen!

b) May it please the Court!

c) May I speak?

2. You address the judge as:

a) Your Honor;

b) Your majesty;

c) Your Excellency.

3. You address a female attorney as:

a) Mrs. (Last Name);

b) Miss (Last Name);

c) Ms (Last Name).

4. Witnesses are sworn in by:

a) the judge;

b) the jury;

c) the clerk.

5. Litigants make their statements or present their testimony to:

a) the other party;

b) the other party’s attorney;

c) the judge.

6. When you are done speaking you thank:

a) the jury;

b) the judge;

c) all participants of the trial.

(Answer key: 1b, 2a, 3c, 4c, 5c, 6b.)

The next step in the preparation for a mock trial is assignment of roles. Usually students prefer to choose their roles themselves. As their home task students are to create questions for direct examination and cross-examination. Besides, each party is to prepare their witnesses and create opening and closing statements. With modern technologies at hand it is no problem for students nowadays to communicate and discuss the case in the comfort of their homes.

After the mock trial it is necessary to discuss its results with the class. Teachers should provide feedback on students' strengths and weaknesses as far as the language and professional skills are concerned.

Law teachers who practice such activities in class state that at six weeks after the lesson in the form of a simulated court trial retained knowledge of the material amounts to 33, 2 per cent while in case of traditional class activities it amounts only to 5 per cent².

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