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### **Critical and creative thinking development tools under war conditions: efl classroom online mode**

#### **Засоби розвитку критичного та креативного мислення в умовах війни: англійська мова (іноземна) в режимі онлайн**

**Summary.** *The paper deals with the issue of EFL teaching under conditions of war and with provoking learners to develop and improve the skills of critical as well as creative thinking. To the priorities of the paper belong the outlining of the teaching tools and shaping peculiarities of their application under conditions of unstable internet connection and inability to join the tutorial being under war conditions. The article offers an assessment of the tools to use in EFL*

classes for undergraduate students of the Law school based on the responses of the learners provided within two questionnaires conducted in the academic years 2021–2022 and 2022–2023. Among the most effective tools are those of a predominantly digitalised nature that enables to launch the skills of problem-solving regardless of the place of residence and the electric power blackout schedules. The respondent's points of view are crucial as far as the efficacy of the tools named by them is concerned. The relation of the tools mentioned by the respondents, as the most effective ones to the development of critical thinking and creative thinking skills, is described and their influence is explained. The paper offers the 3-staged approach to acquiring critical thinking skills while dealing with different educational tasks. The impact of the tools mentioned by the respondents on acquiring creative thinking skills is elicited. The article draws special attention to the correspondence of M-O-V-E approach to the formation of professional vocabulary in combination with FLIPPed classroom and the EFL teaching concept postulated by the Common European Framework of Reference for Languages: Learning, Teaching, Assessment, supporting the same principles of life-long learning and sustainable education grounding on the high standard of teaching strategy as those adhered to in the paper.

**Key words:** critical thinking, creative thinking, FLIPPed Class, Problem-based learning, EFL teaching, legal career.

**Анотація.** У роботі розглянута проблематика викладання англійської мови як іноземної в умовах військових дій та спонукання студентів до розвитку і вдосконалення їх навичок критичного й креативного мислення. До пріоритетів визначених у роботі належать окреслення навчальних засобів та виокремлення особливостей їх застосування за умов нестабільного інтернет-зв'язку та відсутності можливості приєднатися до заняття в умовах активної фази війни. У статті пропонується оцінка засобів, що використовуються на занятті з англійської мови як другої іноземної під час її викладання студентам-юристам з опорою на результати двох опитувань, проведених у 2021–2022 та 2022–2023 навчальних роках. Серед найефективніших засобів були перераховані першочергово інструменти диджіталізованого характеру, а відтак ті, котрі дозволяють спонукати до формування та подальшого розвитку навичок дій та знаходження рішень у проблемних ситуаціях, не зважаючи на місце проживання та графік відключень електроенергії. У дослідженні надано опис та пояснено зв'язок засобів, що вважалися респондентами найбільш ефективними для розвитку професійних навичок та критичного й креативного мислення. У роботі запропоновано триетапний підхід до набуття навичок критичного мислення під час виконання різноманітних завдань; зазначено особливості впливу перерахованих респондентами засобів навчання на розвиток креативного мислення. Окрема увага у роботі приділена відповідності підходу до формування професійного вокабуляру за допомогою методу «М-О-В-Е» та використання принципу «FLIPPed classroom» («перевернуте навчання» чи авт. «деполяризоване навчання») разом з концептом розкритим у Загальноєвропейських рекомендаціях для викладання, вивчення та оцінювання знань іноземних мов. З'ясовано, що останні постулюють той самий принцип тривалого навчання та невимушеної самодостатньої

освіти, (заснованої на високостандартизованій стратегії), котрі їй слугували стимулом створення даної роботи.

**Ключові слова:** критичне мислення, креативне мислення, *FLIPPed Class* «деполяризоване навчання», проблемне навчання, викладання англійської мови як іноземної, юридична кар'єра.

**Introduction.** The 21<sup>st</sup> century is not the time for passive perception of knowledge and education for law is not an exception since the job of a lawyer requires a constant addressing of the challenges where the application of critical and creative thinking is of great value and serves a key to success in a legal career. It is so, due to the fact, that the abovementioned skills are of great demand and thus are listed among the core activities the legal professionals deal with, namely: problem solving, legal analysis and reasoning, legal research, factual investigation, counselling, negotiation, communication, litigation and ADR, organization and management of legal work, recognizing and resolving ethical problems [14]. So, those who consider lecturers to be the only source of knowledge, are better off accepting the paradigm of an active learner versus facilitator, where the educator plays the role of mentor or peer-instructor rather than a pure translator of knowledge [1]. At the centre of law education is higher-order thinking together with communicative skills formation aiming at preparing "effective communicators, critical and dynamic thinkers, problem solvers, and career experts" [21]. The offered investigation poses considerable impact on EFL teaching, since it deals with overviewing the challenges teaching English for specific purposes or teaching legal English faces while wartime in Ukraine. The **aim** of the work is to outline the possibilities and offer some tools for the development of critical thinking during tutorials conducted in online mode complicated by war-connected issues like electric power blackouts, danger of missile attacks, and other active war actions, that are constantly preventing the learners from joining the tutorials. The latter addresses the following **tasks** to be fulfilled:

- 1) to find the placement of the issue among the research available;
- 2) to present the tools according to their efficacy based on a questionnaire of the former participants of the course;
- 3) to outline the relation of the tools and the development of critical as well as creative thinking skills;
- 4) to show the correspondence of the teaching approach with universal standards of teaching foreign languages in Europe.

Since the research is interdisciplinary, the works touching upon teaching English to law students encompass those of semiotics investigations outlined by P. Goodrich [12], those of philosophy of language of law as well as communicative impact or legal discourse domains of P. Tiersma [19] and those of L. A. Solan's team [18] and, the last but not least, the issues of multilingual

communication have to be mentioned as ones raised by D. Cao [5]. Additionally, the contribution of R. W. Shuy deserves special attention from the viewpoint of their focus on the forensic area, while the team of scholars: D. de Carvalho Figueiredo, Ch. Heffer, S. Bernstein, M. Coulthard, A. Johnson, G. Stygall, R. Moekitsi has offered a comprehensive analysis of the language as the communicative medium in the courtroom. As far as teaching legal English is concerned, the study of Richard C. Wydick [20] deserves special mention, since it deals with the approach to simplifying EFL classes in graduate education. To sum all the above-mentioned up, one can say that the space of online teaching, being severely complicated by the war conditions, leaves the scope for consideration and thus is **relevant** to modern research development.

**Discussion and results.** Among the pillars of the normal university study process are the improvement and application of critical and creative problem-solving skills.

As far as **critical thinking** is concerned, the scholars of education in law attribute particular attention to the skill due to the fact the latter is among ten fundamental skills and professional values the American Bar Association [17] outlines, and the ones of prime request are subskills of critical thinking skill, such as:

- 1) skeptical reflection;
- 2) reasoned way of thinking;
- 3) utmost attention;
- 4) observation.

We recommend acquiring of these subskills to be implemented with the help of adding some elements of a professional environment into the study process. This is possible by utilising different tools available online that are particularly practical for online education mode e.g. via:

a) observing the model of actions of professionals while watching documentaries (e.g. “UK Supreme Court: The Highest Court in the Land” available on YouTube);

b) figuring out the necessary lexical material used in educational short videos and audios (e.g. TED talks);

c) analysing the events and processes as well as their flow and organisation (tasks for the activities offered);

d) trying to recreate the context based on the modelled situations while online tutorials by conducting online interviews, holding reports, preparing and giving presentations (tools used: power-point, Canva, presentation assessment form);

e) forming the individual corpus of professional lexis while dealing with vocabulary toolkit based on M-O-V-E approach [8];

f) developing the skills of teamwork by applying such instruments as jam board, power-point, Canva etc.

For the selection of these particular tools to be relevant, **2 surveys in 2 different academic years among various academic groups were conducted.** The first survey was offered to the learners of the course of Legal English at the end of the academic year 2021/2022 [22] and involved 19 respondents, while the second one was performed at the end of the academic year 2022/2023 [23] with 13 respondents respectively. The participants of the survey listed some elements/tools as the most effective for developing their Legal English skills. The following table demonstrates the results.

Table 1

**Efficacy of tools used for Legal English Teaching within 2021–2022 and 2022–2023 academic years**

Types of course tool	The most effective tool*	Unexpectedly useful tool*	The tool to apply in future career *
Work with Videos	44%	25%	22%
Teamwork (jamboard)	32%	6%	25%
Individual projects	34%	28%	50%
Vocabulary toolkit + extended toolkit based on M-O-V-E approach	50%	97%	67%
Other	9%	4%	3%

\* in the academic year 2021/2022 the respondents were offered to answer the question: “*Which elements of the course do you consider to be the most effective?*”

In the academic year 2022/2023 the respondents were offered to answer the question: “*Which tools used during teaching the course turned out to be the most useful?*”

\*\* In the academic year 2021/2022 the respondents were offered to answer the question: “*Which tools used during teaching the course turned out to be unexpectedly useful?*”

In the academic year 2022/2023 the respondents were offered to answer the question: “*Which type of course activity turned out to be the most effective for you? What made it that effective?*”

\*\*\* In the academic year 2021/2022 the respondents were offered to answer the question: “*What element of the course can have some practical application in the future?*”

In the academic year 2022/2023 the respondents were offered to answer the question: “*What element of the course will have practical application in your future career?*”

The results of the questionnaire illustrate the learners’ point of view as far as different tools and their efficacy are concerned. Almost all

respondents often selected several tools simultaneously while answering the same question, that is why the sum of tools vs. the percentage of respondents selecting them can exceed 100%.

Due to the often electricity blackouts and the necessity to stay in bombing shelters, the learners are unable to establish constant contact with an educator at the specified time (the time of a tutorial appointed), so the access of both a learner and an educator to the learner’s toolkit (in a google document format see Annex 1) enables the learner to demonstrate their progress and the educator to facilitate the process individually. This forms the request for an electronic format and online vocabulary toolkit, videos, audios, books with other study materials to be available for educators’ supervision/facilitation and individual instruction. To sum it up, the digital format of the EFL classrooms toolkit is the prime prerequisite for the discussed teaching and study processes under war-time circumstances.

#### Critical thinking skills development & tools

Critical thinking is neither an inborn nor inherited trait. So, since critical thinking does not belong to natural traits of personality and is usually defined as a “*set of methods aimed at exploring in a particular way,*” a student, being able to think critically, develops an affinity for social context assessment, the understanding of the contributions to make, and the issues to solve [16]. This requires the learning environment to be a platform for sequential problem-solving through observing, analysing, and exercising while being creative.

The questionnaire conducted at the end of academic year 2022/2023 contained the questions concerning the development of critical and creative thinking skills, namely:

“*Which activity / study instrument turned out to be the most effective for the development of **critical** thinking?*” and “*Which activity / study instrument turned out to be the most effective for the development of **creative** thinking?*” The respondents evaluated the tools mentioned in *Table 1* as ones, that are definitely nurturing their critical as well as creative thinking skills. It has to be noted that some respondents annumerated several tools simultaneously. The tools to develop the above-mentioned skills according to the learners’ points of view demonstrate the following the efficacy:

<b>Tools that develop critical thinking skills</b>	<b>Tools that develop creative thinking skills</b>
53% discussions while tutorials and assessment	69% individual projects
30% video-based tasks	46% video-based tasks
15% individual projects	30% extended toolkit
3% other activities (analytical reading and correspondence)	2% other activities

Based on the results obtained it may be stated that in developing critical thinking skills while studying legal English, learners appreciate **discussions** during tutorials or assessments most of all as far as their efficacy is concerned. Such discussions are built according to B. Bloom's Taxonomy [24]. The taxonomy layers are applied according to the principle of FLIPped Learning and divided into several stages: preparing, checking, application. Layers of critical thinking according to the Taxonomy development are: *to remember* → *to understand* → *to apply* → *to analyze* → *to evaluate* → *to create*. If to place each layer on the proper learning stage, they will look as follows:

Stage 1. Preparing	critical thinking layer activated: <i>to remember</i>
Stage 2. Checking	critical thinking layer activated: <i>to understand</i>
Stage 3. Applying	critical thinking layers activated: <i>to apply, to analyse, to evaluate, to create</i>

Such placement is closely connected with the principle of FLIPped Learning. The idea of a “flip” was introduced by Harvard Professor E. Mazur's “peer instruction” and “just in time teaching” [7]. The whole approach presupposed actually the new spin of a classical classroom into a “classroom flip”. The latter enabled a peer-instruction and facilitation of an educator to transform the conventional classroom with a teacher considered to be the only source of information (Teacher-centered paradigm) into a spinning tool for provoking students to learn actively, to think in terms of *where, how, why* and *what* information to get under educator's “by their side” [2]. J. Bergman and A. Sams [3] brought **FLIPped learning** to a level of innovative media to facilitate in the academic classroom, where: the students encounter problem-solving activities and are to use their background knowledge earned while coping with their home assignments. The prerequisite for critical thinking is that an educator, who deals during the tutorial with the learner, already equipped to face the challenges modelled by an educator beforehand. As mentioned above, such modelling has to include 3 sequential stages for this classroom activity to develop critical thinking skills, where:

- *stage 1* usually unfolds individually and includes familiarising the students with the study material (e.g. **video** documentary, (audio) **book**, article, ect.) by recalling the facts and basic concepts, memorizing, and repeating while developing extended individual digital **toolkit** with lexis, ideas and basic concepts;
- *stage 2* can be undergone both through individual work as well as in the classroom; it presupposes explaining ideas and concepts by classifying the facts and lexis, providing translations (in **group work** and individually applying such tools as **jamboard**, power point ect.);

– *stage 3* as a rule, is conducted in the classroom (often is based on a modelled situation) in a form of a *discussion* or assessment and requires application of familiar information in new situations. It may be aided by sketching, scheduling etc. if there are some portions of new material. Also, it is important to be able to draw connections by contrasting, comparing, and criticizing, to justify a stand or decision using appraising, arguing to support the usage of the acquired knowledge further in the career of a paralegal (e.g. mootings, law clinic volunteering) and later as a lawyer.

### **Development of Creativity in Legal English Course**

There is a tendency for universities to be accused of preparing graduates who lack sufficient skill as far as being creative is concerned [13].

Creativity is actually what differentiates the humans from other living beings. According to Gestalt Theorists, creativity lies within the basic traits that distinguish humans from animals. Certainly, it is what helps adapt to the changing circumstances, be flexible and find solutions in challenging situations [1]. Creativity is a trait, highly appreciated by modern employers [11] and the legal sphere is not an exception. Owing to the fact that creativity is closely related to critical thinking and reflective thinking [9; 15], it is worth noting that both critical and creative thinking get developed and trained very often simultaneously. This was voiced by the respondents of the questionnaire when they mentioned almost the same set of tools to develop both, namely: the majority of respondents evaluated the tasks where they were supposed to work independently on the project as ones that help them be creative, whereas video-based tasks and extended digital toolkit with vocabulary and other course material got less appraisal, though were mentioned as “quite” effective.

### **M-O-V-E and Common European Framework of Reference (CEFR)**

Modern approach to teaching foreign language dwells upon the most important thing a teacher can do: “*to provide the richest possible linguistic environment in which learning can take place without formal teaching*” [6, p. 139]. On the other hand, it must be noted that active participation in communicative interaction is also taken as a necessary and sufficient condition for language development focusing on the view that explicit teaching or study of the language is irrelevant [6, p. 140]. As for the learners, the respondents of the questionnaire say that the tasks requiring the least teacher’s direct involvement appeared to be the most interesting and insightful. Among such tasks were mentioned: reading a book and watching a movie/short video, while preparing the individual projects for the course for instance, making a presentation, and fulfilling the tasks based on video content had less impact. Additionally, it can be mentioned that among the prevailing, the most effective ones were creative tasks



and those that required application and further advancement of critical thinking skills. On the one hand, while having their top priority – language acquisition and learning, there is quite a small chance that some of them will learn proactively, thus what is requested is the development of competencies and strategies, that are actually connected with the application of critical and creative thinking skills and is carried out through completing tasks [6, p. 141]. This is what may be highly estimated by the employment market and gained through reactive learning.

On the other hand, such tasks are to nurture in learners the tendency to autonomous learning, when the learners are, firstly, to become aware of what /why and, not less importantly, how they learn in the best way. Such a trait is of vital request under conditions of war. Secondly, they become able to learn without instruction in the future. In fact, this provides nothing more than a bridging of teaching and life-long education. The latter is strongly supported by 70% of respondents who considered the online glossaries (which were formed according to M-O-V-E approach) to become the foundation of their lifelong learning during their professional career.

So, particular attention should be given to the vocabulary toolkit the students are provided with. This method of acquiring vocabulary is constructed via M-O-V-E [8, p. 183–186] approach to legal vocabulary formation and rests upon 4 elements:

- 1) **Motivation** (the first stage of acquiring vocabulary);
- 2) **Opportunities** (the second stage of acquiring vocabulary);
- 3) **Verification** (the third stage of acquiring vocabulary);
- 4) **Engagement** (the fourth stage of acquiring vocabulary).

Online glossary formation using M-O-V-E approach can be a considerable asset and a part of the whole strategy developed for adopting the needs elicited in the Common European Framework as one that is not to promote one particular language teaching methodology, but instead to present options. A full exchange of information on these options and of experience with them must come from the field [6, p. 142]. The M-O-V-E approach and its variations, though intended to get adopted to war-time conditions, have to address the trifold vector of linguistic competence (as far as the knowledge and skills and other dimensions of language as a system are concerned) particularly: 1) lexical, 2) phonological, and 3) syntactical ones and includes also the sociolinguistic value of its variations. Apart from already mentioned it includes a pragmatic function of its realisations which is not only about the **range** and **quality of knowledge** (e.g. in terms of phonetic distinctions made or the extent and precision of vocabulary) but also about 2 elements, namely:

– cognitive organisation and the way this knowledge is stored (e.g. the various associative networks in which the speaker places a lexical item) [9];

- its accessibility (activation, recall and availability) [6, p. 13).

Knowledge may be conscious and readily expressible or may not (e.g. once again in relation to mastery of a phonetic system). The organisation and accessibility of knowledge are very individualised that is why the development of vocabulary toolkit is quite an individualised matter and can be only facilitated by an educator. Its organisation and accessibility will vary from one individual to another and vary also within the same individual. For example, cognitive organisation of vocabulary and the storing of expressions play a considerable role in the activation, further recall, and availability of the lexis acquired.

**Conclusions.** The range of tools to apply while teaching Legal English under conditions of war-time has been assessed by respondents as quite effective (95% assessed the tools set as effective in advancement). It has been also illustrated that they develop critical thinking and creative thinking that expands their efficacy in terms of acquiring soft as well hard skills necessary for a learner's future career. The digital character of the application makes the tool set easily reachable regardless of the place and time of studying or teaching for both a learner and an educator, which is of vital importance hence the possible electric power blackouts and the necessity to spend much time in bombing shelters.

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## WEB LINKS

22. Survey conducted in academic year 2021/2022 offered to the learners of the course of Legal English at the end of the academic year 2021/2022. URL:

- [https://docs.google.com/forms/d/e/1FAIpQLScJhyquPdAxoy6K\\_VNhC\\_ryYMCiocSW1VmUlexnFCxLXffaw/viewform?usp=sharing](https://docs.google.com/forms/d/e/1FAIpQLScJhyquPdAxoy6K_VNhC_ryYMCiocSW1VmUlexnFCxLXffaw/viewform?usp=sharing)
23. Survey conducted in academic year 2022/2023 offered to the learners of the course of Legal English at the end of the academic year 2022/2023. URL: [https://docs.google.com/forms/d/e/1FAIpQLSerXsgf9YtkAGyg3v7Vo9MYMb\\_nOUi1u4STW7MFr5WB8Lak7gA/viewform?usp=sharing](https://docs.google.com/forms/d/e/1FAIpQLSerXsgf9YtkAGyg3v7Vo9MYMb_nOUi1u4STW7MFr5WB8Lak7gA/viewform?usp=sharing)
  24. Bloom's Taxonomy. URL: <https://teaching.uncc.edu/sites/teaching.uncc.edu/files/media/files/file/GoalsAndObjectives/Bloom.pdf>

## ANNEX 1

### COURSE TOOLKIT

Dear Participants, please, create your google document, which will serve as your course toolkit and insert the link to it into the table. Please, note that you should share the rights of the editor with me by adding my email in the access settings field.

Name of the course participant	link to the participant's toolkit
e.g. Olha Dunaievskia (teacher of the course)	<a href="https://docs.google.com/document/d/109K96eLmP0EU1WA3FaH8CJzGaLk_L0qRpSE3z5taR9s/edit?usp=sharing">https://docs.google.com/document/d/109K96eLmP0EU1WA3FaH8CJzGaLk_L0qRpSE3z5taR9s/edit?usp=sharing</a>

### INDIVIDUAL PROJECTS ASSESSMENT FORM

PRESENTATION CONTENT	Evaluation (1–3 points)
Overview of topics/presentation (layout)	
Identified critical concepts	
Explanation of technical issues	
Organization and flow	
Managing to raise interest and explain the impact	
Summary/conclusions, critique	
Direct communication with audience (not reading)	
Speaking skills (correct pronunciation)	
Grammar and (active) Vocabulary	
Coherence of the delivery (usage of linking words: e.g. so, furthermore, firstly, additionally, turning to another ...)	

TOTAL NUMBER OF POINTS \_\_\_ / out of max. 10

## VIDEO LINKS

<b>Date/class</b>	<b>Video</b>	<b>Link</b>	<b>Link to Assignments</b>
September 1, 2023 (class 1)	“Your body language may shape who you are”	<a href="http://ted.com">http:// ted.com</a>	Before watching During watching Discussion
September 2, 2023 (class 2)	“UK Supreme Court: The Highest Court in the Land”	<a href="https://www.youtube.com/watch?v=PZtYENfNa7k&amp;t=188s">https://www.youtube.com/watch?v=PZtYENfNa7k&amp;t=188s</a>	Before watching During watching Discussion

## VOCABULARY TOOLKIT

Dear Participants of the course, please, copy the following table into your individual toolkits, and fill in the following table with the words, qualifications and concepts we will be dealing with during the course.

<b>UNIT 1</b>	<b>LEGAL PROFESSION</b>	<b>general information</b>
1. Specialists with law degrees	barristers- адвокат у судах вищих інстанцій / барристер solicitor – адвокат у судах нижчої інстанції /солісітор	To become a barrister one has to obtain a university law degree and complete a vocational training in one of the Inns of court to be called within the Bar. The solicitors work in trial courts and deal with matters like divorce, and other small claims matters.
2. Responsibilities	solicitors brief a lawsuit for the barristers – солісітори збирають необхідний пакет документів, щоб передати справу для баррістера на розгляд у суд вищої інстанції	
<b>UNIT 2.</b>	<b>CRIMINAL LAW</b>	
1. Types of crimes	Arson – підпал	