DISCOURSE ANALYSIS OF LAW SCHOOL LECTURES WITH IMPLICATIONS FOR EALP TEACHING

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ABSTRACT OF THE THESIS

Discourse Analysis of Law School Lectures with Implications for EALP Teaching

by

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Master of Arts in Linguistics
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This thesis presents a genre-based study of U.S. law school lectures attended by foreign lawyers. With the practice of law becoming more international, an increasing number of working professionals in the field of law are enrolling in U.S. law schools to gain knowledge of the U.S. legal system. Previous research within English for Academic Legal Purposes (EALP) has mainly been concerned with developing and improving reading and writing skills primarily of native speakers. Very few studies have focused on analyzing the spoken interactions in a law school classroom and addressing the needs of foreign lawyers that attend U.S. law schools. This study reports on an analysis of aural and oral needs of foreign lawyers enrolled in a certificate program at a U.S. law school by focusing on the rhetorical structure of lectures and students’ role in classroom interaction.

The analysis showed that law school lectures constitute a genre made up of moves, steps and sub-steps comprised within three larger units of organization: Content Introduction, Content Development, and Session Closing. Each of these rhetorical functions is signaled by particular lexical items and grammatical choices. The analysis revealed that not all moves and steps are obligatory. Furthermore, instead of following a linear structure, the moves are highly recursive, which is a notable feature of spoken discourse. In addition, the bulk of the lecture is composed of move cycles which resemble the structure of the analytical and organizational tool widely known in the field of law as IRAC (Issue, Rule, Analysis, Conclusion).

The analysis of classroom interaction revealed variation in interactivity across larger units and moves. Turn-taking is most frequently initiated by students’ questions fulfilling a number of functions, such as seeking information, confirming understanding, seeking clarification, and applying a legal concept to hypothetical situations. In addition to the functions, the forms of questions were also explored.

The thesis concludes with suggestions for employing the results of this study in an EALP course. In particular, the use of lecture transcripts for developing students’ aural and oral skills is advocated.
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CHAPTER 1

INTRODUCTION

As globalization has rapidly increased in the last two decades, the practice of law has become increasingly international. Different national legal systems frequently come into contact as part of various international endeavors. As a result, there is a greater need for lawyers to gain education in national systems other than their own. In light of these circumstances, law schools in the United States are attracting a growing number of foreign legal practitioners from all over the world who come to complete one-year law programs such as Master of Laws, Master of Comparative Law and Master of Comparative Jurisprudence, and short-term programs. The legal coursework and the immersion of foreign lawyers in the American culture prove to be useful as legal practitioners take part in the international market. According to the American Bar Association Section of Legal Education and Admissions to the Bar (2009), in 1999, more than sixty-eight law schools in the United States offered programs available to foreign lawyers. The same document defines a foreign lawyer as an individual who received his or her legal education outside the United States.

Given the foreign lawyers’ increasing interest in attending U.S. law schools, there is a need to analyze the linguistic needs for foreign lawyers’ successful participation in educational programs, and to develop language courses that meet these needs. Nevertheless, assessing the linguistic needs of foreign lawyers attending law programs in the U.S. is an area that has not received much focus in English for Specific Purposes (ESP).

ESP focuses on the specific learning and language use needs of identified groups of students (Johns & Price-Machado, 2001). Since the methodology of ESP is characterized by attending to the specific needs of the learner and emphasizing the language, skills and genres used in a specific discipline (Dudley-Evan & St. John, 1998), one of the key stages in developing an ESP course is conducting a needs analysis. Johns and Price-Machado (2001), describe a needs analysis as “determining as closely as possible what students will need to do – and how they will need to do it – in English language contexts or with English language literacies” (p. 43). ESP, therefore, involves developing communicative skills students need to
participate in particular academic (English for Academic Purposes) and professional (English for Occupational Purposes) activities such as asking questions in tutorials, participating in meetings, writing on-line technical documentation, and so on (Hyland, 2002). In determining the specific language features, discourse practices and communicative skills of target groups (Hyland, 2002), practitioners have examined authentic written and oral discourse. Developing materials based on research and analysis of authentic data avoids a mismatch between materials writers' intuitions about what is involved in the target activities and what actually takes place (Johns & Dudley-Evans, 1991).

An important area in ESP is English for Academic Purposes (EAP), which has been a rich area for research. EAP refers to the use of English language for the purpose of conducting academic work in the medium of English, whether in contexts where English is a first, second or a foreign language. Skills that are taught in an EAP course can be applicable to all disciplines or be specific to one particular discipline. In assessing the language and skills of students at the tertiary level, researchers have utilized linguistic, discourse and genre analysis of data collected from authentic situations such as lectures, clinical training, and tutoring sessions. According to Dudley-Evans and St John (1998), while there are some common features shared by all academic disciplines, significant differences lie at the genre level.

Identifying “the relationship between the structure and language of written text and the situation in which the text appears” (Johns & Price-Machado, 2001, p. 51) is one of the key features of genre analysis. The focus on authentic texts and situations makes this approach “entirely consistent with the established ESP procedure of finding out about what learners need to do with language, what texts they use and how these texts work” (Dudley-Evans, 1998, p. 9). Dudley-Evans further explains that a genre analysis provides the linguistic data needed for developing teaching materials to be used in preparing learners to use English in specific situations. A genre-based approach to the teaching of academic communicative competence has had success in the field of EAP, especially in describing reading and writing requirements in specific disciplines, for most of the published research has been on written texts (such as Kwan, 2006; Lim, 2006; Samraj 2002; Swales, 1990; Yang & Allison, 2003). Even though less attention has been given to the analysis of students’ needs with regard to academic listening and speaking requirements, some attempts have been
made to analyze spoken academic genres such as Honoris Causa acceptance speeches (Fortanet, 2005), classroom discourse in a laboratory setting (Garcia & Marco, 1998), student architecture presentations (Morton, 2009) and lecture introductions (Thompson, 1994). The focus of genre-based research has been the identification of structural units performing different communicative functions in a text, called moves. The communicative function of moves contributes to accomplishing the overall purpose of the genre as a whole. The studies within the genre analysis framework have shown that there is variation across different disciplines and languages.

EAP research has focused largely on areas other than law (Dudley-Evans & St John, 1998). As for the existing research within English for Academic Legal Purposes (EALP), the majority studies have focused on developing writing and reading skills of native speakers pursuing a law degree. Moreover, what has been analyzed for the most part is published legal work (Badger, 2003; Bhatia, 1983; Candlin, Bhatia & Jensen, 2002), and only recently has the focus shifted onto texts produced by students (Feak, Reinhart & Sinsheimer, 2000). Furthermore, very few studies have linked research to EALP course development (Bruce, 2002; Feak & Reinhart, 2002; Howe, 1990), and few programs have been developed to address the special needs of foreign students attending U.S. law schools. Feak and Reinhart (2002) describe one such EALP course developed at the University of Michigan. The purpose of the course was to familiarize international law students with law school culture and the language skills needed in an LL.M. program. In concluding their work, Feak and Reinhart emphasize the need for further research in legal academic speaking to determine the oral skills that need to be developed.

Among academic events involving spoken discourse at the tertiary level, the lecture remains the central instructional activity (Flowerdew, 1994). The interactive style of lectures in institutions of higher education places high expectations upon students’ oral participation. As a result, there is a need for more research into the discourse of academic lectures and development of EALP courses that meet students’ aural and oral academic needs.

In conclusion, determining specific language and skills and implementing the findings in developing courses that meet the linguistic needs of target student population is the core process in ESP. Genre analysis has been a predominant method in determining the rhetorical structure and linguistic features of authentic texts, especially in the area of EAP.
Nevertheless, the majority of studies in EAP have focused on written texts. With a growing population of foreign lawyers attending programs at the U.S. law schools, there has been a growing demand within EALP for determining the needs of this particular population. Given the trend of analyzing written genres, more research needs to focus on the aural and oral skills the foreign lawyers need to participate in the spoken discourse of academic events.

The present study aims at analyzing lectures at a U.S. law school certificate program attended by foreign lawyers. Applying the methods within the genre framework of assessing learners’ needs, the study examines both the rhetorical structure and linguistic features of the lecture, and the oral interaction between the lecturers and students in the program for the purposes of assessing the students’ aural and oral classroom communication needs. More specifically, the study focuses on the following questions:

1. What rhetorical structure in terms of communicative moves characterizes the discourse of law school lectures?
2. What is the role of students in constructing the classroom discourse? Specifically, which moves are orally most interactive, and what discourse functions characterize the lecturer–student interaction?

The study begins with a review of the literature that informs the analysis of spoken academic genres. Chapter 3 describes the law school program and the methodology of collecting and analyzing data used in this study. The results of the analysis of the rhetorical structure of law school lecture and the classroom interaction are presented and discussed in Chapter 4 and Chapter 5 respectively. In the final chapter, pedagogical implications of the study are presented as well as suggestions for further research.
CHAPTER 2

LITERATURE REVIEW

This chapter gives a review of EAP research with a focus on the analysis of spoken academic discourse. The chapter is organized into three sections. Section one reviews the literature on genre analysis and section two discusses studies pertaining to classroom interaction. The final section presents EAP research within the field of law.

ENGLISH FOR ACADEMIC PURPOSES AND GENRE ANALYSIS

A genre-based approach to analyzing academic discourse has been widely accepted and has yielded results that facilitate the teaching of academic communicative competence. Investigation into communicative function and linguistic features has revealed aspects of rhetorical structure of such written academic genres as the statement of purpose (Samraj & Monk, 2008) and the abstract (Ayers, 2008), literature review (Kwan, 2006), discussion (Peacock, 2002; Yang & Allison, 2003), results, conclusion and pedagogical implications (Yang & Allison, 2003), and the introduction (Swales, 1990) of research article. Furthermore, genre analysis has revealed disciplinary variation in terms of the genres that are used and the way these genres are structured (Lung, 2008; Samraj, 2002, 2005, 2008).

Although genre-based studies have primarily been focused on written texts, there have been accounts of spoken academic discourse as well. In her study of structural patterns of Honoris Causa acceptance speeches, Fortanet (2005) classified spoken academic genres into classroom genres, institutional genres and research genres according to the criterion of purpose. Among classroom genres, the lecture has been of particular interest to researchers. Spoken academic genres such as the lecture are made up of rhetorical functions determined by their pedagogical purpose. In her genre-based study of lecture introductions, Thompson (1994) associated the lecture with the textbook, drawing on the shared pedagogical purpose. At the same time, she stressed more variability in rhetorical movement in spoken genres when compared to written genres. This causal relationship between the purpose of academic genres and their rhetorical structure was also noted by Garcia and Marco (1998) in their
study of the macrostructure of laboratory demonstrations. Studying one academic assessment genre, student architecture presentations, Morton (2009) emphasized the importance of gradually mastering genres within a discipline and explained that using a range of rhetorical strategies or contextualization practices such as narrative, metaphor and dynamic grammar is important to add “disciplinary value” (p. 218) to students’ architectural design. Hence, a genre analysis of texts employed in a particular discipline and pedagogical activities based on a genre analysis would increase students’ awareness of rhetorical functions and their linguistic realizations. Students can use this knowledge of disciplinary practices as guidance not only to improve their reading and writing skills but their listening and speaking skills as well.

**ENGLISH FOR ACADEMIC PURPOSES AND CLASSROOM INTERACTION**

As an established genre in tertiary education, the lecture is considered to be a major part of university instruction (Chang, 2012; Flowerdew, 1994). Through lectures, professors transmit knowledge and guide students into their disciplinary communities (Chang, 2012). At the same time, it is important to emphasize that academic lectures vary considerably in terms of how interactive they are; in some lectures, students are involved in a dialogue with the lecturer, while in others, the information is presented without engaging students in interaction. Chang (2012) showed that differences between knowledge production in soft and hard sciences result in the soft sciences lecture tending to be more dialogic in nature. In Csomay’s (2002) study of variation within lectures, a preliminary categorization of interactivity based on turn-taking, not surprisingly, revealed that compared to low level classes, students at the graduate level are more involved in dialogue with the lecturer. Overall, there is a general tendency at U.S. tertiary institutions towards “a more informal and conversational style of lecturing” (Chang, 2012, p. 2). Since interaction varies across disciplines, level of instruction and class size (Csomay, 2002; Ferris & Tagg, 1996; Flowerdew, 1994), there is a need for students “to be made aware of the particular features that distinguish the practices of the discourse community they wish to become members of” (Flowerdew, 1994, p. 157).

An important feature of studying classroom interaction has been the use of questions. Questions have primarily been studied as a device employed by teachers to facilitate
students’ learning processes. Chang (2012) investigated interdisciplinary variations in function-form patterns of questions used by professors. Her study suggested that questions are most frequently used to elicit students’ responses and check their understanding of the lecture content. Focusing on conditions that encourage participation of students taking management courses at a bilingual (Chinese-English) university in Hong Kong, Jackson’s (2002) study of questions used by professors in case method teaching brought to light several questioning and grouping techniques that some professors in this discipline employ. It is apparent that EAP research of classroom interaction can aid both students and professors who are non-native speakers of English.

**ENGLISH FOR ACADEMIC LEGAL PURPOSES**

As with EAP in general, much of the research within EALP has focused on written genres, particularly on published legal work. One example is Badger’s (2003) genre-based study of newspaper law reports. The study indicated how lexico-grammar and text structure may aid the communicative purpose for which law students read law reports. Emphasizing the lack of resources for legal writing that are targeted at second language learners, Candlin et al. (2002) reviewed available legal writing books in terms of their suitability for use in an EALP writing context. They suggested that the general unsuitability of available books can be compensated for by customizing materials to meet the needs of non-native English-speaking law students such as familiarizing students with genres commonly used in law school and often later in practice.

Recently, the focus of EALP research has shifted onto texts produced by students and the development of EALP courses. One example is a genre-based study of published student-written legal research papers (Feak et al., 2000), which showed that the introductory sections are both similar to and different from those found in research article introductions as described by Swales (1990). They indicated that explicit teaching of genre conventions can aid students’ participation in the academic legal discourse community. Bruce’s (2002) research of the academic genre of the legal problem answer showed how an EAP course that focuses on the rhetorical elements of concession, contingency and end focus can aid law students in writing the academic genre of the legal problem answer. Of particular interest for the current study is the EALP course developed at the University of Michigan to address the
needs of foreign students attending U.S. law schools. As described in Feak and Reinhart (2002), the purpose of the course was to familiarize international law students with law school culture and the language skills needed in an LL.M. program through four interrelated courses and one workshop. Even though one of the courses was interactive listening and speaking, Feak and Reinhart emphasized the need for further research of law school classroom spoken discourse.

What the U.S. law school spoken discourse and legal discourse in general share is that they reflect analyzing and presenting a situation from a legal perspective (Mertz, 2007). This analytical and organizational tool has been identified in written legal discourse (Candlin et al., 2002) and is widely known as IRAC (Issue, Rule, Analysis, Conclusion), which is based on the concept of presenting facts (issue) and then moving on to legal analysis, where a rule is applied to a set of facts. Furthermore, the U.S. law school classroom is distinctive in that it socializes students for the U.S. courtroom, which is characterized by the judge who asks repeated questions, resulting in the classic format of a lecture being characterized by contextualized discussion (Phillips, 1982). In contrast, the interaction in which foreign lawyers that attend law school classes in the United States will eventually be involved does not necessarily take place in a U.S. courtroom. This might be the reason for differences in how classes are structured for American law students versus those for international law students. Therefore, there is a need for further research into the discourse of law school lectures and development of EALP courses that meet the aural and oral academic needs specific to non-native English-speaking law students.
CHAPTER 3

METHODOLOGY

This study was designed to analyze the oral classroom communication needs of foreign lawyers completing a certificate program, “The Fundamentals of the U.S. Law,” held at a U.S. law school. The focus of the study was analyzing the rhetorical structure (Swales, 1990) of lectures attended by foreign lawyers and then linking the students’ oral participation to different rhetorical functions within the lecture. This is achieved by first, determining the level of interactivity of each rhetorical function (Csomay, 2002) and then investigating the discourse functions performed by the students (Chang, 2012; Jackson, 2002). This chapter begins with the description of the site, participants, and data. The methodology of analyzing the data is then described and explained.

SITE

Data for the study were collected in a a four-week certificate program titled “The Fundamentals of the U.S. Law,” designed exclusively for foreign lawyers. The program was held at a U.S. law school in Southern California in July, 2011. The topics covered in the program included the U.S. Constitution, the U.S. Judicial Systems, the Common Law, Stare Decisis, the Restatements, the Litigation Process, Statutory Law, Introduction to Torts, Overview of Commercial Law, Alternative Dispute etc. The purpose of the program was to prepare students and professionals to successfully work in an international context. This was the first time for this particular law school to hold a program of this kind, with a perspective of continuing annually or semi-annually.

The students attended classes every day for 5 hours, were assigned to do reading and homework, and had two tests. As part of the program, students also visited local courtrooms and had the possibility of enrolling in a concurrent ESL course. The lecturers were all U.S. law school faculty from this law school. The lectures were held in a large lecture theater and attended by over 70 students. As a result, the classroom was lecturer-oriented even though the lecturers encouraged students’ participation, comments and questions.
PARTICIPANTS

The students attending the program were practicing legal professionals mainly from Brazil. What this means is that they had the knowledge of both the theory and the practice of the legal system in their native country. For them, acquiring knowledge of the U.S. legal system meant building on their already vast background knowledge. Moreover, it meant comparing and contrasting the two legal systems.

DATA

All lectures in the program were observed and field notes were taken. The notes included comments about the seating arrangement, the use of the whiteboard or power point slides, and students’ behavior and interest raised by the topic. Furthermore, due to the large room size and the high number of participants, some of the students’ turns were hard to hear and so they were transcribed at the scene, which proved to be useful during the transcribing process. A recording device was placed on the last desk row. The position of the recording device facilitated recording of all participants. There was no study-related interaction between the investigator and the students.

Altogether, a little over 28 hours of classroom discourse was recorded throughout the program. Each session was approximately a little over 60 minutes long. Four lectures were chosen to represent the data and transcribed for further analysis (a total of 243 minutes of classroom discourse). Table 1 shows the lecture topic, the lecture number used in the study, and the length of each session.

Table 1. The Lectures Transcribed for the Study

<table>
<thead>
<tr>
<th>Lecture topic</th>
<th>Symbol</th>
<th>Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Law</td>
<td>L1</td>
<td>64.26 minutes</td>
</tr>
<tr>
<td>Stare Decises</td>
<td>L2</td>
<td>55.35 minutes</td>
</tr>
<tr>
<td>Litigation Process</td>
<td>L3</td>
<td>55.25 minutes</td>
</tr>
<tr>
<td>Alternative Dispute</td>
<td>L4</td>
<td>73.18 minutes</td>
</tr>
</tbody>
</table>

Since the primary interests of this study are the macro-structure of these lectures, and students’ roles in turn-taking, the lectures were transcribed, focusing mainly on a change of
speakers, omitting details such as pause length and overlapping. Speech was transcribed without any corrections in grammar and annotated if unintelligible.

**Data Analysis**

Both qualitative and quantitative analyses were used in the study. The first part of this section describes the genre approach used to determine the rhetorical structure of law school lectures. This is followed by a description of the method applied to determine the level of interactivity. Part three describes the taxonomy of questions used in this study.

**Genre Analysis**

Following the approach taken in earlier studies (Samraj, 2002; Swales, 1990; Thompson, 1994), the rhetorical structure of the lectures was analyzed to identify the moves and their constituent steps and to investigate their hierarchical ordering, which is their “generic structure potential” (Peacock, 2002, p.485). As defined by Swales (2004), a move is “a discoursal or rhetorical unit that performs a coherent communicative function” (p. 228). While moves refer to the function and purpose of a segment of text at a more general level, steps, and further sub-steps (Ayers, 2008), are more specific in the rhetorical means of realizing the function of a move (Yang & Allison, 2003).

In identifying the boundaries of moves, both the communicative function and particular lexico-grammatical features were used, which is in line with previous research into rhetorical structure (Ayers, 2008; Lim, 2006; Peacock, 2002; Yang & Allison, 2003). Such features include particular verbs and lexical items, tenses, voice, modal verbs and adverbials.

In large texts, such as research articles, the text is first analyzed for larger units of organization, also called “part-genres,” such as Introduction, Methods, Results and Discussion. The same method was applied in this study, where the complete lecture was first divided into large units based on their primary communicative purpose (Yang & Allison, 2003). These units were then analyzed for their constituent moves and steps.

The results of previous genre analysis have also shown that rather than having a single instance, some moves are repeated as the text unfolds (Yang & Allison, 2003). What this means is that a rhetorical structure is sometimes made up of a “move cycle series” (Peacock, 2002). In determining the obligatoriness of moves, steps and sub-steps, the
frequency with which they occur is considered (Kwan, 2006; Peacock, 2002). A move or step is obligatory if it occurs in all move cycles. If its frequency is less than 100%, the move, step or sub-step is optional.

**Analysis of Interactivity**

A corpus-based, quantitative approach was employed to determine the level of interactivity of the lectures. Following Csomay (2002), the level of interactivity was determined based on the number of turns per one thousand words, as follows. Lecture interactivity was low if the number of turns was less than 10, medium if the number was between 10 and 25, and high if the number of turns was higher than 25 per one thousand words. A sequence of turns, which is, an exchange of at least two turns between participants, was then examined and the frequency with which a turn sequence is initiated by the lecturer and by students was calculated to determine the role students have in the discourse.

**Taxonomy of Questions**

Questions are categorized based on a function questions perform, which is the speaker’s intention, and on structural characteristics and linguistic forms (Chang, 2012; Jackson, 2002). The taxonomy in this thesis is based on previous research even though most of the existing taxonomies have been devised to analyze questions asked by professors. Some categories previously used were left out since they were not applicable, and some were adapted to the discourse of law school lectures. The taxonomy of questions is presented in Table 2. Each question function is illustrated by an example from the transcripts.

**Table 2. Taxonomy of Questions**

<table>
<thead>
<tr>
<th>Type</th>
<th>Examples from transcripts</th>
</tr>
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<tbody>
<tr>
<td>Information Seeking Question</td>
<td>What was the State’s reaction about that?</td>
</tr>
<tr>
<td>Comprehension Seeking Question</td>
<td>Questions about this?</td>
</tr>
<tr>
<td>Confirmation Request</td>
<td>This is also when circumstances change?</td>
</tr>
<tr>
<td>Hypothetical Question</td>
<td>What happens if the motion in limine is granted but the other party asks the question anyway?</td>
</tr>
<tr>
<td>Clarification Request</td>
<td>Can you spell that?</td>
</tr>
</tbody>
</table>
An Information Seeking Question functions as a request for new information, such as the lecturer asking about students’ background knowledge or a student asking for more information about the topic. A Comprehension Seeking Question has the function of checking students’ understanding of the content. A Confirmation Request is a type of question employed by students when confirming their own understanding of the content. A Hypothetical Question is formed by relating a lecture topic to a hypothetical situation. Finally, a Clarification Request is a request for restating or rephrasing.

The questions were analyzed for their structure and classified as open-ended questions or closed questions (Jackson, 2002). Then, the most common association patterns between the question forms and functions (Chang, 2012) were determined. Finally, the question forms were analyzed for distinctive grammatical features.

**SUMMARY**

Employing a qualitative and quantitative analysis, the study researches the spoken discourse of law school lectures. First, the rhetorical structure of the lecture was examined using a genre analysis. Then, each rhetorical unit was analyzed for its level of interactivity. Students’ role in classroom discourse was examined by analyzing the function and form of questions that initiate a sequence of turns. Such an approach should shed light on the linguistic needs of foreign lawyers studying at a U.S. tertiary institution.
CHAPTER 4
LAW SCHOOL LECTURE AS A TYPE OF GENRE

As a communicative event, the law school lecture comprises an oral exchange of information between the lecturer and students in the environment of a university lecture theater. The purpose of this communicative event is a pedagogical one since it provides the audience with the understanding of a topic related to the education and profession of the audience (Thompson, 1994). Specifically, the purpose of the law school lecture is to introduce students to the theory and practice of the United States law.

This chapter begins by reporting on the analysis of the rhetorical structure of the law school lecture. First, the law school lecture is argued to constitute a genre comprising moves and steps. The functions of the moves and corresponding steps are discussed and the linguistic features by which they are signaled are identified. The frequency of the occurrence of the moves and steps is also presented. As a result, the moves and steps are classified as obligatory or optional. Subsequently, the co-occurrence of particular moves and steps is presented and possible patterns are examined. The chapter concludes with a summary of findings.

RHETORICAL STRUCTURE OF LAW SCHOOL LECTURE

The overall structure of the law school lecture could not be accounted for with a list of moves. Instead, following previous genre analysis research (Kwan, 2006; Yang & Allison, 2003), the lecture was looked at as comprising larger units of organization, also called part-genres. Each part-genre has a primary communicative purpose that contributes to the achievement of the overall text purpose, which in this study is introducing students to the theory and practice of the United States law. Based on this primary function, three larger units of organization were identified comprised within the rhetorical structure of law school lecture: (1) Content Introduction, (2) Content Development and (3) Session Closing. The first unit, Content Introduction, primarily serves as a way for the lecturer to lay out “the terrain of the lecture to come” (Thompson, 1994, p. 181); in other words, students are provided with a framework of the rest of the lecture. The purpose of the second unit, Content Development, is developing the content of the lecture, and it accounts for the bulk of the lecture. The lecture is concluded by a brief segment called Session Closing. The purpose of this unit is to give
some sense of closure as the lecture ends. What follows is the analysis of the moves and steps constituting each of the units. All the lectures examined in this study are comprised of all three units.

**Content Introduction**

Law school lecture introductions are constructed with the two moves: Setting up Framework and Contextualizing Lecture Topic, identified by Thompson (1994) in her study of a generic model of lecture introductions. The analysis shows that the structure of the introduction to law school lecture does not follow a predictable sequence of moves, which parallels with the findings in Thompson (1994).

**Moves within Content Introduction**

The two moves composing the rhetorical structure of Content Introduction, Setting up Framework and Contextualizing Lecture Topic, are further comprised of two steps each. Step 1 is constructed with Announcing Lecture Topic and Outlining Lecture Structure, and Step 2 with Referring to Previous Lecture and Showing Topic Relevance, each of which comprises two sub-steps, as shown in Table 3.

**Table 3. Rhetorical Structure of Content Introduction**

<table>
<thead>
<tr>
<th>Moves</th>
<th>Steps</th>
<th>Sub-steps</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Setting up Framework</td>
<td>(1) Announcing Lecture Topic</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2) Outlining Lecture Structure</td>
<td></td>
</tr>
<tr>
<td>(2) Contextualizing Lecture Topic</td>
<td>(1) Referring to Previous Lecture</td>
<td>(1) Restating Previous Topic</td>
</tr>
<tr>
<td></td>
<td>(2) Showing Topic Relevance</td>
<td>(2) Reviewing Previous Content</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The function of Move 1 is setting up the lecture framework. Two distinctive steps are employed for the purpose of achieving this function: (1) Announcing Topic and (2) Outlining Lecture Structure. Step 1 announces the topic of the lecture. It is characterized by the use of adverbial and deictic expressions with present time connotation, such as here, today, coupled with the use of present progressive and going to for expressing future. Since the lecturer is
referring to what he or she and the students will address in the lecture, this step is also characterized by the use of personal pronouns I and we (inclusive). Example 1 illustrates the function and linguistic features of Step 1.

Example 1
We are going to talk about contracts how they are formed under the common law, and we are also going to talk about Article Two, um the Uniform Commercial Code. (L1)

In Step 2, the structure of the lecture is outlined. This step is characterized by discourse markers that indicate sequencing, such as first, and then, and again by the use of pronouns I and we (inclusive), as shown in Example 2.

Example 2
First we are going to talk about how contracts are formed um the essential element of contracts, what happens when a contract is um is not performed, and then we’ll switch gears and talk about Article two and Commercial Law. (L1)

While in Step 1 the topic is only stated without any reference to the sequence of developing the topic, in Step 2 the focus is more on the ordering. The sequencing is also highlighted by the use of verbs such as switch (gears), move on, wind up expressed in the future tense. Since both Example 1 and Example 2 come from the same lecture (L1), they can be used to compare and contrast the two steps. In Example 1, the lecturer only states that the topic of the lecture is Contracts, Article Two and Commercial Law. In Example 2, the lecture is outlined in terms of what the stages of developing the topic are, which is evident from the use of the discourse markers first, and then and the verb switch (gears).

Move 2 puts the lecture topic in a context through two steps: (1) Referring to Previous Lecture and (2) Showing Topic Relevance. The function of Step 1 is to refer to the previous lecture in terms of restating the topic and reviewing the previous content, as illustrated by the following excerpt.

Example 3
Um this is where we left off. We were talking about procedures for getting a case through the civil law system in the trial court in the United States. (L3)

This step is signaled by temporal adverbial expressions, such as yesterday and yesterday afternoon. In contrast to Move 1, the adverbial expressions in Move 2 are accompanied by the past tense, as in we talked about yesterday and slide that was on yesterday afternoon.

In Step 2, the context within which the topic is applied is explained and illustrated; thus, the relevance of the topic is presented. Sub-step 1 explains the context of the topic. It is a lengthy stretch of discourse with lexical features characteristic of explaining the cause or
the effect of an event, such as *the main reason for (the use of a jury), the necessity of (having uniformed rules), and for that we have.* The function and the linguistic features of Sub-step 1 are exemplified by the following excerpt.

Example 4
For years we used to pride ourselves in the common law. The common law was everything, but little by little they are changing it. They're seeing the necessity of having uniformed rules that attach to all fifty States under the Federal Government. (L1)

In Sub-step 2 the application of the lecture topic is illustrated. As the subsequent analysis results reveal, illustrating topic application by using real cases is a common “strategy” in law school lectures. This step has the features characteristic of narrating, for example, the use of narrative tenses such as the simple past, past progressive and past perfect. The following example illustrates Sub-step 2.

Example 5
I have a war story that involves a Brazilian national involved in a case I was involved in. We ended up having to go to court. The case arose in a scenario where my client was an international GP motorcycle champion. […] Anyway, a dispute arose between my client and the manufacturer he had a sponsorship with. (L4)

In sum, Content Introduction is constructed with two moves: (1) Setting up Framework and (2) Contextualizing Lecture Topic, each comprising two steps. The function of Move 1, Setting up Framework, is realized through Announcing Lecture Topic and Outlining Lecture Structure. Move 2, Contextualizing Lecture Topic, includes Referring to Previous Lecture and Contextualizing Lecture Topic, each of which is realized through two sub-steps, which are Restating Previous Topic and Reviewing Previous Content within Step 1, and Explaining Topic Context and Illustrating Topic Application within Step 2. The following sub-section investigates the frequency of move occurrences and possible patterns in the identified moves, steps and sub-steps.

**Frequency of Occurrences**

Since the data encompasses only four lectures, the move, step or sub-step is said to be obligatory if it is present in all four lectures, which is, if the frequency of occurrence is 100%, whereas if the occurrence is less than 100%, the move, step or sub-step is considered optional. The two moves, Setting up Framework and Contextualizing Lecture Topic, are
present in all four lectures and are claimed to be obligatory. The frequency of occurrences is presented in Table 4.

**Table 4. Frequency of Occurrences of Moves in Law School Lecture Introduction**

<table>
<thead>
<tr>
<th>Moves</th>
<th>L1</th>
<th>L2</th>
<th>L3</th>
<th>L4</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Setting up Framework</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>(2) Contextualizing Lecture Topic</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Out of four steps used to realize the two moves, three are optional with only Step 1 within Move 1, Announcing Topic, appearing in all four lectures, which makes Announcing Topic the only obligatory step. The frequency of occurrence of the other three steps is 75% each. Furthermore, 75% of Lecture Introductions contain Move 1 realized through both Step 1 and Step 2, which is Outlining Lecture Topic (L1, L2, L4). The frequency of occurrence of steps in Lecture Introduction is shown in Table 5.

**Table 5. Frequency of Occurrences of Steps in Law School Lecture Introduction**

<table>
<thead>
<tr>
<th>Moves</th>
<th>Steps</th>
<th>L1</th>
<th>L2</th>
<th>L3</th>
<th>L4</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Setting up Framework</td>
<td>(1) Announcing Lecture Topic</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>(2) Outlining Lecture Structure</td>
<td></td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>(2) Contextualizing Lecture Topic</td>
<td>(1) Referring to Previous</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Lecture</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2) Showing Topic Relevance</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Move 2, Contextualizing Lecture Topic, is realized through Step 1, Referring to Previous Lecture, and Step 2, Showing Topic Relevance, in 50% of Lecture Introductions (L1, L3). Furthermore, none of the sub-steps is obligatory. The frequency of occurrence ranges from 25% (Reviewing Previous Content and Illustrating Topic Application) to 75% (Restating Previous Topic and Explaining Topic Context (Table 6).
Table 6. Frequency of Occurrences of Sub-steps in Law School Lecture Introduction

<table>
<thead>
<tr>
<th>Moves</th>
<th>Steps</th>
<th>Sub-steps</th>
<th>L1</th>
<th>L2</th>
<th>L3</th>
<th>L4</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) Contextualizing Lecture</td>
<td>(1) Referring to Previous</td>
<td>(1) Restating Previous Topic</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Topic</td>
<td>Lecture</td>
<td>(2) Reviewing Previous Content</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>(2) Showing Topic Relevance</td>
<td>(1) Explaining Topic Context</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2) Illustrating Topic Application</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The two moves are recursive, in that each occurs more than once per session (Table 7).

Table 7. Content Introduction Rhetorical Structure in Law School Lectures

<table>
<thead>
<tr>
<th>L1</th>
<th>L2</th>
<th>L3</th>
<th>L4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Move 1: Step 1</td>
<td>Move 1: Step 2</td>
<td>Move 2: Step 1 (Sub-step 1)</td>
<td>Move 1: Step 1</td>
</tr>
<tr>
<td>Move 2: Step 2</td>
<td>Move 2: Step 2</td>
<td>Move 1: Step 1</td>
<td>Move 2: Step 2 (Sub-step 1)</td>
</tr>
<tr>
<td>Move 2: Step 2</td>
<td>Move 2: Step 1</td>
<td>Move 2: Step 2 (Sub-step 1)</td>
<td>Move 2: Step 2 (Sub-step 2)</td>
</tr>
<tr>
<td>Move 1: Step 2</td>
<td>Move 2: Step 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Move 2: Step 1</td>
<td>Move 1: Step 1</td>
<td>Move 1: Step 2</td>
<td></td>
</tr>
</tbody>
</table>
The lecture in which Move 1 is realized only through Step 1 (L3) is the only lecture not initiated by this step. This difference in organizational structure could be ascribed to the fact that L3 is the only lecture that does not start a new lecture topic but continues developing the content of the previous lecture; therefore, restating the topic of the previous lecture indicates that the current lecture follows the framework of the previous lecture. Even though it is not possible to determine a linear order of the steps within Move 2, there is a relation between the two sub-steps. If there is no Sub-step 1, which is the more frequent one, there is not Sub-step 2 either. Not surprisingly, when the two Sub-steps co-occur, Sub-step 1 precedes Sub-step 2. Sub-step 2 in both Step 1 and Step 2 is not very important as seen by its infrequent occurrence.

Although both moves are equally recursive, in that each of the moves occurs 9 times within Content Introduction, there is a significant difference in the length of each move, as shown in Table 8.

### Table 8. Number of Words in Content Introduction per Move

<table>
<thead>
<tr>
<th>Move</th>
<th>Word Count</th>
<th>Percentage (n=5263)</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setting up Framework</td>
<td>554</td>
<td>10.5%</td>
<td>61.6</td>
</tr>
<tr>
<td>Contextualizing Lecture Topic</td>
<td>4709</td>
<td>89.5%</td>
<td>523.2</td>
</tr>
<tr>
<td>Total</td>
<td>5263</td>
<td>100%</td>
<td>323.2</td>
</tr>
</tbody>
</table>

Move 2 is significantly longer, accounting for 89.5% of the Content Introduction length. With chunks of discourse that are this lengthy, a risk is that students might comprehend parts of Content Introduction as Content Development, the second unit. The relationship between discourse structure and the comprehension of a lecturer’s main points
has been explored by a number of researchers (Tauroza & Allison, 1994; Young, 1994) and will be further discussed when pedagogical implications are considered.

To summarize, even though Moves 1 and 2 are obligatory, not all corresponding steps are obligatory. For instance, when Move 2 occurs, it does not mean that Step 1 occurs. Furthermore, instead of having a linear structure, Content Introduction is characterized by highly recursive moves, and a preferred order was difficult to find. This variation in the sequence of rhetorical moves and steps has been seen as a characteristic of spoken genres, in particular those created in real time (Swales, 1990; Thompson, 1994). A sample analysis of Content Introduction is given in the Appendix A.

**Content Development**

This section focuses on the rhetorical structure employed to develop the content of law school lectures. Based on the rhetorical functions they perform and linguistic features that characterize them, four moves and their constituent steps are distinguished. Then, the frequency of moves and steps is used to determine their obligatoriness. Finally, the most common patterns in Content Development are discussed.

**Moves within Content Development**

Content Development comprises four moves: (1) Announcing Topic, (2) Defining Topic, (3) Contextualizing Topic, and (4) Summarizing Main Points. Move 1, Announcing Topic, is a function by means of which the lecturer states the concept of the U.S. legal system to be explained. This function is signaled by discourse markers *ok* and *so*, supporting previous research where it was found that the discourse marker *so* has a role in marking transition points in spoken discourse (Schiffrin, 1987). Another feature of Move 1 is the use of rhetorical questions. This is an interesting finding since it allows for a parallel to be drawn between the use of questions in the written and spoken academic discourse. When announcing a new topic, the lecturer poses a question without expecting or allowing for a verbal response from students. This seems to be very much in line with Hyland’s (2002) study on the use of questions in textbook to explicitly introduce new topics. Example 6 illustrates using rhetorical questions to announce a topic.
Example 6
So what do you need for an effective mediator if you will? (L4)
This move is also signaled by the use of modifiers that indicate a sequence/order of items such as the last, another, the other, as illustrated by the following excerpt.

Example 7
OK. Um the last thing. The last thing, I’m sorry, on stare decises. The last rule. (L2)
In Move 2, Defining Topic, the lecturer either gives a law definition of the term or states a rule within which the concept is applied. This function comprises both a definition and a rule because these terms are used interchangeably by lecturers, as in Example 8.

Example 8
Then you begin a mini rule. Exclusive means that the possession must not be shared with the true owner. That’s a mini rule slash definition.

As the following excerpt shows, this function is usually signaled by the use of the present tense, definite article, the modal verbs can, will and have to, and lexical items indicating obligation, such as bound, requires.

Example 9
And appellate courts including supreme courts whether it’s the U.S. Supreme Court or state court appellate courts are bound by their own prior decision. (L2)
It is interesting that this is the only move characterized by a particular sentence structure: (1) noun phrase (the topic)/demonstrative pronoun is/means X or (2) X is/means noun phrase (the topic). As shown in Example 10, it is also possible to have a sentence comprising both forms.

Example 10
The reasoning for the decision (X) isreally not dicta (NP/topic), but it’s reasoning that is not essential to the decision (X) that is dicta (NP/topic). (L2)
In Move 3, Contextualizing Topic, the lecturer develops a previously announced concept. The function is realized through three steps: (1) Describing Topic, (2) Explaining Topic and (3) Applying Topic, which comprises two sub-steps.

In Step 1, Describing Topic, the question of how the legal concept is performed is answered. The following excerpt is an example of describing a legal procedure. The excerpt answers the question of how contracts are interpreted when there are terms that are missing from a contract.

Example 11
Um in those cases the court has to supply reasonable terms to give context to the words that would um in their view um clarify what the parties have originally
intended by giving just a little more context. And we’ll also use legal episodes which are um these are um legal um principles that have been developed over time. In certain jurisdictions it still holds true that if a term within a contract is ambiguous then the the court will um will interpret that term against the party who has actually prepared the contract. (L1)

Step 2, Explaining Topic, has the function of explaining the purpose or explaining the cause and the effect of the legal concept announced in Move 1. Not surprisingly, this step is characterized by the use of such lexical items as so, because, reason, purpose, commonly employed in a discourse with a similar purpose. The following passage explains why contracts need to be in a written form.

Example 12
And obviously the laws are there to protect wealth. So um because of the importance of property, um real property contracts require written certitude for them to be valid. (L1)

The topic can also be contextualized through the use of Step 3, Applying Topic, where the topic is applied to a set of hypothetical or real-life facts. This step comprises two sub-steps: (1) Illustrating Topic and (2) Analyzing Topic.

In Sub-step 1, Illustrating Topic, the legal concept is illustrated by a hypothetical situation, signaled by for example/an example; a real case, signaled by stating the case name and year; or by listing examples and counter-examples, signaled by adjectives indicating ranking, such as the most important, the most common, my favorite. Sub-step 1 is illustrated by the following excerpt.

Example 13
I have an example here. I spoke about this example with one or two of you after class yesterday of the United States Supreme Court overruling one of its own precedents. So the precedent case was the case of Plessy versus Ferguson. Plessy versus Ferguson was decided in eighteen ninety-six. (L3)

Then, in Sub-step 2, Analyzing Topic, the lecturer relates the facts from the example to the concept. What this means is that the example is analyzed by answering the questions of Why this is/isn’t the concept or Who/What the concept is. This step is illustrated by the following excerpt.

Example 14
He took advantage. He lied. He misrepresented the value. He misrepresented that it was something that it wasn’t. Um and the buyer relied on these various misrepresentations, and the seller knew that he was trying to deceive him, and he
knew perfectly well that this was painted by his talented children at a cubist summer camp. (L1)

Furthermore, Step 3 is the only recursive step within one move cycle. Although not common, the topic can be illustrated more than once and the examples then analyzed to achieve the function of Contextualizing Topic. The occurrences of move cycles are described in the following sub-section.

Lastly, Move 4, Summarizing Main Points, has the function of paraphrasing previous moves or summarizing the main points. In the following excerpt, the lecturer summarizes the definition and explanation of the concept of *motion in limine*.

Example 15
So that’s the main function of motions in limine. To try to ask the court to reduce the amount the evidence that can be brought into the case. Based on legal objections to the evidence that we anticipate will otherwise be introduced into the case. (L3)

The moves within Content Development differ in terms of length, and the longest one is Move 3, accounting for 82.5% of the total word count of Content Development across all four lectures. The number of words in each move, the percentage of the total word count in Content Development, and the average word count per move cycle are given in Table 9.

**Table 9. Number of Words in Content Development per Move**

<table>
<thead>
<tr>
<th>Move</th>
<th>Word count</th>
<th>Percentage (n=18,532)</th>
<th>Average (per cycle)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Announcing Topic</td>
<td>2136</td>
<td>11.5%</td>
<td>34.5</td>
</tr>
<tr>
<td>(2) Defining Topic</td>
<td>719</td>
<td>3.9%</td>
<td>27.7</td>
</tr>
<tr>
<td>(3) Contextualizing Topic</td>
<td>15,283</td>
<td>82.5%</td>
<td>246.5</td>
</tr>
<tr>
<td>(4) Summarizing Main Points</td>
<td>394</td>
<td>2.1%</td>
<td>49.3</td>
</tr>
<tr>
<td>Total</td>
<td>18,532</td>
<td>100%</td>
<td>89.5</td>
</tr>
</tbody>
</table>
On several occasions, there is a segment that signals a number of legal concepts. The communicative function this segment performs cannot be accounted for by any of the four moves. The lexico-grammatical features that characterize this segment are very much similar to those marking Move 1, Announcing Topic. The difference is that the legal concepts signaled by this segment are not developed within one move cycle but rather within a series of move cycles. For the purpose of this study, such a segment is referred to as Move Null. The rhetorical function of Move Null is announcing a topic to be developed with a series of move cycles. Move Null is illustrated by the following excerpt.

Example 16

OK. So now to how things proceed in a courtroom in a civil jury trial. (L3)

In this particular case, the topics that follow, *chambers conference, motions in limine, jury selection, opening statements*, are then defined, contextualized and summarized through a string of Move cycles.

In sum, Content Development is constructed by four moves: (1) Announcing Topic, (2) Defining Topic, (3) Contextualizing Topic and (4) Summarizing Main Points. Move 3 is realized through three Steps: (1) Describing Topic, (2) Explaining Topic and (3) Applying Topic, which is realized through two sub-steps: (1) Illustrating Topic and (2) Analyzing Topic. A sample analysis of a move cycle, including steps and sub-steps, is given in the Appendix B. What follows is the analysis of the prevalence of moves and steps as well as the description of patterns within move cycles.

**Frequency of Occurrences**

The analysis of the rhetorical structure of Content Development reveals that rather than being comprised of a linear set of moves, the unit comprises moves that recur as the unit unfolds. The unit is made up of several cycles of moves. The moves within one cycle appear to follow a set order where Move 1 precedes Move 2, followed by Move 3 and Move 4. However, not all moves are obligatory in one cycle. The analysis reveals a total of 62 cycles across all four lectures. Move 1 and Move 3 are found in all 62 cycles. The next most frequent Move is Move 2, found in 26 cycles (Table 10).
Table 10. Frequency of Moves in Move Cycles

<table>
<thead>
<tr>
<th>Move</th>
<th>Number of cycles</th>
<th>Percentage (n=62)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Announcing Topic</td>
<td>62</td>
<td>100%</td>
</tr>
<tr>
<td>(2) Defining Topic</td>
<td>26</td>
<td>41.9%</td>
</tr>
<tr>
<td>(3) Contextualizing Topic</td>
<td>62</td>
<td>100%</td>
</tr>
<tr>
<td>(4) Summarizing Main Points</td>
<td>8</td>
<td>12.9%</td>
</tr>
</tbody>
</table>

Not only is Move 3 obligatory, but it is also a move with the deepest structure in Content Development since it is the only one constituted of steps and sub-steps. However, none of the steps and sub-steps within is obligatory. The frequency of steps is shown in Table 11.

Table 11. Frequency of Steps in Move 3

<table>
<thead>
<tr>
<th>Move</th>
<th>Step</th>
<th>Number of cycles</th>
<th>Percentage (n=62)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contextualizing Topic</td>
<td>(1) Describing Topic</td>
<td>31</td>
<td>50%</td>
</tr>
<tr>
<td></td>
<td>(2) Explaining Topic</td>
<td>57</td>
<td>91.9%</td>
</tr>
<tr>
<td></td>
<td>(3) Applying Topic</td>
<td>36</td>
<td>58.1%</td>
</tr>
</tbody>
</table>

The most prevalent step is Step 2, Explaining Topic, found in 91.9% of the Move 3 occurrences, followed by Step 3, Applying Topic, (58.1%). Further investigation reveals that there is no obligatory co-occurrence of steps. Step 1, Describing Topic, either occurs alone or precedes Step 2 and Step 3. Step 3 can occur on its own or be preceded by Step 1 and Step 2. None of the sub-steps in Step 3 are obligatory (Table 12).

Table 12. Frequency of Sub-steps in Move 3

<table>
<thead>
<tr>
<th>Move</th>
<th>Step</th>
<th>Sub-step</th>
<th>Number of cycles</th>
<th>Percentage (n=62)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contextualizing Topic</td>
<td>(3) Applying</td>
<td>(1) Illustrating Topic</td>
<td>36</td>
<td>58%</td>
</tr>
<tr>
<td></td>
<td>Topic</td>
<td>(2) Analyzing</td>
<td>23</td>
<td>37.1%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Topic</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Most frequently, the function of Contextualizing Topic is performed utilizing a single Step. In fifteen instances (24.2%), the topic of a move cycle is contextualized by giving a hypothetical or real-life example of the legal concept and then analyzing the example (Applying Topic). In eleven move cycles (17.7%), the topic is contextualized by giving an explanation (Explaining Topic). When steps co-occur, most frequently (14.5%) the topic is first described (Describing Topic) and then applied to a hypothetical or real-life example (Applying Topic). In an equal number of instances (11.3%), the lecturer contextualizes a legal concept by explaining it (Explaining Topic) and applying it to a hypothetical or real-life example (Applying Topic) and also by describing and explaining the legal concept. In the least number of instances (8.1%), the function of Move 3 is realized through all three steps. The patterns within Move 3 are presented in Table 13.

Table 13. Patterns within Move 3

<table>
<thead>
<tr>
<th>Pattern</th>
<th>Number of occurrences</th>
<th>Percentage (n=62)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applying Topic</td>
<td>15</td>
<td>24.2%</td>
</tr>
<tr>
<td>Explaining Topic</td>
<td>11</td>
<td>17.7%</td>
</tr>
<tr>
<td>Describing Topic + Applying Topic</td>
<td>9</td>
<td>14.5%</td>
</tr>
<tr>
<td>Describing Topic</td>
<td>8</td>
<td>12.9</td>
</tr>
<tr>
<td>Explaining Topic + Applying Topic</td>
<td>7</td>
<td>11.3%</td>
</tr>
<tr>
<td>Describing Topic + Explaining Topic</td>
<td>7</td>
<td>11.3%</td>
</tr>
<tr>
<td>Describing Topic + Explaining Topic + Applying Topic</td>
<td>5</td>
<td>8.1%</td>
</tr>
<tr>
<td>Total</td>
<td>62</td>
<td>100%</td>
</tr>
</tbody>
</table>
It is interesting to draw a parallel between the rhetorical structure of a full move cycle described in this study, which is a cycle comprising all four moves, and a model used in legal writing widely known as IRAC. Candlin et al. (2002) describe IRAC as an analytical and organizational tool used in analyzing and presenting a situation from a legal perspective. The model has the following formula: (1) identifying the Issue(s) (or question(s) presented), (2) stating the applicable Rule(s), (3) Applying the legal rule(s) to the facts of the case and (4) stating the Conclusion. As can be seen, the IRAC formula is very much similar to the rhetorical structure of a move cycle in a lecture in that there is a topic of the text, a defined legal concept applied to a set of facts, and a concluding section. The difference is that while a move cycle is initiated by stating a legal concept, IRAC begins with a set of facts (e.g. entering someone else’s home in a particular way at a specific time) indicating a legal concept (e.g. burglary), which is similar to Move 3 – Step 3 – Sub-step 1 (Illustrating Topic). This presenting of facts and then moving on to legal analysis is commonly found not only in law school classroom discourse but also in the structure of case law texts (Mertz, 2007) and is a part of developing an ability to process relevant information in a way specific to the legal profession.

**Session Closing**

Often, just a brief stretch of discourse concludes a session. The closing can often be rather abrupt. What happens is that the lecturer makes a note of a content section having been brought to the end and announces what the focus of the next session will be. In some cases, a session closes by “fading out” as the lecturer starts answering individual students’ questions and other students begin conversing among themselves. The following excerpt is an example of Session Closing.

Example 17

Um we’ve reached the end of the formation stage so let’s take a break for about five minutes and then we’ll talk about remedies. (L1)

It is interesting to compare the functions within Content Introduction to the functions in Session Closing. Since lecture content is introduced through stating and contextualizing the topic and outlining the structure of presenting information about the topic, it can be assumed that the concluding stage provides a synopsis of the lecture development or perhaps further contextualizes the lecture topic by referring to the next lecture. It is, however, possible that
lecturers rarely conclude by reviewing or contextualizing the content. In his study on discourse patterns of university lectures, Dudley-Evans (1994) briefly comments on the way one lecturer concludes the lecture by asking students to think about possible solutions to a presented problem. Nevertheless, analyzing lecture structure has been mainly focused on units that introduce and develop content (Thompson, 1994; Young 1994), and not much research has been done on lecture endings and their impact on students’ lecture comprehension.

**SUMMARY**

The genre analysis of the law school lecture revealed that the lecture is made up of moves, steps and sub-steps comprised within three larger units of organization: (1) Content Introduction, comprising two obligatory moves, Setting up Framework and Contextualizing Lecture Topic; (2) Content Development, comprising four moves, Announcing Topic, Defining Topic, Contextualizing Topic and Summarizing Main Points; and (3) Session Closing, a rather short stretch of discourse lacking the sub-functions displayed by moves, steps and sub-steps seen in the other units. Drawing on previous genre-based studies, the boundaries of the moves and corresponding steps and sub-steps were identified based on the communicative purpose as well as the linguistic features such as particular lexical items and grammatical choices typical of a structural unit.

Furthermore, the analysis of the frequency of occurrence revealed that instead of following a linear structure, the moves within Content Introduction and Content Development are highly recursive, which parallels previous research (Peacock, 2002; Yang & Allison, 2003), showing that linear structure is not typical of a spoken discourse. Moreover, Content Development is made up of several cycles of moves within which moves, although not obligatory, follow a set order of stating a topic, which precedes defining a topic, and is followed by contextualizing a topic and summarizing main points, similar to IRAC, a rhetorical structure commonly found within law discourse (Candlin et al., 2002).
CHAPTER 5

INTERACTIVITY IN LAW SCHOOL LECTURES

This chapter focuses on aspects of students’ participation in the discourse of law school lectures in relation to its rhetorical structure. The chapter begins with a discussion of the level of interactivity of the lectures. Then, questions, as an almost exclusive linguistic device employed by the lecturer and students, are discussed in terms of the function they perform. Finally, the relationship between the question function and form is explored.

INTERACTIVITY

The level of interactivity was determined by the number of turns in a lecture, following Csomay’s (2002) study of interactivity and level of instruction at tertiary institutions. Moves were deemed to have low interactivity if there were fewer than 10 turns per one thousand words, medium if the number of turns was between 10 and 25, and high if there were more than 25 turns per one thousand words.

Even though the lecturers made it clear to the students that they were welcome to interrupt lectures to ask questions or make comments, the analysis revealed that the overall interactivity of the law school lecture is low, with 5.7 turns per one thousand words. Nevertheless, there are differences across Moves in terms of level of interactivity. Move 1, Announcing Topic, and Move 4, Summarizing Main Points, fall into the group of medium interactivity. The least interactive unit is Closing Session.

As discussed in previous research (Benson, 1994), classroom norms vary across cultures and many foreign students may be at a loss when it comes to the discourse norms of turn-taking, which is common at U.S. tertiary institutions. Although we are tempted to account for low level of interactivity with the fact that all of the students are non-native speakers, the nature of interaction seems to indicate that this explanation is a bit too simplistic. Another reason may be the fact that, as the following analysis shows, students are not being called on. The distribution of units and moves based on the level of interactivity is shown in Table 14.
### Table 14. Distribution of Moves Based on Interactivity Level

<table>
<thead>
<tr>
<th>Unit</th>
<th>Move</th>
<th>Interactivity Level</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>High (&gt;25)</td>
</tr>
<tr>
<td>Introducing Topic</td>
<td>Setting up Framework</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contextualizing Lecture Topic</td>
<td></td>
</tr>
<tr>
<td>Developing Content</td>
<td>Announcing Topic</td>
<td>14.8</td>
</tr>
<tr>
<td></td>
<td>Defining Topic</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contextualizing Topic</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Summarizing Main Points</td>
<td>10.2</td>
</tr>
<tr>
<td>Closing Session</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The next section investigates the types and frequency of linguistic devices used to initiate turn-taking between the lecturer and students during a lecture, thus shedding light onto what makes certain moves more interactive.

**ASPECTS OF STUDENT PARTICIPATION**

In analyzing the students’ performance as they co-construct the discourse of law school lectures, each turn sequence was first marked as initiated by the lecturer or students. Initiations of turn sequences were then classified as being questions or statements. The typology of question functions adopted from Jackson (2002) was used to classify the questions employed by students. Question functions were then analyzed in relation to
rhetorical functions. Finally, association patterns between the function and form of questions were analyzed using the typology of question forms in Chang (2012).

**Initiation of Turn Sequence**

Turn sequences can comprise a pair of turns or be longer as a dialogue develops either by the same participants or by more students joining it. Surprisingly, the analysis reveals that most frequently a turn sequence is not initiated by the lecturer. Out of 56 turn sequences, 39 are initiated by students, as shown in Table 15.

**Table 15. Roles in Turn Sequence Initiation**

<table>
<thead>
<tr>
<th>Role</th>
<th>Number of instances</th>
<th>Percentage (n=56)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students</td>
<td>39</td>
<td>69.6%</td>
</tr>
<tr>
<td>Lecturer</td>
<td>17</td>
<td>30.4%</td>
</tr>
</tbody>
</table>

Furthermore, in most cases when a sequence is initiated by the lecturer, the lecturer actually gives the floor to students by seeking confirmation of their comprehension, which is asking if they have any questions at that point (Example 18).

**Example 18**

Questions about this? (L2)

The finding of turn-taking primarily initiated by students is surprising because previous studies on academic spoken English have largely focused on turn sequences initiated by instructors as they lead students into a dialogue (Chang, 2012; Jackson, 2002; Thompson, 1998). The reason for this change of roles in classroom discourse may be due to the fact that this particular student population comprises working professionals as opposed to a novice audience comprehending the topic of a lecture that is new to them (Thompson, 1994). Nevertheless, the analysis shows that the number of sequences initiated by a question exceeds by far the number of those initiated by a statement. Moreover, turn-sequence initiation by a statement is characteristic only of students.

**Example 19**

Student: It’s like a poker game.

Lecturer: It’s a lot like reading poker faces. That correct. (L3)

Out of 56 instances of turn-taking, 51 sequences are initiated by asking a question, as shown in Table 16.
The finding that turn sequences are mainly initiated by questions parallels previous research (Chang, 2012; Jackson, 2002; Thompson, 1998) in that the question serves as an important interactional tool in classroom discourse.

### Classification of Questions

The two types of questions used by lecturers are (1) Information Seeking Question and (2) Comprehension Seeking Question. The most frequent initiation by the lecturers is checking students’ understanding of the lecture content, which accounts for 76.5% of turn sequences initiated by the lecturer. In the remaining number of instances, the lecturer employs Information Seeking Question, primarily designed to elicit information about students’ experience relevant for the topic at hand. The students’ questions fall into four types: Information Seeking, Confirmation Request, Hypothetical Question and Clarification Request. Most frequently, students ask an Information Seeking Question (37%) to elicit additional factual information about the topic. Less frequently, students request a confirmation of their understanding of the lecture content (28.3%) or ask a question by relating a lecture topic to a hypothetical situation (21.7%). Interestingly, the least occurring question type is Clarification Request (13%), where students ask the lecturer to restate or rephrase information. The questions posed by students after the lecturer gives them the floor were also included in the analysis since the following turn sequence depends on the kind of question a student asks. The instances of turn-sequence initiation are presented in Table 17.
Table 17. Turn Sequence Initiation by Roles and Question Types

<table>
<thead>
<tr>
<th>Question type</th>
<th>Students</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of occurrences</td>
<td>Percentage</td>
<td>Number of occurrences</td>
<td>Percentage</td>
</tr>
<tr>
<td>Information Seeking</td>
<td>17</td>
<td>37%</td>
<td>4</td>
<td>23.5%</td>
</tr>
<tr>
<td>Comprehension Seeking</td>
<td>0</td>
<td>0%</td>
<td>13</td>
<td>76.5%</td>
</tr>
<tr>
<td>Confirmation Request</td>
<td>13</td>
<td>28.3%</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Hypothetical Question</td>
<td>10</td>
<td>21.7%</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Clarification Request</td>
<td>6</td>
<td>13%</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Total</td>
<td>46</td>
<td>100%</td>
<td>17</td>
<td>100%</td>
</tr>
</tbody>
</table>

Types of Questions in Relation to Moves

The analysis reveals that the moves might determine the sorts of questions asked by the lecturers and students. Even though it may not be surprising, it is noteworthy that as the lecture content is introduced, there is a greater number of questions when the topic is being contextualized (Move 2). The most frequent question type in this move is posed by the lecturer (55.6%) as he or she gives the floor to the students to ask questions (Comprehension Seeking). This question type is also frequent in Move 3 of Content Development, when a topic is contextualized through description (Step 1), explanation (Step 2) and application (Step 3). A possible explanation is that the lecturer checks students’ understanding before announcing a new concept. Distribution of question types in Content Introduction and Content Development are presented in Tables 18 and 19.
Table 18. Distribution of Question Types in Content Introduction

<table>
<thead>
<tr>
<th>Question Type</th>
<th>Constituent Moves</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Setting up Framework</td>
</tr>
<tr>
<td>Information Seeking</td>
<td>1 (100%)</td>
</tr>
<tr>
<td>Comprehension Seeking</td>
<td>0</td>
</tr>
<tr>
<td>Confirmation Request</td>
<td>0</td>
</tr>
<tr>
<td>Hypothetical Question</td>
<td>0</td>
</tr>
<tr>
<td>Clarification Request</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>1 (100%)</td>
</tr>
</tbody>
</table>

Table 19. Distribution of Question Types in Content Development

<table>
<thead>
<tr>
<th>Question Type</th>
<th>Constituent Moves</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Announcing Topic</td>
</tr>
<tr>
<td>Information Seeking</td>
<td>3 (21.4%)</td>
</tr>
<tr>
<td>Comprehension Seeking</td>
<td>1 (7.2%)</td>
</tr>
<tr>
<td>Confirmation Request</td>
<td>7 (50%)</td>
</tr>
<tr>
<td>Hypothetical Question</td>
<td>0</td>
</tr>
<tr>
<td>Clarification Request</td>
<td>3 (21.4%)</td>
</tr>
<tr>
<td>Total</td>
<td>14 (100%)</td>
</tr>
</tbody>
</table>

An interesting finding is that when a topic of a move cycle is announced (Move 1), 50% of questions are asked by students to confirm the understanding of both the newly announced topic and the previous topic. They most likely interpret this move as a signal of finalizing the development of the previous topic and want to check their comprehension. When they ask a confirmation question after a new topic is introduced, what happens is that
students try to understand the legal concept even before the lecturer has had a chance to
develop it. The following example shows a turn sequence initiated by a student as a new
topic, the courtroom, is announced. The student initiates a sequence in which she confirms
her understanding of the previous topic, as the following excerpt shows.

Example 20

Lecturer: Um the courtroom. If we are going to talk about what goes on suppose
we need to know what the courtroom looks like generally. Have you
visited a courtroom here? Have you even visited our courtroom here
on campus? You should. It’s beautiful. We’ll take a fieldtrip later.
Yes?

Student: We at this this part we had enter the complaints and the parties
produce the evidence by themselves. The judge is not present for the
interrogatories?

Lecturer: The judge is not present during interrogatories or depositions. It is not
acceptable.

Student: And then you then you move [unintelligible] file a motion to summary
judgment? If the motion for the summary judgment is granted the
judge a single judge is gonna solve resolve the case?

Lecturer: That’s correct.

Student: And if this motion for summary judgment is dismissed then we go to
the trial phase.

Lecturer: Correct.

Then, as the turn-taking continues, the student moves on to asking questions about the newly
introduced topic:

Example 21

Student: But this is a jury phase. There’s no more the judge. The singe judge
doesn’t decide.

Lecturer: The single judge does continue to preside over the case and that single
judge is the determiner of the law. So there is a split of roles of jobs in
the courtroom. If there is a jury then the jury is charged with
determining the facts and making the ultimate determination of in a
civil case liability or not liable. So the defendant is either liable and
has the plaintiff for whatever harm the plaintiff has caused. Whether
it’s breach of contract or a property injury or whatever it is. Um the
judge is the sole determiner of the law that is going to be applied in the
case so the attorneys are arguing to the judge to try to persuade the
judge to view the law from the attorney’s perspectives. And the
attorneys are also presenting the evidence to the jury to try to get the
jury to adopt their view of the facts in the case. And it all comes
together at the end of the trial. Or at least it’s supposed to. And we’ll
get there. We’re going to go through the trial procedure. (L3)

The lecturer concludes the sequence by signaling that the questions are crossing over to
concepts that are yet to be discussed by referring to the outline of the lecture structure. Being familiar with the organizational structure of lectures would facilitate students’ lecture comprehension, which will be discussed later in the study, when the pedagogical implications are presented.

It should be noted that Hypothetical Questions are only asked in Contextualizing Topic, coinciding with the lecturer’s use of real-life and hypothetical situations. The following is an example of a student relating the topic of a rule within *stare decises* to a hypothetical situation of a court not abiding by a decision of the Supreme Court.

**Example 22**

**Lecturer:** It takes a new case to present the circumstance for the court to readdress the same question and then decide to overturn a prior opinion. It’s a very good question.

**Student:** If the state’s court does not want to follow the Supreme Court’s decision, how does the system guarantee the authority of the Supreme Court? (L2)

Students most frequently ask Information-Seeking Questions in Move 3 of Content Development, usually when the topic is explained. Since Move 3 gives the most information about a legal concept, it is no surprise that this is where students seek the most information. Example 23 illustrates a turn sequence initiated by a student as he seeks more information.

**Example 23**

**Lecturer:** So Plessy versus Ferguson said separate but equal is ok. Brown versus Board of Education said if it’s separate it is necessarily not equal and therefore is not OK. So yes it was primarily educational facilities but the principle was broad enough to cover all the segregation that was going on as a matter of state law in those southern states. Yes?

**Student:** What was the state’s reaction about that? (L2)

In this example, the lecturer uses a real situation, which is a real legal case, to illustrate a rule of binding authority. The student seeks more information to better understand the circumstances in which the rule was applied.

To summarize, in Content Introduction, turn-taking is most frequently initiated by questions related to comprehension, whether by lecturers who seek students’ comprehension or by students as they ask for confirmation of their understanding. Comprehension Requests are also frequent at the beginning of a move cycle as a topic is announced. Within a move cycle, questions are largely asked during Contextualizing Topic with Information-Seeking and Hypothetical Questions being the most frequent ones.
RELATIONSHIP BETWEEN FUNCTION AND FORM OF STUDENT QUESTIONS

Chang’s (2012) typology of question forms was employed in the study. In addition to the categories proposed by Chang, one more category was used, namely, Polite Requests. Polite Requests comprise structures that are not Wh-questions in form but in function; more specifically, these are declarative statements and closed questions that function as open-ended questions. As such, these are instances of what has been referred to as indirect speech acts (Yule, 2010). The analysis shows that students’ questions fall into four categories: (1) Open-ended questions, (2) Closed or questions, (3) Declarative and tag questions and (4) Polite requests. Tables 20 and 21 show the taxonomy of question forms and the frequency of their occurrence.

Table 20. Taxonomy of Question Forms

<table>
<thead>
<tr>
<th>Type</th>
<th>Examples from transcripts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open-ended questions</td>
<td>What was the state’s reaction about that?</td>
</tr>
<tr>
<td>Closed questions</td>
<td>Do you have contract formation when you donate something?</td>
</tr>
<tr>
<td>Declarative and tag questions</td>
<td>This is also when circumstances change?/The Supreme Court of the state is not binded by any other, right?</td>
</tr>
<tr>
<td>Polite requests</td>
<td>I don’t understand this, the premise.</td>
</tr>
</tbody>
</table>

Table 21. Frequency of Question Forms

<table>
<thead>
<tr>
<th>Question Type</th>
<th>Number of occurrences</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open-ended questions</td>
<td>9</td>
<td>19.6%</td>
</tr>
<tr>
<td>Closed questions</td>
<td>21</td>
<td>45.6%</td>
</tr>
<tr>
<td>Declarative and tag questions</td>
<td>13</td>
<td>28.3%</td>
</tr>
<tr>
<td>Polite requests</td>
<td>3</td>
<td>6.5%</td>
</tr>
<tr>
<td>Total</td>
<td>46</td>
<td>100%</td>
</tr>
</tbody>
</table>
The question form most frequently employed by students is the closed question occurring in 45.6% of instances and declarative and tag questions occurring in 28.3% (Table 21). An interesting finding is that even though students pose a closed question, they don’t always receive a Yes/No answer. Instead, the lecturer rephrases the segment of lecture the student is asking about, as shown in Example 25.

Example 25
Student: So when they cannot understand the contract because a term is not in the contract they can use outside evidence?
Lecturer: When there is an absence of a term then they will look to outside evidence as long as that evidence doesn’t conflict with anything. (L1)

This is interesting because the wording changes and the student still does not receive a straight-forward confirmation of his or her understanding. It would be useful to investigate students’ satisfaction with such responses since it is quite possible that students do not actually get a clear confirmation and simply give up seeking for one. Polite requests seem to be used rather sporadically, occurring in only 6.5% of instances.

The analysis of association patterns between question forms and functions reveals that one question form can be employed for more than one function. Specifically, open-ended questions are employed in Information Seeking Questions and Hypothetical Questions and closed questions are used to perform all four functions. In contrast, declarative and tag questions and used to perform only one function, namely, Confirmation Request, and polite requests are used only in Clarification Requests. It is apparent that this one-to-many relationship works the other way around as well in that one function can be realized by more than one form. This finding is not surprising since other studies have also shown that particular forms convey more than one function and that one function can be represented by more than one form (Chang, 2012; Hyland, 1996).

Another interesting finding is that the question forms have distinctive language features, namely, tense, sentence form and word choice. In terms of tense use, the most widely used tense is the present tense, found in all four question forms. In fact, when performing a specific function, some question forms are exclusively in the present tense. Specifically, Confirmation Request, which employs closed and declarative and tag questions, is always in the present tense. This is also the case with Hypothetical Questions and Clarification Requests. The only function where there is variation in tense use is Information Seeking Questions.
It should be noted that only Hypothetical Questions have a particular sentence structure. The questions with this function are formed as conditional sentences employing subordinate conjunctions *when* or *if*, as illustrated by the following excerpt.

Example 26
Student: What happens if the motion in limine is granted but the other party asks the question anyway? (L3)

Since hypothetical situations are also employed by lecturers, the forms employed by both students and lecturers were examined. The comparison of the way hypothetical situations are expressed by the lecturer and students reveals that unlike students, lecturers express hypothetical situations both in the present and past tense. Since lecturers frequently express hypothetical situations in the past as they contextualize a topic, the fact that students use the present tense exclusively could mean that they might not comprehend the hypothetical nature of topic application when the lecturer employs the past tense. Shedding light on this issue can facilitate both students’ lecture comprehension and their oral classroom participation.

It is important to note that students employ technical vocabulary as they participate in classroom discourse. What is more, the vocabulary is mostly new since they ask questions about legal concepts that are being developed. In Example 27, a student is confirming her understanding of a pre-trial phase, which includes the topic of motions and the topic of summary judgment. The example contains technical vocabulary that has just been introduced to students.

Example 27
Student: And if this motion for summary judgment is dismissed, then we go to the trial phase? (L3)

All question functions except Clarification Request contain specialized terms. Hence, asking questions is conducive to learning technical vocabulary because students recycle newly introduced terms.

**Summary**

The analysis of the students’ participation in the discourse of law school lecture began with determining the level of interactivity. Findings show that overall, the interactivity in law school lectures is low. Unit Two, Content Development, is the most interactive unit, with a medium level of interactivity.
Turn sequences are most frequently initiated by students. As students almost exclusively employ questions to initiate a turn sequence, the functions of questions were analyzed, resulting in four categories: (1) Information seeking, (2) Confirmation request, (3) Hypothetical question and (4) Clarification request. Most frequently, students ask an Information Seeking Question, which elicits additional factual information about the topic. This type of question is especially frequent in Move 3 of Content Development, when the topic is contextualized. Another interesting finding is that in Step 3 of Contextualizing Topic, when the lecturer applies the topic to a set of hypothetical or real-life facts, the question type most frequently produced by students is the Hypothetical Question. During Content Introduction and Move 1 of Content Development (Announcing Topic), the most frequent function is Confirmation request, where students ask for confirmation of their comprehension of the previous topic as the lecturer is starting a new topic. Session Closing does not contain instances of turn sequences.

The analysis showed that students’ questions fall into four categories of question forms: (1) Open-ended questions, (2) Closed questions, (3) Declarative and tag questions and (4) Polite requests, with closed questions being the most frequent ones. The analysis of association patterns between question forms and functions revealed that one question form can be employed for more than one function and one function realized by more than one form. Furthermore, language features that characterize the four question forms were examined, which revealed that the present tense is most widely used by students. An important language feature is technical vocabulary that students use as they take turns in the discourse.
CHAPTER 6

PEDAGOGICAL IMPLICATIONS AND CONCLUSION

The final chapter of this thesis comprises two parts: a discussion of pedagogical implications and some concluding comments. The discussion of pedagogical implications includes ideas for developing skills associated with oral classroom communication of foreign lawyers at a U.S. law school that are informed by the study’s findings. The conclusion first gives a brief review of the study; then, the contributions of this study to understanding the needs of foreign lawyers participating in a U.S. law school programs are outlined. Finally, the limitations of the study and some suggestions for further research are discussed.

PEDAGOGICAL IMPLICATIONS

Feak and Reinhart (2002) underlined a need for further research that will shed light on the skills foreign lawyers attending a U.S. law school need to participate successfully in classroom discourse. Successful communication is dependent upon both oral participation and discourse comprehension. As observed by Rivers (1966) and cited in Morley (2001), “Teaching the comprehension of spoken speech is therefore of primary importance if the communication aim is to be reached” (p. 70). Using genre and discourse analyses, this thesis identified two skills associated with the oral classroom communication of foreign lawyers at a U.S. law school: (1) understanding the rhetorical structure of lectures and (2) asking questions.

A description of the rhetorical functions that make up the macro-structure of classroom discourse at a U.S. law school and the lexico-grammatical features realizing each of the functions can help meet both students’ needs for processing information (Tauroza & Allison, 1994; Young, 1994) as well as their needs for producing similar discourse skills (Garcia & Marco, 1998). Students’ understanding of the rhetorical structure is facilitated by the use of authentic lecture discourse; thus, activities aiding students’ understanding of a lecture discourse can focus on introducing the overall lecture structure and giving students...
opportunities to practice indentifying the rhetorical functions that make up the discourse. Students can be given an authentic lecture transcript to identify different rhetorical functions of sections of the text and the based on the content and purpose of each section. For example, students can read a transcript of a move cycle within Content Development and match each move to the functions of Announcing Topic, Defining Topic, Contextualizing Topic and Summarizing Main Points. Students can also be asked to identify rhetorical functions based on the characteristic lexico-grammatical features. Some of the linguistic features associated with understanding the macrostructure of law school lectures include the use of discourse markers which indicate sequencing such as first, and then, expressions which characterize explaining the cause and effect of an event such as the main reason for, temporal adverbial and deictic expressions such as here and today, tenses such as the use of present progressive in Content Introduction, and technical vocabulary. Students’ awareness of these features can be raised by engaging them in a listening comprehension cloze where students can fill in the gaps by using, for example, temporal adverbial expressions.

In terms of the production stage, this study showed that students mainly employ questions as they take part in the classroom discourse; thus, to be successful in their interaction with the lecturer, students can be coached to use the question functions and forms frequently occurring in the discourse. Some of the linguistic features that realize question forms studied here are “Wh” words, conditional sentences, polite requests, and technical vocabulary. With the use of lecture transcripts, activities can be developed focusing on the rhetorical functions in which questions most frequently occur, as well as on the function and form of questions. An example of an activity with a focus on forming questions is one of presenting students with a transcript of a move cycle and encouraging them to form particular question functions based on the content. One of the ways to follow-up on this activity is to have students find answers to the questions they have written. Preferably, a law professor can be invited to talk about the topic and answer the questions prepared by the students. The transcripts can also be used to develop listening comprehension activities in which students can, based on the content, determine where in the text the given questions occur; then, they can listen to the lecture to verify their results.

This study further confirms that special attention needs to be given to vocabulary instruction since it involves dealing with technical vocabulary, which is, “vocabulary that has
specialized and restricted meanings in certain disciplines and which may vary in meaning across disciplines“ (Dudley-Evans & St John, 1998, p. 83). When authentic texts are used for developing teaching materials, they necessarily contain certain technical vocabulary. One way of ensuring that students understand the technical vocabulary is to build up a computer-based corpus of lecture transcripts and develop a glossary of technical terms. Moreover, such a corpus can be used to develop a word list that comprises semi-technical vocabulary, which is general vocabulary frequently used in the discourse of law school classroom. Word-frequency lists have been devised in the field of ESP as a means of compiling vocabulary that should be given priority in the given discipline (Martinez, Beck & Panza, 2009; Mudraya, 2006; Wang, Liang, & Ge, 2008) and as a way of establishing the vocabulary-teaching potential of a text (Csomay & Petrovic, 2012).

In sum, previous research has shown that knowledge of a lecture macro-structure increases students’ comprehension and aids successful classroom communication. This study suggests using an authentic law lecture discourse to develop activities that enhance students’ understanding of the rhetorical structure of lectures as well as students’ ability to form particular question functions. Furthermore, lecture transcripts can be used to build up a computer-based corpus and develop word-frequency lists. Finally, these findings can be used to inform an EALP course such as the one described in Feak and Reinhart (2002).

**CONCLUDING COMMENTS**

A rapid increase in globalization has resulted in the practice of law becoming more international. More and more foreign lawyers come to the U.S. to attend law programs. Nevertheless, little has been done on analyzing the linguistic needs of such a student population. Much of the research within EALP has focused on developing writing and reading skills of native speakers pursuing a law degree. Moreover, what EALP studies have lacked is a focus on EALP course development.

This study employed discourse and genre analysis to examine oral interaction in a law school classroom with the purpose of analyzing the language needs of foreign lawyers completing a certificate program at a U.S. law school. The analysis revealed that the law school lecture constitutes a genre comprised primarily of three organizational units, namely, Content Introduction, Content Development and Session Closing. These rhetorical units are
further comprised of distinctive moves, steps and sub-steps with specific functions that contribute to achieving the overall purposes of introducing students to the fundamentals of U.S. law. It is noteworthy that rather than having a linear structure, the rhetorical units are comprised of moves that are highly recursive. Moreover, the moves, steps and sub-steps are signaled by distinctive lexico-grammatical features that include lexical items, verb choices, tenses and adverbials.

A quantitative analysis revealed that the overall level of interactivity of law school lecture is low, with some of the rhetorical units being more interactive than others. Examining students’ role in the discourse revealed that most frequently, the interaction between the lecturer and students is initiated by the students. The question was found to be the primary linguistic device for dialogue initiation. Furthermore, it is almost exclusively employed by students as they ask for new information, confirmation and clarification, and about hypothetical situations. These functions are realized through the use of four question forms, namely, (1) polite requests, (2) open-ended questions, (3) closed questions and (4) declaratives and tag questions. The question forms were examined for specific grammatical and vocabulary features, which showed a relationship between the sentence structure, tense and vocabulary use and the function the question performs.

The contribution of this study to the field of EALP is threefold. First, the study confirms that genre analysis techniques applied to written text are just as applicable to the analysis of spoken texts. The discourse analysis further reveals the need to shift focus from developing taxonomies of questions posed by professors to taxonomies of questions students ask as they initiate turn sequencing. Finally, revealing the rhetorical structure of law lectures and shedding light on the specific communication needs of foreign lawyers studying at a U.S. tertiary institution contributes significantly to the field of EALP in general and our knowledge of lecture discourse.

Examining only four lectures provided ample data for the analysis of move cycles within the Content Development unit. Analyzing the Content Introduction and Session Closing, however, may benefit from a larger sample. Moreover, with the student population being comprised mostly of lawyers from Brazil, the results may be limited in terms of variety in participants’ cultural and linguistic background. Conducting a similar study with foreign lawyers from a variety of backgrounds might yield results wider in scope.
Finally, the scope of the study was limited to the needs of a particular population – foreign lawyers attending the certificate program “The Fundamentals of the U.S. Law.” A focus of further research in the field of EALP could be on the discourse of lectures foreign lawyers attend as part of obtaining a degree of Master of Laws (LL.M.), where they are mainstreamed with regular students obtaining a law school degree (JD students). One of the challenges may be data collection since lecturers are often reluctant to have others observe and record their classes. Nevertheless, some law schools such as University of California Berkley provide class lectures that can be viewed as streaming webcasts or downloadable podcasts, thus providing researchers with valuable data.
REFERENCES


APPENDIX A

RHETORICAL ANALYSIS OF CONTENT

INTRODUCTION
Move 2 – Step 2 – Sub-step 1
Lecturer: Um this is where we left off. We were talking about procedure for getting a case through the civil law system in the trial court in the United States. So civil case not criminal case. Um and this is entirely in the trial court.

Move 1 – Step 1
And we covered everything that was on the board there which gets us up to the point where we would be moving the case to trial. Where the case would be ready to actually be heard with calling the witnesses for presentation or argument. Bringing in a jury and the other things that would go on in a trial of a case and that’s why I have this picture of. Did any of you recognize this actor?

Students: No.
Lecturer: Some of the people who are not so young recognize um Paul Newman.

Move 1 – Step 2
Um before we get into the procedure in the courtroom before we start on what happens um once the trial starts or what happens to get the trial started um I wanted to address a little bit about the jury system as it exists in the United States.

Move 2 – Step 2 – Sub-step 1
Um I realize other other systems have juries as well but they don’t always fill exactly the same roll. So there can be different systems. There can be differences in attitude or approach to why the jury is used to how the jury is used. The main reason for the use of a jury in the English and American legal systems is so we have a passive decision maker. The jury doesn’t do anything to get ready for the trial. The jury isn’t involved in the investigation. The jury isn’t involved in checking things out before the trial. In fact part of the process of selecting a jury for a trial is to eliminate anyone from the jury who has any prior knowledge about the case. So the goal is to have a presentation before a passive impartial decision maker of the evidence and the arguments to see if the jury that passive decision maker and impartial hopefully decision maker um can reach the best possible conclusion the possible judgment on the case. We want those decisions to be made by someone who is passive because of fear that if these decisions as to what the facts in a case are and what the outcome of a case should be are being made by people who are also in charge of investigating the case there will be a loss of objectivity in the process. So we want as much objectivity um as possible. The evidence that is presented in a civil trial is presented by the parties themselves or by the attorneys for those parties. So the evidence is presented that is presented is the evidence that the party or his or her attorney chooses to present to the to the jury. And same for the arguments. Each party in the litigation will be represented and will have his or her view of the case presented by the attorney who is representing his or her side. When the trial is going on as we’ll see soon the trial is structured in order to cause there to be a clash of of the opposing views of the case. This case never makes it to trial unless both parties think they can win. Litigation is expensive. And there are pretrial procedures to try and get rid of the easy cases. So if a case makes it to trial you’re at a point where both sides have
invested a lot of time a lot of money and both sides believe that their of the case their view of the law and their interpretation of the facts is the correct view and that’s what they’re going to clash about. By having parties do the presentations of the evidence and the argument themselves we are structured to set up that clash. One side of the clash is the plaintiff side is going to present the entire case from the plaintiffs perspective from the plaintiff’s viewpoint and that of course is going to clash is going to be opposed in most respects to the um defendant’s view of the case. And again we’ll get more into this when we get into what actually happens in the courtroom. We are also structured so there is equality of adversarial opportunities. And all that means is that each side gets an equal chance. The rules of evidence that apply to the plaintiff are the same as the rules of evidence that apply to the defendant. The procedural rules that apply to the plaintiff are the same as the procedural rules that apply to the defendant. The objections that can be raised by the plaintiff are the same as the objections that can be raised by the defendant. So everything is as even as objectively even level as possible for the presentation of those opposing views of the case. And of course to help insure there is equality of adversarial opportunity there are very little pre trial discovery laws in the United States. Pre trial discovery was towards the end of that last slide before Paul Newman. Um so the each side has had the same opportunities to gather the evidence that they will need to best present their case once the trial um actually begins. Questions? So far about those concepts?
APPENDIX B

RHETORICAL STRUCTURE OF A MOVE CYCLE
IN CONTENT DEVELOPMENT
Move 1
Lecturer: Um what happens though when there are terms that are missing? Or you don’t have the appropriate context to know what the what the parties really meant?

Move 3 - Step 1
Um in those cases the court had to supply reasonable terms to give context to the words that would um in their view um clarify what the parties had originally intended by giving just a little more context. And we’ll also use legal episodes which are um these are um legal um principles that have been developed over time. In certain jurisdictions it still holds true that if a term within a contract is ambiguous then the the court will um will interpret that term against the party who has actually prepared the contract.

Move 3 – Step 3 – Sub-step 1
So if the seller’s attorney had had preformed or pre drafted the contract and left the term very ambiguous the court would interpret that in favor of the seller

Move 3 – Step 3 – Sub-step 2
um because if you have control of the document then you’re in the position to know um which terms apply and how to state them unambiguously. So you’re almost punishing the party for being ambiguous.