

Maximising authenticity in a law Masters pre-sessional course: A CASE STUDY

BALEAP PIM LEEDS 2pm 15 February 2014

Katie White
LLM Pre-sessional Programme Leader
K.M.White@soton.ac.uk

Extract from a case (law report)

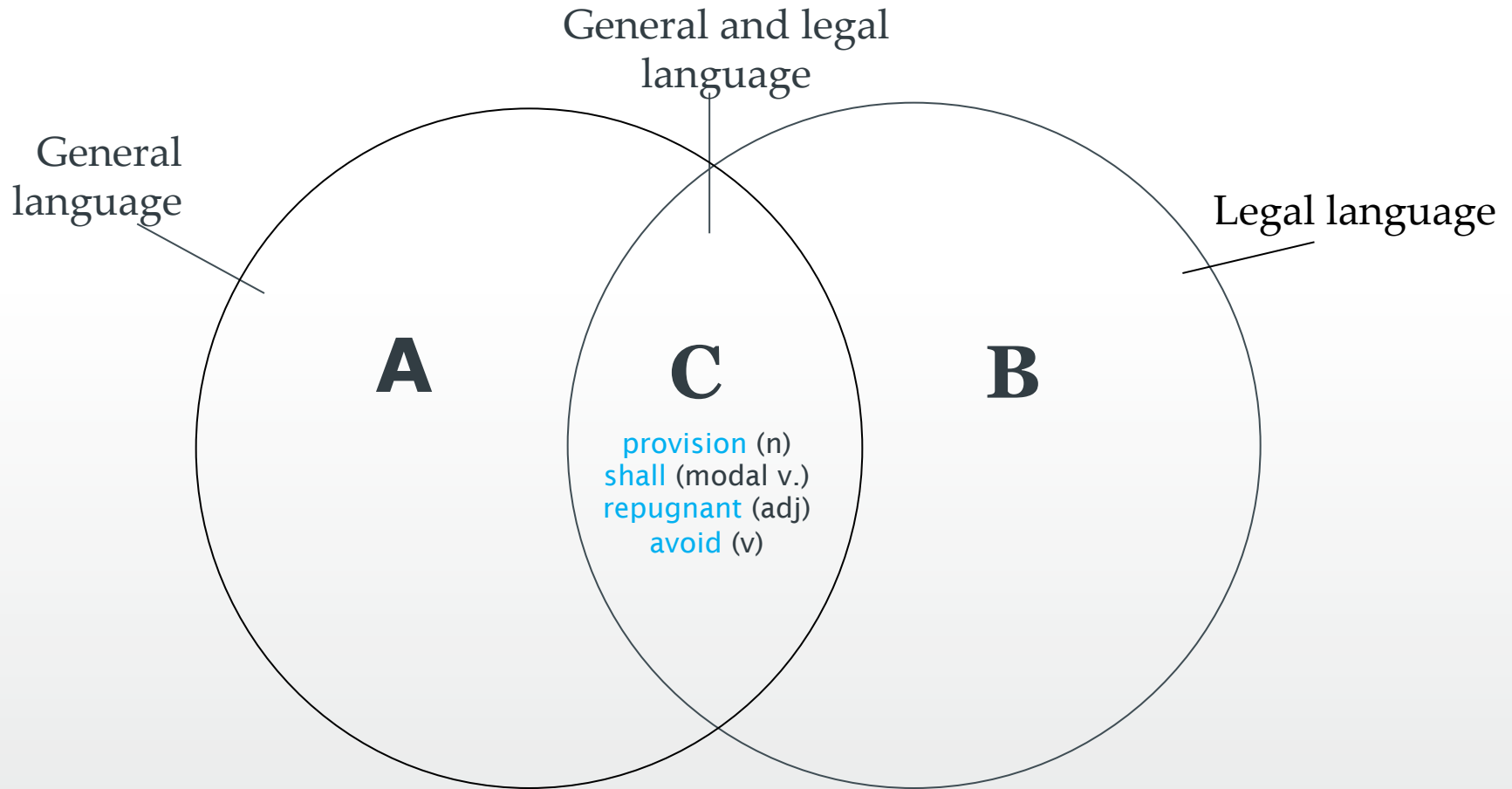
Clause 4 says that the carrier shall not be responsible for loss or damage to or in connection with the goods shipped of any kind whatsoever, “however caused”[...] Moreover the principle that, in cases of doubt a contractual provision will be construed against the person who produced it, and for whose benefit it operates, does not extend to construing a contractual provision as widely as possible so as to render it repugnant to the main object of the contract read as a whole when it can be given a meaning consistent with that object.

Mitsubishi v Eastwind Transport Ltd, [2004] EWHC 2924 (Comm)

Overview

- Challenges for an LLM pre-sessional
- Solutions to these challenges
- Application of this case study

Challenges: semantics



Challenges: syntax

Clause 4 says that the carrier shall not be responsible for loss of or damage to or in connection with the goods shipped of any kind **whatsoever, “however caused”**[...] Moreover the principle that, in cases of doubt a contractual provision will be construed against the person who produced it, and for whose benefit it operates, does not extend to construing a contractual provision as widely as possible so as to render it repugnant to the main object of the contract read as a whole when it can be given a meaning consistent with that object.

Mitsubishi v Eastwind Transport Ltd, [2004] EWHC 2924 (Comm)

Challenges: application of the law

Code/Civil Law



Case/Common Law



Challenges: applying the law

‘Forget everything you know about the way the law is applied.’

Fillipo Lorenzo, Senior Lecturer in Commercial and Maritime Law, LLM Pre-sessional
Lecture, 2008

Solutions: Week 2 on the LLM PS

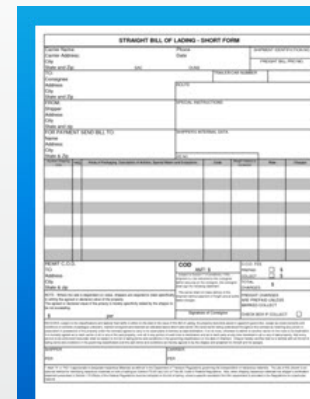
	Monday	Tuesday	Wednesday	Thursday	Friday
09:00 - 10:30	Academic Writing: <i>Writing a discuss essay</i>	L & N T <i>Case law and codes pre-lecture prep</i>	Academic Writing <i>Plagiarism/ Analysing essay titles</i>	Law Lecture 2 Marine Insurance: case Law and Codes	Academic Reading <i>Purpose and Function of texts</i>
		Law Lecture 1 An Introduction to Common Law		Case reading session (Ozlem Gurses)	
10:30	B	R	R	A	K
11:00 - 12:30	Academic Speaking <i>Should prisoners get the vote?</i>	Academic Reading <i>An Introduction to reading cases</i>	Academic Speaking <i>Formative group presentations</i>	Academic Reading <i>Writing a case summary</i> Mitsubishi v Eastwind [2004]	Academic Writing <i>Oscola Referencing</i>
12:30	L	U	N	C	H
13:30 - 14:30	Grammar <i>Connecting words and phrases</i>	Tutorials/ Ind. Study	Free for completion of set work	Grammar <i>The Passive</i>	Tutorials/ Ind. Study
14:45- 15:45	L & N-T <i>Prediction of vocabulary</i>	Listening & Note-taking <i>Legal Aid in the Dock</i>		An introduction to electronic law resources	Pronunciation <i>'-ed' endings</i>
16:00 - 17:30	VISA WORKSHOP	Film Club: New Street Law		Film Club: Sisters in Law	Free for completion of set work

Case summaries

- Name and Citation
- Parties
- Nature of the case
- Status of the Court
- Facts
- Legal issues
- Outcome
- Ratio (=the reason for the decision)
- Obiter (= things said along the way)

Solutions: Teaching students to read cases

Mitsubishi (shipper) v Eastwind Transport Ltd (carrier)



Bill of Lading

Prime Transport Document
in Sea Freight

Clause 4

Clause 4 says that the carrier shall not be responsible for loss of or damage to or in connection with the goods shipped of any kind whatsoever, “however caused”[...]

“whether by unseaworthiness or unfitness of the vessel...or by faults, errors or negligence, or otherwise as howsoever” and, in particular, arising from or relating to a large number of specific causes including (again) unseaworthiness and from “any other cause whatsoever, whether or not of a like kind to those above-mentioned, and including negligence on the part of the Carrier, his servants, agents or others.”

External Examiner Report 2013

- *Exceptionally impressive was the programme of law lectures delivered by academics and the activities created around these topics.*
- *The Postgraduate Law pre-sessional course continues to be an excellent example of an English for Specific Academic Purposes course. The content of the course, the learning activities and assessment tasks are very closely aligned with the content and activities students will be expected to undertake on their degree programmes. An additional element, the 'Film club', is a very appropriate way for students to develop listening skills and overall language proficiency and at the same time a means to broaden subject specific knowledge.*

Solutions: Student feedback

- 16/29 students
- Overall rating of PS in terms of relevance = 4.07/5)
- Most relevant module = reading module (4.73/5)
- Question: Please detail below the parts of the course you feel were **most relevant to your LLM studies**, as well as any specific improvements which could be made for next year.

“To be honest all the parts in the pre-sessional course were important[...]However, I think in the coming years **more and more and more lectures on case law** must be given in order to prepare students for the LLM. Especially that they will read more than 15 cases every week during the LLM.” (*Mohammed Alnawaiseh, 02/2014*)

“The most relevant parts were the **lectures provided by professionals each week which contributed to understand the common law way of thinking** and practicing in my view and get familiarised with it. I could call them outstanding and I would strongly suggest them for the next year. Moreover, the **module of reading cases was helpful.**” (*Antonios Giannoulos, 02/2014*)

“**The most relevant part of pre-sessional course is reading.** This is because we can read some cases and write the summary of cases. Undoubtedly, this can improve our ability of reading cases, which certainly help us a lot.” (*Liang Yanchen, 02/2014*)

Review

- Firm relationship between language and content
- Collaboration with staff and student feedback has led to evolution of the course
- Case law and legal reasoning **seems to be a major challenge for students**
- Improvements: more activities around cases

Application: Policy Review 2013

“The LLM programme should not be considered as unique but a model for future initiatives meeting the particular needs of (for example) Management, undergraduate students and other subject groupings”.

“The specific focus on texts, tasks and content specifically related to law and the close collaboration with the faculty are elements of good practice that should be considered for other disciplines”.

Application of this case study

- Willingness of academics to help and support EAP practitioners
- Mechanisms to elicit retrospective feedback from students
- Willingness of EAP practitioners to become ‘an interested student of the subject matter’ (Hutchinson & Waters, 1987: 163)

**ANY QUESTIONS OR POINTS
FOR DISCUSSION?**

Bibliography

Finch, E & Fafinski, S (2013), *Legal Skills* (Oxford: Oxford Uni Press)

Grossfeld, B (1990), *The Strength and Weakness of Comparative Law* (trans. T. Weir) (Oxford: Clarendon Press)

Holland, J & Webb (2006), J, *Learning Legal Rules* (New York: Oxford Uni Press)

Hutchinson & Waters (1987), *English for Specific Purposes* (Cambridge: Cambridge Uni Press)

Lorenzo, F (2008), *Maritime and Aviation Law* (lecture held at Southampton University, 5/9/2008)

Mitsubishi Corporation v Eastwind Transport Ltd [2004] EWHC 2924 (Comm)

Russell, F & Locke, C (1992), *English Law and Language* (Cassell Publishers: London)