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When law goes pop : teaching Legal English through TV courtroom shows

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1. Introduction

The idea of incorporating American TV courtroom shows into Legal English classes was conceived in response to lively discussions among my students, who eagerly exchanged their views on the most popular courtroom show on Polish TV – *Sędzia Anna Maria Wesółowska* ("Judge Anna Maria Wesółowska")²³. Surprisingly, the students expressed quite dissenting opinions about the programme. Pre-experience learners (second and third year university students at the Faculty of Law and Administration), however shamefacedly, did confess to watching the show. Even though they claimed it to be merely a show, it still bore in their opinion a strong resemblance to real court proceedings. Contrarily, learners with legal experience, including both legal trainees and practitioners, seemed to be vehement opponents of the dramatic lawyer series. As they put it, courtroom shows distort the image of real justice, as a result of which, both lay persons and lawyers-to-be, who have become addicted to watching lawyer shows, are unpleasantly surprised when confronted with the reality of the courtroom. Those dissenting views of the students, resulting in our case from the different professional backgrounds of the respondents, might to some extent exemplify two theories on internalizing information from the media. The first, called "cultivation theory", stipulates that "people's opinions are influenced by long-repeated, consistent themes in fictitious pop culture" (M. Asimow 2009: XXI). The "cultivation effect" itself involves absorbing information conveyed by pop culture media without being critical of it (B. Thym 2003). The other approach, called "viewer response" or "reception theory" advocates that pop culture "is subject to interpretation and consumers construct their own personal interpretations - make their own meanings - from the materials in a film or TV show"

²³ *Sędzia Anna Maria Wesółowska* is a Polish courtroom show, produced under the licence of Constantin Entertainment, which follows the example of the German show *Richter Alexander Hold*.

(M. Asimow 2009: XXII). Regardless of the value of "reel justice"²⁴ presented in TV programmes, I decided to reach for one of the most popular American TV courtroom shows *Judge Judy*²⁵, and to use it during my Legal English classes with the proponents of "cultivation theory" – second and third year full-time students at the Faculty of Law and Administration at Warsaw University.

2. Courtroom show as a genre

The first dramatic lawyer shows appeared on American TV in late 1940s. At that time, TV was gaining popularity and was therefore becoming an effective means of socialization and education (M. Asimow 2009: XXIX; Thym 2003: 20-30). The pioneering series, called *On Trial*, which ran for four seasons, merely discussed social and legal issues. However, following its revival in 1956 the program evolved into a real courtroom drama that depicted disputes between the state and the defendant in criminal cases or between opposing private parties in civil cases. As time elapsed, new shows and movies such as *Perry Mason*, *The Defenders*, *Gideon's Trumpet*, *L.A. Law*, *Rumpole of the Bailey*, *Judge John Deed*, *Judge Judy* started to emerge both in the USA and Great Britain. These days, the series are as varied as real court proceedings. Some of them resemble small claims sessions, during which a case is presided over by only a judge and accompanying bailiff. In other shows, however, serious crimes are handled by a judge, jurors and counsels. Generally speaking, TV lawyer shows have turned out to be extremely successful. *Judge Judy*, for example, has beaten the icon of American TV shows *Oprah Winfrey Show* in ratings. Seeing these high viewing ratings and the enormous popularity of courtroom shows in the USA, overseas TV producers decided to "go with the flow" and created domestic equivalents of the American series (See *Richterin Barbara Salesch* and *Streit um Drei* on German TV). As we have already mentioned before, dramatic lawyer shows have been criticised for projecting a false image of justice systems (G. Mackenroth 2002: 188, M. Huff 2002:361). The most visible difference, however, between real and reel justice, which can be interpreted as a major drawback of the latter, is the array of handled cases. The table below contrasts TV mock cases with real ones. At first glance we can see the predominance of violent crimes, mostly bodily harm offences, in fictional TV proceedings, which, in comparison, occur quite seldom in real courtrooms. Conversely, traffic offences making up 30.6% of all real cases, are almost never held on TV. The conclusion seems to be quite simple. As courtroom shows are expected not only to educate, but also (or

²⁴ Legal matters presented in movies and lawyer shows (fictional, docudrama and reality-based) are often described as reel justice.

²⁵ Material quoted from *Judge Judy* series is taken from the DVD entitled "Justice served" (2007), produced by Allumination FilmWorks, LLP.

mainly) to entertain, more "boring" cases are replaced by more „amusing" matters (B. Thym 2003:19).

Table 1. Types of complaints filed by plaintiffs in German courtroom shows: "Richter Alexander Hold" (RAH), "Richterin Barbara Salesch" (RBS) and "Das Jugendgericht" (DJG) vs. real convictions.²⁶

Types of offences	Percentage				
	Adults			Juveniles / Minors	
	Real convictions	RAH	RBS	Real convictions	DJG
Bodily harm	5.3%	44.8%	45.2%	13.1%	47.0%
Sexual abuse	0.3%	2.7%	1.1%	0.2%	5.1%
Sexual assault/rape	0.2%	12.4%	9.0%	0.3%	9.2%
Homicide/manslaughter	0.1%	7.7%	8.2%	0.1%	15.5%
Theft	18.8%	1.7%	3.9%	29.3%	4.2%
Forgery of documents	2.8%	0.0%	0.0%	1.9%	0.0%
Fraud	10.1%	2.3%	5.7%	2.8%	0.6%
Robbery/extortion	0.7%	3.0%	2.2%	4.4%	4.8%
Traffic offences	30.6%	1.0%	0.7%	18.8%	0.6%
Infringement on drugs act ¹	5.3%	0.7%	0,0%	10,3%	1,8%

3. Pedagogical rationale for using TV courtroom shows in teaching LSPs

(a) TV courtroom shows as authentic materials

Despite all the controversies concerning the influence of TV courtroom shows on the legal awareness of their native viewers, the fact remains that they are authentic materials which, among others, constitute an invaluable source of specialized terminology for foreigners studying Legal English. The table below presents legal vocabulary items occurring in four consecutive episodes of *Judge Judy* series.

²⁶ The cited data concerning real convictions were provided by *Statistisches Bundesamt Deutschland* (German Federal Statistical Office) in the document: *Verurteilte im Jahr 2000 nach Straftaten* (*Convicts in the year 2000 according to committed offences*), also quoted in Thym 2003: 18 (translated by Andrzej Dąbrowski for the purpose of this publication). As far as courtroom shows are concerned, the data were gathered by the BLM (*Bavarian Regulatory Authority for Commercial Broadcasting*). Since German courtroom shows are based on American programmes, the conclusions drawn in respect of fictional cases on German TV may overlap with those referring to the American shows.

Table 2. Legal vocabulary items used in selected episodes of Judge Judy series

Legal category	Vocabulary items
Parties to the dispute, names of legal jobs	plaintiff, defendant, bailiff, paralegal, attorney, District Attorney, minor, nominal parties
Legal documents	complaint, contract, counterclaim
Verb and noun legal collocations	to dismiss a charge; to be compensated for something; to plead (not) guilty; to file an order; to sue somebody for damages; to exacerbate, sustain an injury
Family law – custody cases	absentee father, order of support, visitation rights, notification to appear in court, order to show cause (OSC)
Names of crimes	assault, bribery, forgery, harassment
Real property law	eviction notice, landlord, moving expenses, rent, tenant, (shorthold) tenancy agreement

It is common knowledge that Communicative Language Teaching (CLT) postulates authenticity of language materials. As H. G. Widdowson (1990:67) puts it: "It has been traditionally supposed that the language presented to learners should be simplified in some way for easy access and acquisition. Nowadays there are recommendations that the language presented should be authentic". However, the notions of *authentic* and *authenticity* with reference to glottodidactic materials as well as the rationale for using them remain a contested issue. For the purpose of this paper, the following definition of authentic materials was used: "materials created to fulfill some social purpose in the language community in which they were produced" (D. Little et al. 1988:27). They are thus materials not originally produced for foreign language learners. As far as the pedagogical rationale is concerned, authentic materials are said to motivate learners more than those artificial or non-authentic, because as M. Peacock (1997: 144) says: "they are intrinsically more interesting or stimulating". Furthermore, they bring learners closer to the target language culture, which makes learning more enjoyable and motivating (J. K. See Swaffar 1985: 18, C. P. King 1990:70).

To strengthen the rationale, a few other pedagogical advantages of TV courtroom shows could be added. Firstly, the programmes present real language uttered in quasi-authentic settings and the culture in which the foreign language is spoken. Secondly, they enhance the learners' comprehension by enabling them to listen to exchanges and depend on visual supports (e.g. facial expressions and gestures) at the same time. Last but not least, programmes about issues that draw the learners' attention may boost their motivation (Kusumarasyati 2004: 1). According to D. Nunan (1998), listening involves an active process of deciphering and constructing meaning from both verbal and non-verbal messages, which contradicts the common view that listening comprehension as a receptive skill remains a passive activity. In reality, listening comprehension is a complex cognitive process comprising the following activities (C. Van Duzer 1997):

- a) determining a reason for listening
- b) taking the raw speech and depositing an image of it in short-term memory
- c) attempting to organize the information by identifying the type of speech event (conversation, lecture, advertisement) and the function of the message (persuading, informing, requesting)
- d) predicting information expected to be included in the message
- e) recalling background information (schemata) to help interpret the message
- f) assigning a meaning to the message
- g) checking that the message has been understood
- h) determining the information to be held in long-term memory
- i) deleting the original form of the message that has been received into short-term memory

Above all, however, video materials boost imaginative capability of learners (Kusumarasyati 2004: 4).

(b) Teaching Legal English to law undergraduates

Legal English classes at B2 and C1 levels are provided by Centre for Foreign Language Teaching to the students at the Faculty of Law and Administration at Warsaw University. The course is content-based and its syllabus covers the following legal topics:

- (a) Legal education and legal profession, (b) Sources of law, legal and court systems, (c) EU law, (d) Human and civil rights, (e) Criminal law, (f) Law of torts, (g) Litigation and ADR, (h) Real property law, (i) Employment law, (j) Contract law, (k) Sale of goods, (l) Company law, (m) IP law, (n) Tax law.

Subsequently, the design of the course is undertaken with three foci in mind, all of which are inherently interrelated. The first focus is dovetailing legal content with language skills. The Legal English course is by its very nature a language course and not a lecture on a selected branch of law (N. Bruce 2002: 322). Therefore, Legal English classes should not concentrate on the subject-specific knowledge (legal knowledge in our case), but integrate the language skills (language competence) with specific purpose content knowledge (subject-specific competence)

(M. Olpińska 2009: 155, D. Douglas 2002: 2). Much attention should also be paid to the development of other competences such as sociolinguistic, pragmatic and intercultural. The second focus is the contextualisation of the language tasks so that they resemble (at least to some extent) those completed by law graduates within the specific purpose domain (D. Douglas 2002: 16-17, B. Górska-Poręcka 2008: 56²⁷). The last prerequisite for the course design involves the incorporation of legal genres²⁸ into lesson plans of the course (J. Flowerdew 1993: 305). As far as language competence in LSPs is concerned, the knowledge of specialized terminology constitutes its integral part. The main teaching objectives of a LSP teacher should therefore be to apply various techniques that aim at consolidating this specialized (legal) terminology.

The Legal English lesson, which involved watching an episode from *Judge Judy* series, was about Real Estate law and the relations between landlords and tenants resulting from lease or tenancy agreements. The episode (case) in question was called *Roy v. Tzimeas*. The case history is as follows. Karina Roy (tenant) had an argument with Nicole Tzimeas (landlady) over a few pieces of Tupperware. As a result, the tenant was given a 14-day eviction notice. Karina Roy left the premises, but she filed a complaint against Nicole Tzimeas, in which she sought damages for assault, pro-rata rent and moving expenses. The court (*Judge Judy*) found for the plaintiff, who, however, was merely awarded damages for pro-rata rent.

a) Lesson description based on the lesson plan

Lesson plan

Aims

- teaching legal vocabulary related to landlord-tenant relations
- developing language, subject-specific and intercultural competences

Skills practised: All four skills

Introductory comments

SS had already analysed and discussed examples of lease agreements as well as disputes involving commercial property leases, which were subsequently followed by reading comprehension and vocabulary practice exercises. Therefore, legal terminology that occurs in standard lease or tenancy agreements should be familiar to them.

Warm-up

SS were asked to brainstorm reasons for a dispute between a landlord and a tenant, which are presented in the table below:

²⁷ For further information about *Language and Communication for Professional Purposes* Leonardo da Vinci project, go to: www.cefpro.org

²⁸ *Genre* is understood here as a class of communicative events, the members of which share some set of communicative purposes, see J. Flowerdew 1993: 305.

Table 3.

REASONS FOR A DISPUTE	
-	unpaid rent
-	broken window
-	altered door lock
-	making noise
-	subletting premises
-	leaking sink
-	quiet enjoyment

Afterwards, SS acted out in pairs short landlord-tenant disputes. The „bones of contention” were the above mentioned items. T monitored the work and helped with vocabulary.

Previewing

T pre-taught relevant lexis using a matching exercise. SS completed the following task:

Match the following words and phrases with their definitions.

moving expenses, prerogative, eviction notice, prorated, Tupperware

- deductible expenses that are related to moving an individual and/or his or her family and possessions
- trade name for plastic bowls and canisters with seal that permits them to be stored on the side or upside down
- an exclusive right or privilege held by a person or group
- a notice from a landlord to a tenant to vacate a certain property
- divided or distributed proportionally

While-viewing

In this stage (detailed viewing), the show was played to SS and they were expected to answer following questions:

- How high was the rent?
- The plaintiff is seeking monetary damages. How high is the amount of the expected compensation?
- What did the landlord and the tenant quarrel about?
- What is the statutory notice period in shorthold tenancy agreements?
- Why was the tenant given a 14-day notice?

Post-viewing

In the last stage, SS answered questions related to their subject-specific and intercultural competences.

The show is taking place in a real courtroom. Which real court does it resemble? What do we call the person standing next to the Judge? Which Polish court or/and its division would handle such a case?

Homework setting

SS were asked to draft a brief of the case discussed in the classroom. The following case brief template was given as a prompt²⁹.

Table 4.

<p>CASE BRIEF TEMPLATE</p> <p>A) The name of the case, the names of the parties; useful terms: plaintiff, defendant</p> <p>B) A summary of the facts of the case; useful phrases: The facts of the case are as follows ..., The instant case involves the following circumstances ...</p> <p>C) The legal issues involved in the case; useful phrases: The question before court is whether..., The issue in this case is whether ..., The question raised by this case is whether ...,</p> <p>D) The ruling or holding of the court; useful phrases: The court ruled/held ...,</p> <p>E) The reasoning of the court; useful phrases: The court argued/reasoned that ..., The court pointed out/noted that ..., The court drew the conclusion that ...</p>
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4. Conclusion

Despite its entertaining character, a TV courtroom show seems to be effective glottodidactic material that engages learners' interests due to its relevance to their concerns. For Legal English teachers, who in most cases have no legal background, courtroom shows provide an opportunity to contextualise the language tasks and expose learners to selected legal genres, e.g. handling small claims cases in the USA. Furthermore, students watching TV courtroom shows in the Legal English classroom will be given an opportunity to familiarise themselves with the subject-specific terminology, which is deeply embedded in the specific purpose domain. Above all, however, language tasks that accompany the presented video material enable students to boost their language and specific-purpose competences simultaneously.

²⁹ Adapted from Exercise 17 p.126, *International Legal English* (2006) by A. Krois-Lindner, Cambridge University Press.

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Nauczanie języka prawniczego poprzez dokumentalno-fabularne seriale prawnicze (TV courtroom shows)

Artykuł dotyczy możliwości wykorzystywania anglojęzycznych seriali dokumentalno – fabularnych (*TV courtroom shows*) na zajęciach lektoratowych z języka angielskiego dla studentów Wydzia-

łu Prawa i Administracji UW. Autor przedstawia w skrócie historię telewizyjnych *courtroom shows*, a następnie wskazuje na możliwości ich wykorzystania w nauczaniu języka specjalistycznego, które integruje umiejętności językowe oraz kompetencję specjalistyczną. W oparciu o wybrany odcinek z amerykańskiego serialu *Judge Judy*, autor przedstawia konspekt zajęć językowych, związanych tematycznie z prawem nieruchomości (relacje między wynajmującym a najemcą), które przygotowują studentów prawa do przyszłych zadań zawodowych.