

FOREIGN LANGUAGES AND VIETNAMESE

**DESIGNING CASE-BASED MATERIALS
FOR LEGAL WRITING INSTRUCTION:
A FRAMEWORK FOR ESP CONTEXTS****LA NGUYEN BINH MINH***

ABSTRACT: Developing case-based materials for legal writing instruction is essential in the context that existing legal writing books are not appropriate for a specific group of learners in a specific local context. While some materials design frameworks have been proposed in the literature, they do not specifically address case-based materials development which often requires attention to legal writing pedagogy and case-based learning pedagogy. The present study is, therefore, conducted to recommend a novel framework for the purpose of developing case-based materials to teach legal writing skills. It adopts a conceptual design reviewing literature on case-based learning, legal writing pedagogy and materials design to recommend a novel framework specifically for case-based materials design. Drawing on Wiggins and McTighe's (2005) backward design model, the author conceptualizes a three-stage framework, starting from needs analysis and learning outcomes identification to assessment and sequenced tasks for instructional activities implementation. Future studies are encouraged to pilot, test and validate this framework before it is adopted or adapted.

KEY WORDS: Case-based materials; legal writing; client advice letter; conceptual framework.

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1. Introduction

In legal English education, mastering legal writing requires learners not only to understand legal content but also communicate it clearly, precisely and coherently in written form. Since legal writing falls within the realm of English for Specific Purposes (ESP), pedagogical approaches must align with the fundamental principles of ESP instruction: needs-driven and grounded in genre-specific practices (Hutchinson & Waters, 1987).

The primary vehicle for delivering this genre-based instruction is the teaching material which is considered core element determining the success of any training course. Materials shape what students engage with, how they construct knowledge and the skills they will develop. Legal writing requires well-designed materials to enable learners to acquire both linguistic competence and professional skills. However, there exists a significant gap between ESP theory and the reality of available resources for teaching legal writing in ESP contexts. Candlin et al. (2002) note that many of the existing legal writing books are designed for native speakers or law students, so they adopt a law-focused rather than language-focused approach to teaching legal writing. Using these textbooks to teach legal writing presents a real challenge for non-law ESP students who may struggle with both legal logic and language at the same time. This highlights the need for the development of legal writing materials that are tailored to the needs, linguistics proficiency and disciplinary background of non-law majors in an ESP context.

In this context, case-based materials offer the potential to address this design challenge. Cases can be selected and adapted to suit learners' needs and competences. Legal content can also be embedded within structured, context-rich scenarios which require students to use language as a tool to resolve. Practicing language in such a narrative context enables students to see the professional relevance of their legal writing and supports their development of legal reasoning and language skills.

Given that legal writing consists of different genres, which may require a different approach to

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materials design, the proposed framework in this study limits itself to developing materials for teaching client advice letter writing. Unlike other types of legal writing, such as memos, briefs or motions, which are written to legal experts (lawyers and judges), client advice letters are written to lay clients to explain legal issues in a clear, accessible language. The ability to integration of both legal and language skills suitable for ESP learners with limited legal background justifies the choice of client advice letters as a writing genre for case-based MD.

Developing such materials requires a clear framework to guide developers through the process of case selection and adaption to task sequencing and language-content integration. Existing ESP models (e.g., Hutchinson & Waters, 1987), materials development theories (e.g., Tomlinson, 2013) and genre studies (e.g., Bhatia, 1993; Hyland, 2004) offer general principles for ESP MD. However, they do not address how authentic legal cases can be translated into structured learning materials that integrate language, content and professional skill. This conceptual gap highlights the need for a novel framework that guide teachers and materials developers through the case-based MD process. The study, therefore, aims to propose a theoretical framework for case-based MD to teach legal writing to non-law ESP students.

2. Literature review

2.1. Legal writing pedagogy

As the study focuses on client advice letter writing, the discussion of legal writing pedagogy centers on those features most relevant to this genre. The foundational principal of legal writing pedagogy is that legal writing is genre-based that cannot be taught effectively without explicit instruction in genre conventions, including rhetorical structure, communicative purpose, and audience awareness (Bhatia, 1993; Hyland, 2004). In the case of client advice letters, students must be instructed how to master legal analysis and reasoning, how to organize it in a coherent piece of advice in plain English, and how to be responsive to the client's concerns.

Legal reasoning is a foundational skill in legal writing. Writing a client advice letter requires students to identify the legal issue the client is facing, analyze the relevant rule(s), and justify the likely outcomes through legal reasoning. However, legal reasoning cannot be merely analytical; instead, it must be directed toward advising the client on possible outcomes and the best course of action to take. To help students develop this skill, legal education commonly uses the IRAC framework (Issue-Rule-Application-Conclusion). It provides a step-by-step guidance on how to approach a legal problem and reach a final decision. In legal English education contexts, this framework is especially useful, offering students a clear mental map to navigate the complexity of legal reasoning that is unfamiliar to non-law learners. Candlin et al. (2002) endorse the use of IRAC method, arguing that it connects legal analysis with textual organization of legal reasoning in writing.

Client advice letter writing also emphasizes the use of plain language. Since advice letters are generally written to a lay client, the writer must rephrase legal concepts and rules using simplified language while maintaining and accuracy. This task is quite challenging for ESP learners because they must concurrently manage unfamiliar legal content and linguistic demands of translating it appropriately.

Another defining dimension of client advice letter writing instruction is audience awareness. As a form of counselling, advice letters require more than just language simplification. Writers must make maintain a professional tone appropriate with lawyer-client relationship while balancing it with empathy.

These characteristics of client advice letter writing suggest that instructional approaches should situate writing within meaningful contexts and support the development of both legal and linguistic competence for ESP students. This need for integration provides a strong rationale for the use of case-based materials for learners to engage in legal logic and communication.

2.2. Case-based learning in legal English contexts

Case-based learning (CBL) is widely used in legal education to teach abstract legal principles through narratives, meaning learners are presented with stories (cases) rather than abstract rules and acquire knowledge through analyzing specific, context-rich situations, identifying relevant legal principles and reasoning toward a decision.

CBL provides a robust theoretical foundation for the teaching of client advice letter writing in ESP field. Cases used in legal English instruction can serve as both content input and stimulus for writing tasks such as advising a client. Specifically, they provide the factual and legal foundation upon which students develop explanations, evaluations, and recommendations tailored to a client's needs. CBL enhances legal writing by promoting authenticity, encouraging critical thinking and problem-solving, providing rich factual situations for IRAC analysis, increasing student engagement and supporting transfer from classroom practice and professional undertaking. For non-law learners, CBL offers a pedagogically valuable approach as it integrates the development of legal reasoning with language use.

However, the utilization of cases to teach legal writing also presents practical challenges. Authentic cases written in English are often complex, linguistically dense and not embedded in learners' own legal system. The dual requirement of processing legal content and language makes cases become a considerable obstacle for ESP students without sufficient disciplinary and legal English knowledge.

The analysis shows that the value of CBL in legal English contexts does not lie in the use of authentic cases itself, but in how cases are adapted and designed to suit students' prior knowledge, English proficiency, learning objectives and content.

2.3. Principles of ESP materials design

Materials design or materials development (MD refers to the sources of language input provided by writers, teachers or learners to promote learning (Tomlinson, 2013). This language input should be designed in principled ways for effective language learning. In practice, there are no standardized MD principles as materials are developed based on the designers' understanding of how languages can be learnt effectively. However, ESP MD need to adhere to core principles.

The most widely recognized principle in this field is needs analysis, as it is the cornerstone of ESP where all decisions regarding teaching content and method must be based on learner needs (Hutchinson and Waters, 1987; Dudley-Evans & St John, 1998). In MD process, needs analysis is the initial, diagnostic phase to identify the gap between what students already know, what the professional world demands, and what knowledge and skills they must learn to fill this gap. A robust needs analysis provides the empirical foundation for building material design.

Another key principle of ESP MD is authenticity which is essential for bridging the gap between the classroom and the professional world. Despite the lack of consensus on a precise definition of authenticity, material authenticity must be reflected in three dimensions: text, task and context. Authentic texts are often expected to reflect the genuine conventions, purposes, and structures of professional genres so that learners can engage with the discourse practices of their target community (Bhatia, 1993; Harrington & Oliver, 2000). Authentic tasks require the alignment between classroom exercises and professional practices, ensuring that English is not practised in isolation but is used as a functional tool to solve real-world problems (Ellis, 2003; Nunan, 2004). Situational authenticity involves creating a learning environment that mirrors the real communicative contexts and require learners to perform tasks that professionals actually undertake (Harrington & Oliver, 2000). Given these dimensions, texts may need to be adapted to ensure accessibility and pedagogical usefulness, particularly when learners' disciplinary knowledge and skills are insufficient.

Task complexity is another major principle materials designers have to take into account. Drawing on Robinson's (2001) Cognition Hypothesis, task complexity offers multifaced benefits. More cognitive demanding tasks push learners to produce more structurally sophisticated language to deal with higher communicative and conceptual load. In addition, greater task difficulty encourages more interaction and deeper attention to input that contributes to enhanced noticing, processing and uptake of

salient linguistic forms. Furthermore, long-term retention of what learners encounter is promoted as mental effort increases. This suggests that task complexity should not be reduced, but deliberately staged to support learners' acquisition of both content and language.

While the complexity of tasks is essential for deeper learning, it entails thorough consideration of scaffolding and task sequencing in materials design to optimize the benefits and avoid its counterproductive effects. Scaffolding means providing structured support to learners at each stage, such as guided questions, model texts, worked examples, etc., to help them focus on one aspect and build schemas (Resier, 2004). Commentary to scaffolding is task sequencing, which controls how cognitive and linguistic demands are gradually increased in instructional materials. Drawing on constructivist and situated learning theories, tasks should be arranged in a scaffolded progression, beginning with simpler, guided activities and moving toward more independent, authentic problem-solving (Collins et al., 1989). Learners' prior knowledge and needs should also be taken into account when sequencing tasks to ensure that each task builds on existing understanding while incrementally developing higher-order reasoning and practical skills (Hutchinson & Waters, 1987).

In sum, these principles are foundational for materials design; however, they do not specify how they should be intertwined to design materials that require simultaneous development of language, content and professional skills as in legal writing.

2.4. Approaches to ESP materials design

The literature suggests three overarching approaches to course design that could be adopted by case-based materials developers to transform cases into effective learning units: forward, central and backward. Each approach reflects different assumptions about where the design process should begin and what subsequent steps are required.

The traditional forward design, also known as the input-oriented or case-driven approach, follows the linear direction of inputs - processes - outputs. In this model, cases serve as the starting point of MD for developers to design comprehension, analysis and reasoning tasks around them. Cases themselves determine the content scope as well as task direction. The major advantage of this approach lies in the predictability of learning outcomes. However, some potential risks are well-noted, such as over-emphasis on contents over skills development, passive learning risk and lack of assessment alignment.

Another approach is central design generally described as progressivism. It begins with the specific teaching activities or tasks rather than the detailed language inputs or learning outcomes. In MD, central design equates with task-based/genre-based MD which often focus on meaningful, goal-oriented tasks for students to practice language within authentic contexts (Ellis, 2003). It aims to familiarize students with specific text types and communicative purposes pertinent to their discipline, such as legal writing (Bhatia, 1993; Dudley-Evans & St John, 1998). A major drawback of this approach lies in the lack of formally established learning outcomes. As Wiggins and McTighe (2005) argue, designing courses around activities "may only lead to [accidental] insight or achievement" (p.16).

Opposite to forward design is backward design. It commences with clearly defined learning outcomes, then identifies appropriate assessment evidence, and finally plans instructional activities to support outcomes achievement (Wiggins & McTighe, 2005). This is the outcome-driven approach ensures alignment between learning outcomes, assessment and teaching activities (Biggs, 1996).

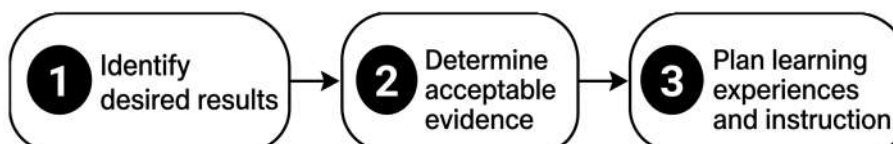


Figure 1. Backward design adapted from Wiggins and McTighe (2005)

All things considered, backward design offers a more systematic basis for case-based MD. Legal cases are rich, complex and often contain far more information than learners need. If cases are used as the starting point, instruction may become content-driven rather than skill-focused. Backward design offers a solution by defining what learners should achieve first, such as producing a client advice letter, applying structured legal reasoning and plain English use, etc. These inform case selection and adaptation. The client advice letter itself becomes the central performance task as well as the ultimate assessment, which preserves a clear genre focus. Instructional activities can then be designed to support a gradual progression from understanding the case to analysing it and producing a well-reasoned letter of advice.

3. Method

3.1. Research design

The study employs a conceptual research design to propose a theoretical framework for case-based MD in legal writing instruction. Rather than collecting empirical data via surveys, interviews or testing, it draws on the analysis and synthesis of existing literature on legal writing, case-based pedagogy and ESP MD frameworks. This design is appropriate for the study because its primary goal is to construct a design model to guide case-based MD. Conceptual research allows the researcher to identify the underlying patterns, mismatches and gaps across different strands of literature and synthesize them into a coherent framework.

3.2. Literature selection

The analysis draws on three main literature strands: legal writing pedagogy – the case of client advice letters, case-based learning and ESP materials development principles. These domains were selected because each of them addresses a different dimension of MD. While legal writing pedagogy offers insights into the cognitive, rhetorical and linguistic demands of client advice letters, case-based learning provides concrete grounds for using authentic cases for legal writing instruction. ESP MD, on the other hand, offers principles for needs analysis, authenticity, scaffolding and task sequencing. Widely cited works within each domain were purposively selected, including Bhatia (1993) and Hyland (2004) in genre-based writing, Hutchinson and Waters (1987) in ESP instruction, Tomlinson (2013) in materials development, and Wiggins and McTighe (2005) on backward MD. These works were deliberately chosen for their relevance to the research problem and capacity to inform different aspects of instructional design.

3.3. Analytical procedure

The development of the proposed framework followed a three-stage analytical process. Initially, the researcher identified the key concepts and principles within each domain. In legal writing pedagogy, key components such as IRAC-based reasoning, genre conventions, and audience-oriented communication were extracted. In CBL, the key considerations concern authenticity, situated problem-solving and learner engagement. In materials development, attention was given to needs analysis, authenticity, task complexity, scaffolding and task sequencing. Then, these concepts were compared and grouped to identify their alignment and competing demands. Two major areas of tension were well-noted. One tension exists between CBL and ESP MD principles. Specifically, CBL emphasizes authentic, complex legal scenarios, whereas ESP MD stresses the need to adapt content to learners' proficiency level. The other concerns legal writing pedagogy and ESP MD. Legal writing pedagogy emphasizes the integration of multiple skills, while instructional design highlights the importance of task sequencing. These findings allow the researcher to establish a coherent set of design requirements that the proposed framework needs to address.

3.4. Contextual considerations

Given that legal writing is instructed to different groups of learners with specific professional orientations, the study avoids being too broad and increases consistency by focusing on one specific group: Non-law students. Non-law majors in this research refer specifically to English-major undergraduates who study legal English as a specialized field within their program. They typically

possess intermediate to advanced levels of English proficiency and prior experience learning legal English before enrolling in the legal writing course. However, their disciplinary knowledge and legal skills are quite limited due to the small number of law subjects included in the training program. They are expected to develop legal writing skills, including drafting client advice letters. These learner factors are important inputs for case-based MD, as materials that are overly difficult or insufficiently challenging for students may undermine their effectiveness when implemented.

While other contextual factors related to teacher expertise, class size, and institutional constraints, etc. are influential, they do not change the underlying principles for MD proposed in this study, and therefore are not addressed specifically.

4. Results

4.1. Designing principles for the proposed framework

The review of the existing literature suggests that case-based MD for legal writing instruction cannot be reduced to the mere selection of texts or tasks separately. Instead, it must satisfy a set of competing instructional demands deriving from legal writing pedagogy, CBL, and ESP MD principles. Regarding legal writing pedagogy, client advice letters require case-based materials to support students' development of legal reasoning and legal writing skills, with specific attention paid to the fundamentals of client advice letters, including structural organization, plain English use, professional tone and audience awareness. In parallel, CBL stresses authenticity, situated problem-solving and learner engagement. However, these priorities must be balanced with the principles of ESP materials development, which highlight the importance of materials adaptation to suit learner level of expertise and linguistic competence. The principles also foreground needs-based design, scaffolding and task sequencing.

From such deriving requirements from the literature, four key principles for case-based MD are established. Firstly, legal cases must be selected and adapted to ensure outcome-focus rather than content-focus. In other words, legal cases need to support targeted writing skills for learners with limited legal knowledge. Secondly, scaffolding must be explicitly embedded in the instructional sequence to help students gradually internalize both legal logic and linguistic resources. Thirdly, task sequencing should reflect the progression from easier, guided practices to more complex, independent performance. Finally, alignment between learning outcomes – assessment – instructional activities must be maintained throughout the design process. These genre-specific principles together are integrated into a coherent framework which is visualized and described in detail in the following section.

4.2. The proposed framework for case-based materials design

The diagram conceptualizes a three-phase process of case-based MD for teaching client advice letter writing.

4.2.1. Phase 1: Outcomes and case design

Phase 1 lays the foundation of the framework by aligning target learners, learning outcomes and case materials. The target audience is non-law students, specifically English majors with high English proficiency and prior exposure to legal English but limited legal knowledge. This learner profile shapes the articulation of the desired learning outcomes, including legal reasoning, structural organization, professional communicative style and plain English, and audience awareness. These learning outcomes subsequently drive the selection and adaptation of cases, ensuring their authenticity, level-appropriateness and relevance.

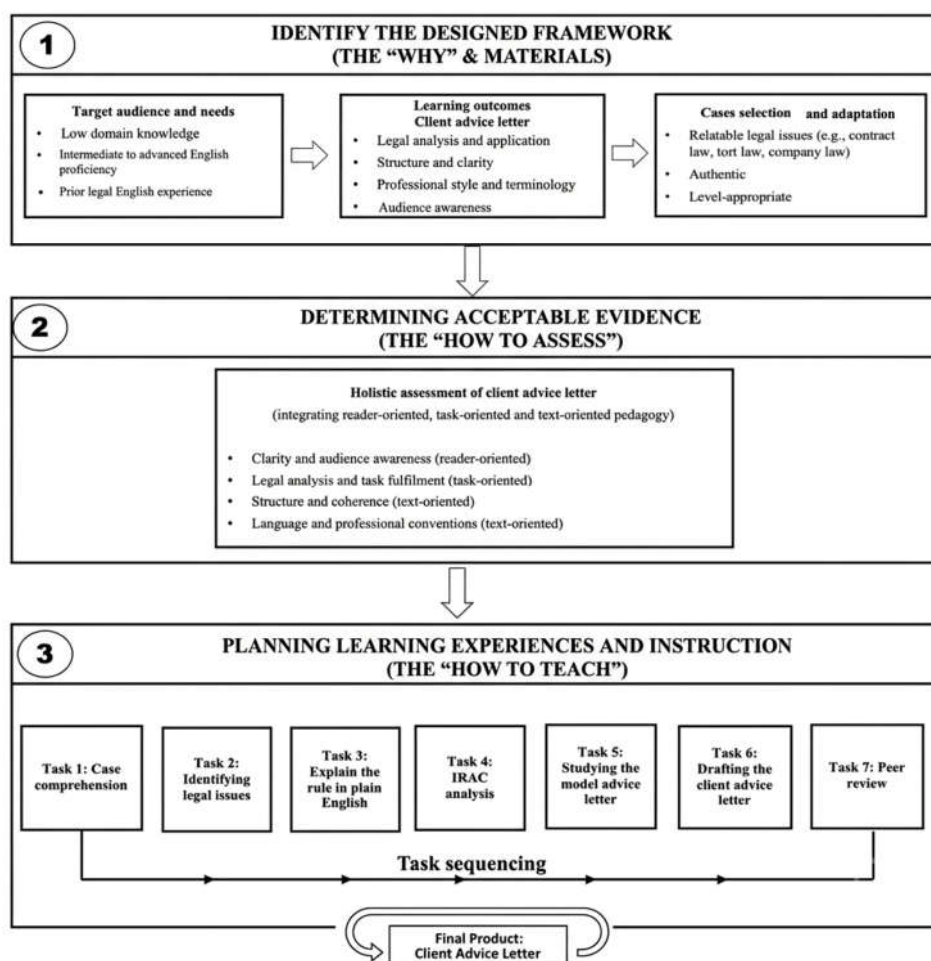


Diagram 1. Proposed framework for case-based materials design

4.2.2. Phase 2: Assessment design

Phase 2 addresses the question of how learning outcomes are assessed. As illustrated in the diagram, assessment criteria are derived from the intended learning outcomes to ensure their constructive alignment (Biggs, 1996). A client advice letter is typically written to a specific audience (reader-oriented) for the purpose of handling their legal issue(s) (task-oriented) in a clear, professional manner (text-oriented). As a result, a holistic assessment framework that integrates these three pedagogical orientations should be adopted. This phase echoes the emphasis on audience, purpose and textual realization of the genre-based pedagogy. From the reader-oriented perspective, an effective advice letter requires clarity, accessibility of legal reasoning, plain-language explanations and appropriate professional tone to reduce linguistic and cognitive load for non-expert readers. The second component is task-oriented assessment which is rooted in the task-based learning principles (Ellis, 2003) and legal writing pedagogy. It is intended to measure how well students fulfill the legal tasks in terms of the accuracy of issue identification, the relevance and correctness of rule application, the coherence of legal reasoning and the appropriateness of the advice offered. The text-oriented criteria, derived from genre-based pedagogy writing pedagogy (Hyland, 2004), evaluate the features of the client advice letter as a genre including the organization, coherence and cohesion, accuracy of legal terminology, and adherence to professional conventions (format, register, citation, etc.).

4.2.3. Phase 3: Instructional sequencing and task design

Phase 3 operationalizes the final stage of MD in which instructional activities and learning experiences are sequenced to scaffold students' learning toward the final product. Generally, sequenced tasks undergo different stages that support gradual skill development from comprehension to production and reflection. The whole process can be broken down into seven sequenced tasks:

i) Reading comprehension: This task supports understanding of facts and issues to reduce cognitive load. For this purpose, students are required to read the adapted/ abridged cases and teacher provides a graphic organizer with prompts: Who are the parties? What happened? Where did it happen? What harm resulted? What does the plaintiff claim?

ii) Identifying legal issues: This mirrors the professional skill of issue spotting – a core component of legal reasoning. Once the facts are established, students learn to extract legal problem(s) arising out of those key facts. Scaffolded tasks such as listing potential issues, matching facts to legal categories or categorizing problems under relevant legal domains train students to recognize the structure of legal problems and bridge between factual knowledge and rule explanation.

iii) Explain the rule in plain English: This stage aims to develop learners' ability to translate legal rules into clear, client-friendly language and internalize the linguistic resources needed for effective explanation. Certain types of tasks can be designed to accomplish this goal, for instance, a guided rule restatement task requiring students to rewrite the rule in simple language, noticing activities such as collocations, formulaic expressions and discourse markers or controlled practice tasks such as gap-fills, paraphrasing or sentence reconstruction etc. These learning activities support produce meaning-focused output with linguistic accuracy.

iv) IRAC analysis: With facts, issues and rules in place, students complete guided IRAC task such as writing a short rule-application paragraph, completing partially written IRAC structures or comparing strong and weak applications. These tasks help students practise structuring legal reasoning before producing a final letter of advice.

v) Studying the model advice letter: This task requires students to analyze a model letter to identify genre moves, tone, organization, hedging strategies and client-friendly explanations. This step scaffolds them through exemplar texts (Hyland, 2004), enabling them to recognize how IRAC sections integrate into a coherent advice letter.

vi) Drafting the client advice letter: After all the scaffolded tasks, students practise drafting their own letter. They are expected to integrate factual comprehension, issue identification, rule explanation using plain language, and IRAC into a finished product.

vii) Peer review: Finally, learners review each other's draft based on the established criteria. Peer feedback is valuable in increasing their metalinguistic awareness and helping them revise their own with attention to clarity, structure, accuracy and professional tone.

The sequence shows alignment with the principles of scaffolding, cognitive apprenticeship (Collins et al., 1989) and teaching-learning cycle in genre pedagogy (Hyland, 2004).

5. Conclusion

Legal writing, particularly client advice letter writing, is a key skill for those working in the legal field. However, this skill is not only challenging for learners of legal English due to its distinctive features of the legal writing genre but is also largely ignored in legal English courses. Materials for the teaching and learning of this skill is not so limited, but are not really appropriate for students in my local context. Developing materials to teach legal writing is complicated, requiring developers to follow a number of principles and theories of legal writing pedagogy, case-based learning, and the suitable materials design approach to ensure alignment between materials, instructional tasks, learning outcomes and assessment. The proposed framework is novel, intended for researchers and educators who are interested in developing case-based materials for legal writing. However, it remains a conceptual contribution without having been piloted or tested. Further research, therefore, should invest in piloting and evaluation to

examine if the proposed framework is practical, effective, and adaptable for varied learners and learning contexts.

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Thiết kế tài liệu dựa trên tình huống để giảng dạy kỹ năng viết pháp lý:

Khung lý thuyết cho giảng dạy tiếng Anh chuyên ngành

Tóm tắt: Phát triển tài liệu học tập dựa trên tình huống giảng dạy kỹ năng viết trong lĩnh vực luật là cần thiết trong bối cảnh các giáo trình tiếng Anh pháp lý hiện có không có hoặc không có nội dung phù hợp với đối tượng người học là sinh viên không chuyên ngành luật học viết pháp lý như kỹ năng ngôn ngữ trong bối cảnh dạy tiếng Anh chuyên ngành. Mặc dù các nghiên cứu trước đã đề xuất một số khung lý thuyết phát triển tài liệu học tập, song các khung lý thuyết này chưa thực sự giải quyết được đặc thù của việc phát triển tài liệu dựa trên tình huống – phương pháp đòi hỏi phải có sự kết hợp giữa phương pháp sư phạm về dạy học dựa trên án lệ và viết trong lĩnh vực luật. Vì vậy, nghiên cứu này được thực hiện nhằm đề xuất khung lý thuyết mới cho hoạt động phát triển tài liệu dựa trên án lệ để dạy viết pháp lý trong bối cảnh giảng dạy tiếng Anh chuyên ngành. Thông qua việc tổng quan lý thuyết về phương pháp dạy học dựa trên án lệ (tình huống), viết pháp lý và phát triển học liệu, và dựa trên mô hình thiết kế ngược của Wiggins và McTighe (2005), tác giả đề xuất khung thiết kế gồm 3 giai đoạn, bắt đầu từ phân tích nhu cầu, xác định kết quả học tập đến đánh giá và các nhiệm vụ học tập được thiết kế theo giai đoạn để triển khai các hoạt động dạy học. Các nghiên cứu sau này được khuyến nghị tiến hành thử nghiệm, kiểm tra và xác thực khung lý thuyết này trước khi áp dụng hoặc thay đổi cho phù hợp với bối cảnh thực tiễn.

Từ khóa: Phát triển tài liệu học tập; dạy học dựa trên án lệ; viết trong lĩnh vực luật; thư tư văn pháp lý.