

Fostering multimodal literacy in ESP teaching: the case of lawyer-client interviews

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Abstract

This paper proposes a proof-of-concept teaching methodology for developing learners' communicative skills in the context of lawyer-client interactions. The aim is to start working towards multimodal literacy in this specific ESP domain through a practice-oriented approach that draws learners' attention to the verbal as well as the nonverbal features of this type of professional encounters. The existing mainstream materials give prominence to the verbal dimension of lawyer-client exchanges, to the detriment of other forms of meaning making. The methodology proposed here builds on the concept of 'Knowledge Processes' identified by Kalantzis and Cope (2010) and consists of five main steps: (1) the observation and discussion of proxemic, kinesic, gaze and facial behaviours of two characters in a video clip from an episode of the American soap opera *General Hospital*, in which a lawyer-client exchange is represented; (2) the reconstruction and acting out of the lawyer-client dialogue while/after watching the muted video clip; (3) the transcription of the actual lawyer-client dialogue while/after watching the video clip with audio; (4) the analysis of the verbal features of the observed lawyer-client interaction and of the interplay between verbal and nonverbal codes; (5) a final round of role-plays. The question of professional etiquette is also discussed in order to identify some standards of behaviour expected of lawyers in English-speaking countries.

1. Introduction

It is an acknowledged fact that all communication is multimodal and that meaning is constructed via distinct but simultaneously interacting modes, both verbal and nonverbal (cf., among others, Baldry 2000; Hall and Knapp 2013; Jewitt 2016; Jewitt, Bezemer and O'Halloran 2016; Kress 2010). English

as a Foreign Language (EFL) teaching materials, however, have only recently started to include, alongside traditional activities aimed at improving learners' linguistic output, new tasks to raise their awareness of complementary communicative strategies, such as suitable eye contact, body posture, gestures and other nonverbal behaviours (Note 1). English for Special Purposes (ESP) text- and coursebooks are also slowly introducing multi-semiotic learning approaches, but they continue to give prominence to the verbal dimension, with a special focus on the acquisition of terminology. In other words, they do not systematically implement integrated, i.e., multimodal, methods. The latter, however, are required to teach how to communicate appropriately and effectively in a number of professional contexts (Author 2017, 2018a).

This paper proposes a proof-of-concept teaching methodology for the improvement of learners' communication practices from a wider perspective in the context of lawyer-client interactions. The existing materials for teaching legal English prevalently contain static activities that do not guide learners in achieving the necessary all-round competence to conduct successful interviews and counselling sessions with prospective clients. Research has shown that lawyer-client discourse is multi-faceted and complex (Candlin and Bathia 1998; Candlin, Bathia and Jensen 2002), because it is subject to multiple variables, including linguistic but also contextual, i.e., socio-cultural factors. Learners of legal English do not seem to be aware of the importance of all these aspects and tend to worry mostly about their linguistic performance, often without exhibiting acceptable kinesic/proxemic behaviour (Author 2018b). The intention here is therefore to start working towards multimodal literacy in this specific ESP domain through a practice-oriented approach which may ultimately prepare (future) lawyers to better deal with their clients.

Section two provides a brief review of the relevant literature on multimodality, with a special focus on the pedagogical approaches used for developing learners' multisemiotic communicative competence. For reasons of space and because a specific professional genre is under consideration

here, only those works that deal with the pedagogies of multiliteracies in the context of ESP teaching will be referred to. The term ‘multiliteracy’ has to be understood as the variability of meaning making processes observable in contemporary forms of communication, which are now ‘increasingly multimodal, with linguistic, visual, audio, gestural and spatial modes of meaning becoming increasingly integrated in everyday media and cultural practices’ (Cope and Kalantzis 2009: 166). The theoretical framework underpinning this study is the one originally put forward by the New London Group (1996) and later reframed by Kalantzis and Cope (2010). Section three contains an overview of the activities for teaching legal English in the context of lawyer-client interactions found in five mainstream course- and textbooks available on the market. The aim here is to show that this type of exchanges receives marginal attention and is generally treated from a mono-semiotic, i.e., verbal, perspective that does not highlight the importance of those aspects of communication going beyond what is said. Section four briefly examines the communicative practices, expectations and interaction rules in the culture of English-speaking countries. The fact that English is now used globally as a lingua franca in many fields raises the question of what cultural etiquette should prevail in professional encounters. ESP teaching necessarily has to take this aspect into due consideration. Section five is the core of the paper. The methodology proposed is presented in a step-by-step manner, according to four major ‘Knowledge Processes’, i.e., *experiencing*, *conceptualising*, *analysing* and *applying*, identified by Kalantzis and Cope (2010) in order to categorise different learning activity types. Finally, section six concludes the paper with some considerations about the future of language teaching, at a time when communication is becoming increasingly computer mediated.

2. Multimodal approaches in ESP teaching

Research on multimodal teaching methodologies has proliferated in the 21st century, as a result of the changes in communication practices that have taken place and are continuing to take place in our globalised societies. IT and the Internet now play a fundamental role and their potential can be

harnessed for educational purposes too. The discussion around innovative approaches, however, goes back to the late 1940s when the importance of introducing not just written texts in the classroom was beginning to be recognized and possibly the first paper on the use of films in language teaching was published (Travis 1947). It later became clear that learning is more effective when information is presented in more than one mode (Mayer and Anderson 1992).

The current communicative landscape sees the convergence of multiple ways in which meanings are made. In our daily interactions multimodality is pervasive, especially in technology-mediated exchanges on the World Wide Web via different media. This is a fact that language instructors need to acknowledge if they want to keep pace with the complexity of communication in our digital era and be able to propose engaging activities that realistically reflect how exchanges take place in real practice. As Marchetti and Cullen (2016: 41) put it, “Changes in communication inevitably lead to changes in language and require the language teacher to be aware of and contemplate the implications of these complex phenomena”. Although Marchetti and Cullen (*ibid.*) had the general English learner in mind, the adoption of a multimodal approach has been found to be beneficial also for the ESP learner.

Gollin-Kies, Hall and Moore (2015) argue that the use of a multisemiotic approach enables both ESP instructors and learners to examine larger amount of data, thus making it possible to address the richness of communication in a certain specialized domain. As far as legal language is concerned, for instance, the written medium only allows learners to familiarize with the textual features of various documents, such as contracts, wills, deeds and so on. The use of the visual channel opens up the possibility of accessing and analyzing other forms of communication in a wide variety of situations, including trials, depositions, hearings, mediations, arbitrations, client meetings, etc. In most cases, this is feasible through YouTube (Note 2), but there are also specific multimodal corpora of film and TV series clips that were purposefully designed to be used in the ESP classroom, such as the one compiled at the Language Centre of Pisa University, Italy (Crawford Camiciottoli and Bonsignori 2015, Bonsignori 2018) in collaboration with the

Language Centre of the University of California at Berkeley (Note 3).

The use of authentic audio-visual materials as well as video clips obtained from films and TV series provides the ESP learner with situated practice opportunities, during which the interplay of various ways of meaning making can be observed. Vigliocco, Perniss and Vinson (2014) highlight the importance of relying on the two categories of text and speech in ESP teaching, because non-verbal elements, e.g., facial expressions, hand gestures and other forms of body language, are significant channels of expression, too. Extra-linguistic semiotic resources appear to be particularly relevant for ESP learners, who need to be equipped with all the necessary competencies of the discourse community they will be part of. In other words, there are social skills that learners must necessarily acquire in order to ‘fit’ professionally in a particular situation. The importance of the acquisition of these competences is stressed by Martínez Lirola (2016: 77) who argues that the introduction of multimodal activities and resources in the language classroom enables learners to ‘increase their motivation and acquire different social competences that will be useful for the labourmarket such as communication, cooperation, leadership or conflict management’. The development of professional communication abilities is a complex process that requires learners to be exposed to contextualized and authentic scenarios. Multimodal approaches to ESP teaching and learning, however, are only starting to be included in course- and textbooks, although many language instructors may already have intuitively incorporated innovative practices and elements in their classes (Knox 2008). The mainstream materials for teaching legal English (see Section 3) still today do not seem to systematically propose activities that ask learners to engage not just with the specialised target language, but also with disciplinary knowledge from a broader perspective.

The use of videos has been shown to draw the ESP learner’s attention to the centrality of social and critical skills (Arnò-Macià *et al.* 2006). Research has demonstrated that watching videos is not enough though. Learners seem to benefit particularly by creating their own digital artefacts through a process of guided reflection, critical thinking, design and performance.

This is because videoproduction gives them choices about what to say, but also about how to say it by selecting particular modes to shape the meaning they want to create (Dal 2010). Put differently, video production is a learner-centred and hands-on activity embracing the social constructivist view that knowledge and meaning emerge in a social context through practice (Arnò-Macià *et al.* 2006, Goldstein and Driver 2015). Learners are therefore no longer just ‘consumers’ but also ‘producers’ of language (Gee and Hayes 2011) in that they negotiate meaning and collaborate, thus engaging in activities that are both meaningful and didactically effective.

3. Legal English teaching materials

There is a wide variety of course- and textbooks available to language instructors for teaching legal English, both by internationally recognized and reputed publishers (e.g., Cambridge University Press, Oxford University Press, Routledge, etc.) and by several minor but still respected ones in various countries (Note 4). Not many of these books, however, contain ad hoc activities for helping learners to develop socio-communicative skills in the lawyer-client interaction. Some of the best-known exceptions are *Introduction to International Legal English* (Krois-Lindner, Firth and TransLegal 2008) and *International Legal English* (Krois-Lindner and TransLegal 2006), published by Cambridge University Press as preparation courses for the International Legal English Certificate (ILEC) (Note 5); *Legal English. How to understand and master the language of law* (McKay, Charlton and Barsoum 2011) by Pearson, which is not exam-oriented but specifically written with the needs of (future) practitioners in mind; *International Legal English. A practical coursebook for speakers of English as a second language* (Williams 2012) by the Italian publisher Giappichelli, targeting University students of law and related disciplines; and *Legal English* (Haigh 2018) by Routledge, also aimed at law students and at already practicing legal professionals whose first language may not be English.

3.1 Krois-Lindner, Firth and TransLegal (2008) and Krois-Lindner and TransLegal (2006)

These two coursebooks are intended, respectively, for intermediate and upper-intermediate/advanced learners of English. They both include authentic materials supplied by TransLegal (Note 6) on a variety of legal topics and aim at developing the four skills of reading, writing, listening and speaking.

The speaking tasks proposed are generally preceded by reading and vocabulary practice activities, allowing learners to familiarize with words, expressions and fundamental legal concepts of the common law. Before practicing their speaking skills, learners are typically asked to engage in listening comprehension exercises, so they can be exposed to models of verbal interaction that may be internalized and reproduced at a later stage. Various types of role plays are then proposed, accompanied by prompts and instructions for guiding learners through the various phases of the exchange. The so-called WASP approach to planning, structuring and carrying out an interview is suggested, which consists in putting the client at ease (welcoming), listening and finding out what the client needs (acquiring information), telling him or her what to do (suggesting), and saying goodbye (parting). In both volumes, before acting out the conversations, learners are asked to analyse the listening transcripts and to memorize phrases and expressions that may be used in each stage of the Interview (Note 7). Both Krois-Lindner, Firth and TransLegal (2008) and Krois-Lindner and TransLegal (2006) are accompanied by audio CDs and integrated with online research tasks (Note 8).

The main shortcomings of these two books are, firstly, that they only contain listening material in preparation for the speaking tasks, with no video recordings or any other kind of visual representation of lawyer-client interactions that would instead allow learners to study these exchanges in their natural broader context. The fact that nonverbal features are completely overlooked restricts the learning process to just one component of communication, i.e., the verbal message, which, albeit fundamental, works in combination with other equally important modes of

meaning making. In addition, the approach is not learner-centred and leans towards rote and memorization: learners are not encouraged to collect and analyse their own spoken data in order to reflect on their personal difficulties, also in terms of pronunciation and prosody. While it is true that the latter aspects may always be addressed by the language instructor, the two books do not propose any structured activities to be used in the classroom.

3.2 McKay, Charlton and Barsoum (2011)

This book targets learners of English as a second and foreign language who need to enhance their legal language skills not just for academic but also for professional purposes (Note 9). The first part focuses on written communication, while the second one is dedicated to the development and improvement of oral skills, with a specific chapter on client interviewing and advising. Here, the various stages of stage consists in introducing oneself and exchanging a few friendly remarks with the client; during the ‘fact-gathering’ stage the lawyer obtains information about the matter that the client wants to discuss; and so forth). Learners are then presented with example sentences and questions to be memorized, adapted and re-used in similar situations. The chapter, however, only addresses the linguistic features of interviews. It is shown, for instance, that the advice stage, during which clients are helped to make informed decisions, is characterised by the use of verbs and phrases of advice and probability (e.g., You ought to/should, my advice would be to, they will try to, and so on), by conditional sentences (e.g., I’d act for you if you wished) and by specific types of conjunctions, such as ‘provided’, ‘supposing’, ‘on condition (that)’ (e.g., I would advise you to provide contracts of employment to your workers, provided that [or as long as] you want them to be permanent employees). Grammar notes and vocabulary exercises are also included. And, at the end of the chapter, there is a practice activity, which consists in reading a memorandum from a secretary at a law firm in preparation for an interview with a client.

The book has an accompanying companion website with audio files that learners can use to study spoken language in realistic legal scenarios (Note 10). Strangely enough though, the audio

files feature negotiation, mediation and advocacy situations that are not addressed in the chapter on interviewing and advising. In addition, there are no video clips or images of lawyer-client interactions and the role played by nonverbal elements of communication is completely ignored.

3.3 Williams (2012)

This is not just a legal English textbook, but also an introductory comparative law course conceived for learners of English as a second language, typically University students of Law, Economics, International Relations and Social/Political Sciences. The topics covered span from the Anglo-Saxon legal systems, to Tibetan legal history, Mexican law, Islamic law, Philippine legal doctrine, etc. Authentic materials are used, both for the reading and listening activities.

Unit four is entirely dedicated to spoken legal English and contains a subsection on interviewing techniques. Before the speaking activities, there are listening exercises, with pre-task and discussion questions brainstorming learners about clients' expectations with respect to both the contents of an interview with a lawyer and to the setting where the interview typically takes place (Note 11). The listening activities are followed by comprehension questions and reading passages to be used in preparation for the role plays, but there are no exercises for the analysis of the transcription from a wider perspective. The structure of lawyer-client interviews is presented in a way similar to what is proposed in Krois-Lindner, Firth and TransLegal (2008), namely through the illustration of the so-called WASP method, which is however analysed more in detail by means of a word building exercise. The unit concludes with some tips on the type of questions that should be used, on how to encourage the client to speak, to periodically summarize what the s(he) has said and, finally, to use sympathetic and caring body language. The latter aspect is only mentioned and not developed further; learners are just reminded to smile while making eye contact, to nod their heads with the words 'yes, go on' to invite clients to continue, but nothing else is suggested. There are also no video recordings supporting the listening activities. This is a particularly striking omission, because the book addresses culture-related

issues, without providing any evidence of how they translate into practice.

3.4 Haigh (2018)

This is an e-textbook comprising both traditional paper elements and online resources for learners and language instructors (Note 12). To date, it is the most comprehensive and detailed book, covering the various different areas of legal English usage (Note 13). Part 1 focuses on written English, while Part 2 is entirely dedicated to spoken language, addressing both the verbal and nonverbal features of communication in general and for the specific requirements of lawyer-client interviews.

Part 2 begins with an analysis of the areas of contrast between spoken and written English, drawing learners' attention to the unpredictable and flexible nature of speech, being characterized by broken sentences, repetitions, meaningless phrases (e.g., you know, I see, if you see what I mean), etc. In addition to important linguistic factors, such as vocal emphasis, tone of voice and speaking techniques (e.g., the use of humour, euphemisms, rhetorical questions, metaphors and similes, diplomatic language, to mention a few), proxemic behaviour is examined, with several examples of body language signs and associated meanings (Note 14).

The section on interviewing and advising opens with a discussion on the essence of lawyer-client interactions (what they are and what clients expect), followed by preparation activities with tips on how to conduct successful sessions (e.g., the importance of structuring meetings appropriately and of determining their purpose, how to take notes and to use checklists and factsheets, etc.). Before presenting the recommended language for the various stages of the interview (opening, listening and questioning, summarizing, concluding), several observations are made concerning stylistic aspects (the lawyer should ensure that the structure of the questioning stage is not too rigid and that the conversation also flows naturally from one topic to the next; feedback should be given continuously via backchannels to let clients know that they are being listened to; and so on) as well as nonverbal factors (the importance of demonstrating interest also

with your body language). The latter aspect is introduced with the presentation of five crucial skills summed up by the acronym SOLER (Table 1).

Table 1. Appropriate body language (adapted from Haigh 2018: 18.3.4)

S-	Face the client squarely , adopting a posture that indicates involvement.
O-	Adopt an open posture, one that suggests you are receptive to the client.
L-	Lean slightly forward; not aggressively, but enough to show that you are interested in the client.
E-	Maintain eye contact, but do not stare. Use your eyes to show interest, but vary your eye contact in response to the flow of questioning.
R-	Stay relaxed . Do not fidget, and try to be natural in your expressions.

The most innovative aspect of this e-textbook is that it comes with a companion website featuring videos of lawyer-client interviews, together with exercises and the transcriptions of the conversations, in which different legal scenarios are presented. This audio-visual material allows learners to observe quasi-real professional exchanges, on the basis of which they will be able to develop their own speaking and behavioural style. What still needs to be improved, though, are the types of activities accompanying the videos. The online tasks are exclusively comprehension and language development exercises, in the form of multiple choice and true/false questions; they do not include any activities explicitly aimed at developing nonverbal encoding competence.

4. Interpersonal communication in the culture of English-speaking countries

Interpersonal communication in both professional and non-professional contexts has been thoroughly investigated in different, often overlapping, fields of study, ranging from linguistics to psychology, the social sciences, etc. The existing literature on the topic is vast and continuously

expanding (cf., among others, Antos and Ventola 2008, Matsumoto 2010, Knapp and Daly 2011, Hall 2020, and references therein), because societal changes impose a renewed reflection on the nature of communicative exchanges between people, which necessarily undergo a process of constant adaptation and transformation.

In our globalised world, it has become common for people with different backgrounds to meet for professional purposes and use English as a lingua franca (Jenkins, Baker and Dewey 2018). In English language teaching, it is therefore important not just to develop learners' verbal skills in the various domains, but also to enable them to negotiate the distance between their own and another culture. This is a challenging task for several reasons. Firstly, while language as a code is finite, cultures are in constant flux and not easily controllable. Secondly, EFL instructors themselves are often not formally trained to understand cross-cultural issues and the complexities of social interactions. These aspects are generally considered of secondary importance, thus leaving them to rely just on their subjective and impressionistic interpretation of and ability to deal with cultural differences. This is probably also due to the fact that the nonverbal dimensions of communication are not systematically addressed in English language teaching materials, either for general or specific purposes.

It is an incontrovertible fact, however, that cultural models impact communicative practices and determine our patterns of interaction. Although all the latter aspects are subject to change, in the context of professional language teaching there is a need to identify a set of model behaviours and attitudes which learners can refer to while developing their communication skills for various specific purposes. Lawyer-client interactions are formal exchanges, regardless of the country where they take place or the cultural background of the interactants, but in the culture of English-speaking countries, namely the UK, the USA, Canada, Australia, New Zealand and South Africa, there are certain specific (unwritten) rules that must be followed.

Eye contact, for instance, is crucial. It is probably the best way to build rapport with a

client. This does not mean that lawyers need to stare constantly and directly into the client's face. Appropriate eye contact consists of looking alternatively at the client, perhaps at a computer screen or down at notes, and then looking up and establishing contact with the client again, and so forth. Different cultures have different rules for eye contact. In certain countries, direct eye contact between men and women, for instance, is avoided (Samovar, Porter and McDaniel 2009). However, if a woman lawyer working in one of the above-mentioned English-speaking countries did not look at her clients in the eyes, she would most probably lose them. This is because failing to maintain eye contact may be interpreted as rude and as a lack of self-confidence. Similarly, in English-speaking countries communication is expected to take place at varying distances depending on the level of intimacy between speakers. In a lawyer-client interaction, people are generally comfortable when they keep a distance between 4 and 12 feet. Failure to observe this rule on the part of the lawyer may affect the quality and/or outcome of the interaction. Posture, body movements and facial expressions also play a significant role. A lawyer standing next to a seated client may be perceived as a sign of role power. By sitting at the client's level, instead, he or she will signal the intention to make the interaction as equitable as possible. Handshakes rather than bows are common and expected. In addition, welcoming a client with a smile establishes a good connection with him or her, at least initially, etc. These are just some of the most important elements of nonverbal behaviour that should be kept in mind when engaging in a professional conversation with a client.

Learners of legal English, who may be already practicing lawyers in other countries, need to be aware of the importance of having not just strong speaking skills, but also an ability to use appropriate nonverbal cues. These may vary from the ones commonly used in non-English-speaking countries, thus making it necessary to examine and practice them in the language classroom.

5. Designing a multimodal didactic activity

The didactic activity proposed here aims at allowing learners of legal English at an intermediate/advanced level, enrolled in a university course or training privately for professional advancement, to start developing a more holistic communication competence in the context of lawyer-client interactions. The approach followed relies on the basic assumption that learning is a process of moving backwards and forwards across and between different pedagogical methods and paradigms (Luke *et al.* 2004). There are four main ‘Knowledge Processes’, namely *experiencing*, *conceptualising*, *analysing* and *applying* (Kalantzis and Cope 2010), which can be made to correspond to specific didactic ‘moves’: (1) the observation of a contextually situated communicative event consisting of a lawyer-client exchange selected from a film or TV series, followed by a discussion of the characters’ proxemic, kinesic, gaze and facial behaviours; (2) the reconstruction and acting out of the imagined lawyer-client dialogue while/after watching the muted video clip; (3) the multimodal transcription of the actual lawyer-client dialogue while/after watching the video clip with audio; (4) the analysis of the verbal features of the observed lawyer-client interaction and of the interplay between verbal and nonverbal codes; (5) a final round of role-plays followed by feedback.

5.1 Observing non-verbal behaviour

The initial move in this pedagogical approach consists in allowing learners to experience *the known* and *the new* of a particular situation outside the educational setting by means of audio-visual representation. Because authentic video recorded lawyer-client interactions are not available or easily accessible for privacy reasons, it is necessary to rely on fictional sources such as films and TV series to expose learners to representations of lawyer-client encounters that closely resemble those in real life (Note 15). Although what we see in films and TV series is often dramatized for effect, an attentive selection of suitable scenes will make it possible to effectively use filmic depiction and language in the legal English classroom. This preliminary and careful choice on the part of the language instructor of adequate audio-visual materials to work with is

time-consuming, but extremely beneficial for learners, who will be able to observe ‘close-to-real’ exchanges. The alternatives to video clips from films and TV series would be fabricated scenes produced by non-professional actors and actresses for teaching purposes, which would however present even greater limits in terms of spontaneity and realistic replication of professional situations.

To exemplify the methodology proposed here, a scene from an episode of the American soap opera *General Hospital*, broadcast on ABC Television, will be used (Note 16). The scene shows an interaction in a prison cell between an attorney and a prisoner prior to an upcoming parole hearing (Note 17). Before starting with the activities described below, learners should be asked to read and talk about the plot of the soap opera as a warm-up speaking exercise. They may not be familiar with the characters or the key events in the story, so a quick introduction will be helpful to give them an overall context to the video clip conversation.

The first step of the activity consists in projecting the whole video clip without audio, asking learners to pay attention to and then comment on the characters’ presumed feelings, attitudes and behaviours and on the way the latter are expressed. Specific reference should be made to the lawyer’s nonverbal communicative mode. The aim here is to give learners the possibility to confirm *the known*, i.e., what they are already familiar with on the basis of their expectations and past (professional) experiences, while also drawing their attention to *the new*, i.e., what is unfamiliar to them. Experiencing *the new* entails careful observation and subsequent decoding of new facts and data. Learners need to be brought to a ‘zone of proximal development’ (Vygotsky 1962/1978: 86), not too distant from their own lifeworlds, but also sufficiently different to justify new learning. Table 2 includes some of the possible questions that the teacher may ask to elicit learners’ responses and stimulate reflection.

Table 2. Initial questions after watching the muted video clip

- 1- How would you describe the lawyer's attitude?
- 2- Does the lawyer behave professionally?
- 3- How is the lawyer probably feeling during the interview? How do you know?
- 4- What impact does the lawyer's conduct seem to have on the client?
- 5- What kind of relationship is established between the lawyer and the client?

The next step consists in replaying the muted video clip in segments in order to observe and describe the lawyer's behaviour more in detail. Learners should be encouraged to identify and name the exact nonverbal elements accompanying speech, such as the proxemic and kinesic codes that he uses (e.g., his posture/positioning and proximity to the client), his facial expressions (e.g., smiling, frowning, aggressive, doubtful, etc.), his gaze (e.g., type and length of eye contact) as well as his head, arm and hand gestures. The type of his clothing should also be considered. Table 3a is an example of an exercise that each learner may be asked to do while the instructor pauses the video clip at relevant moments. Every image frame in the exercise should correspond exactly to the moment of the video shown on screen to the whole class. It may be necessary to stimulate responses using direct questions, such as 'How does the lawyer welcome his client?', 'How close to the client is the lawyer sitting?', 'What movement(s) does the lawyer make with his hands?', 'What facial expression(s) does he have?', and so forth. Learners will then have to interpret the various nonverbal signs they have identified. Therefore, the instructor could again prompt them with questions prepared in advance, e.g., 'Why does the lawyer remain seated without shaking hands with his client?', 'What do the lawyer's hands with intertwined fingers suggest?', 'What do his facial expressions indicate?', etc.

Table 3a. Example of a video clip observation exercise

Describe and interpret the lawyer's behaviour (gaze, facial expressions, hand gestures, body posture, etc.)


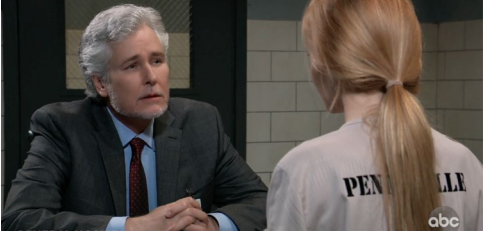
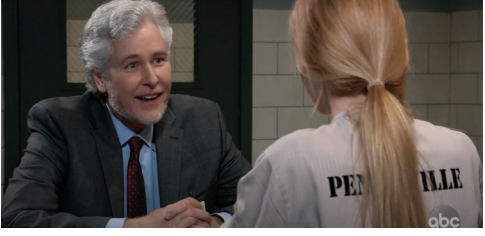




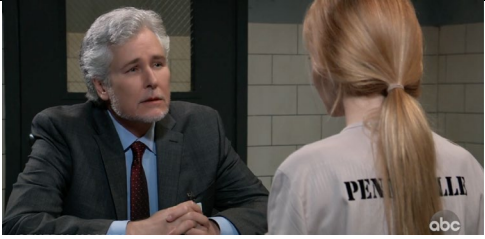
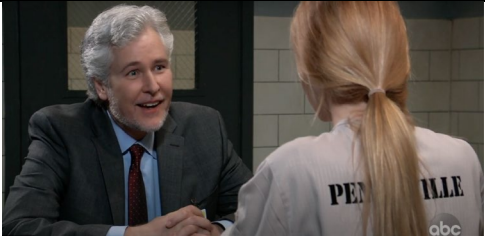



Image frame	Non-verbal behaviour & interpretation
<p>1</p> 	
<p>2</p> 	
<p>3</p> 	
<p>4</p> 	
<p>5</p> 	
<p>6</p> 	

Table 3b. is an example of what learners should ideally come up with at the end of the activity.

Table 3b. Example of a completed video clip observation exercise

Describe and interpret the lawyer's behaviour (gaze, facial expressions, hand gestures, body posture, etc.)	
Image frame	Non-verbal behaviour & interpretation
1 	Remains seated (shows lack of authority), does not shake hands with client (expresses distance and superiority), raises right hand while indicating the chair (invitation to sit down).
2 	Frowns slightly (expresses worry/disbelief), hands with fingers intertwined on table (he is waiting for the client to say something), looks at client straight in the eyes (challenging attitude).
3 	Smiles (suggests willingness to help).
4 	Moves slightly forwards across table (shows willingness to listen), keeps looking at client straight in the eyes (communicates interest and engagement).
5 	Squints slightly (threatening look), head turned to the right (suggesting disbelief about what is being said).

6		Bends head backwards, looks detached (air of criticism/superiority)
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There should be a final group discussion and exchange of ideas about the quality of the interaction observed, followed by a wrapping up session, moderated by the language instructor, during which an agreement should be reached about the behaviour(s) that learners view as suitable and appropriate for lawyers while interacting with clients in this as well as in other circumstances. This particular video clip depicts a lawyer-client interaction in a prison cell, but learners should also be encouraged to reflect on how a different context would affect the course and outcome of the interaction itself. It could be useful to repeat this activity with another video clip showing another setting.

5.2 Reconstructing the conversation

The second step of this teaching unit entails asking learners to imagine the dialogue taking place between the lawyer and the client in the videoclip and to write it down. The focus, therefore, shifts from activities based on the observation of the nonverbal features of the exchange to a verbal production task, to be performed first in writing and then orally. This stage entails a process of *Conceptualising by Naming*, during which learners develop vocabularies to describe specialised, disciplinary knowledges, thus becoming ‘active concept creators, making the tacit explicit and generalizing from the particular’ (Cope and Kalantzis 2015: 19).

The instructor will replay the video clip without audio for the whole class, stop it after a short segment and ask learners to work out the dialogue in pairs using their own words. Learners will be given the same sequence of image frames used for the silent observation phase in order to match each of them with the transcription of their imagined dialogue. They will then have to

memorize and rehearse the script before acting it out in pairs. Should learners give their consent to be video recorded while doing the role-plays, instructors will then have the possibility of better analysing their performance and then discuss it with the whole class. Corrective feedback may be given at this stage regarding both the verbal and the nonverbal communicative strategies that learners have used during the simulated interaction.

5.3 Watching/listening actively and transcribing

Learners now watch the video clip with audio and transcribe the actual conversation (or, at least, part of it) between the lawyer and his client. This activity is not a classic listening comprehension exercise. The aim is, on the one hand, to reconstruct and then analyse the verbal exchange in order to learn new legal words/expressions and, on the other hand, to become familiar with the rhetorical strategies that lawyers use in this specific context. This stage of the teaching unit should thus stimulate a certain kind of critical capacity, following Cope and Kalantzis's (2015: 14-16) 'reflexive pedagogy' approach. Being 'critical' entails both the ability to analyse functions and to be evaluative with respect to power relationships (Cazden 2006). This can be done by *Critically framing* the participants' interests during the exchange observed in the video clip through the production and analysis of a transcription. This activity has many advantages. Firstly, instructors may obtain insights into learners' listening behaviour and vocabulary knowledge. At the same time, learners have the chance to memorise new vocabulary, correct language structures and communicative conventions, in addition to analysing the interests of people and the purposes of knowledge. The fundamental goal of the reflexive approach is essentially that of bridging academic learning with grounded, real-world practical experiences, even when they are simulated applications as in the case of filmic and TV series representations.

In my experience, transcription exercises, however, are time-consuming and generally

viewed as challenging. There are three main reasons why learners struggle with transcription tasks. Firstly, conversation at natural speed may be difficult to follow. This is because words are not pronounced in isolation but in connected speech. Secondly, learners sometimes know the spelling of a certain word, but are not necessarily familiar with its correct pronunciation, thus being unable to 'hear' it. Lastly, gaps in the transcription may suggest an actual lack of knowledge of a specific term, phrase or expression, especially when the conversation contains technical vocabulary. The instructor will therefore have to constantly gauge which pedagogical move is appropriate at different moments of the activity, which is also what being 'reflexive' is about. They may have to play the video clip several times, pause, rewind and replay it as often as necessary (Note 18). In other words, the sequence may vary slightly, because the instructor needs to read students' reactions and decide the next best move for them.

By the time learners finish transcribing the lawyer-client conversation they will have noticed that there are many differences between the imagined dialogue they have previously produced and the actual one. A careful comparison between the two versions and a group discussion about the areas of overlap and variation conclude the activity.

5.4. Analysing the transcription multimodally

At this point learners should be given the actual transcription of the lawyer-client conversation they have watched (Table 4) in order to analyse it multimodally. This activity should be divided into two parts. The instructor will first ask learners to examine the verbal features of the dialogue and then move on to considering the supporting role played by nonverbal signals.

The analysis could start with the identification of the legal words, phrases and expressions appearing in the conversation. The instructor will make a list on the board of the vocabulary items that learners are able to find, e.g., *acquitted, release, parole hearing, take someone's case*, etc., making sure they understand their meaning (or explaining it if it is not clear) and possibly also adding related ones. It could be clarified, for instance, what the difference is between *parole* and


probation; some frequent collocations may be introduced, e.g., *to be on parole/probation*; word derivation processes may be discussed, e.g., *release* is both a noun and a verb and examples may be provided (*the release of the prisoner* vs. *to release the prisoner*), etc. Learners may then be asked to identify the different formulas used and the functions they have in the context of this particular exchange. Interestingly, many of the expressions used by the client/prisoner here could in fact also be uttered by a lawyer in a different situation (e.g., *It's so good to finally meet you face-to-face*, *Is there something that I can do to help you*, *Were you able to...?*). Therefore, they may be memorised for future use, also with respect to the speech acts they perform. For instance, *It's so good to finally meet you face-to-face* works well as a greeting; *Is there something that I can do to help you...?* shows willingness to help, inviting the interlocutor to speak; *Were you able to...?* has a requesting function and may be used to elicit information from a client. Another aspect worth drawing learners' attention to is style and register. Despite the generally formal character of lawyer-client interactions, reinforced in this case by the prison setting that imposes specific rules of interaction and communication (e.g., lack of handshakes and politeness strategies), learners should notice that a certain degree of informality is possible, too. In this conversation, it is expressed by means of a moral statement (*Assume nothing and you'll never be disappointed*), through figurative language (*You pump the brakes a little*, *He sang your praises*) and with the use of colloquial words (*stuff*) and informal ways of asking questions (*And?*).

The second part of the analysis will focus on the observation of how body language accompanies the verbal message with a supporting function. The aim is that of showing learners not just what behaviours should be avoided when interacting with clients, but also what facilitates communication with them and how trust and clarity can be achieved nonverbally too. In most cases, the lawyer in the video clip uses body signals that reinforce what he is saying. Some other times, instead, they do not duplicate the content of the verbal message. In addition, they can also stand alone, thus completely substituting words.

In image frame 1, for instance, it can be noticed that the lawyer's invitation to sit down is

exclusively expressed by means of a hand gesture. The last of the three images in 5 suggests that the lawyer is sorry and sympathetic for her client's loss, although he does not immediately say anything after listening to the woman's life story. His facial expression seems to anticipate what he will say next. The second image in 8 is another good example of how what the lawyer thinks is evident even without him uttering a single word. It will be useful to ask learners to match the various body language signs observed with their direct 'translation'. In image frame 2, instead, the lawyer's posture, gaze and position of his hands reflect what he is implicitly communicating verbally, namely that he is there to acquire some information about the case. The first image in 5 shows that the lawyer is sceptical about the possibility of helping his client in the same way as he got another woman acquitted: he looks down and avoids eye contact, suggesting that he finds it difficult to take responsibility. In the next image, it can be seen that he looks at the client in the eyes, but his face indicates distance and uncertainty; his head moving backwards with sealed lips communicates difficulty in delving into the client's situation. There are also examples in the video clip of body language signs that do not mirror the content of the verbal message. The fact that the lawyer is smiling in image frame 3 somewhat contradicts his reproaching the client, who is pushing him to take her case. The smile therefore has a sarcastic undertone. Similarly, the second image in 4 also shows a rather curt smile on the lawyer's face, because he is being asked to defend the woman in court despite the fact that there is clear evidence that the crime for which she is in prison was actually committed.

Table 4. A multimodal transcription of the video clip

Image frame	Verbal text	Non-verbal behaviour
1 	<i>C: Hi. It's so good to finally meet you face-to-face. I'm assuming you coming here means that you've decided to take my case?</i>	Remains seated (shows authority), does not shake hands with client (expresses distance and

	<p>L: <i>Assume nothing and you'll never be disappointed.</i></p>	<p>superiority), raises right hand while indicating the chair (invitation to sit down).</p>
<p>2</p> 	<p>L: <i>I wanted to meet you first.</i></p> <p>C: <i>Well, now that we've met, is there something that I can do to help you or to convince you to take my case?</i></p>	<p>Frowns slightly (expresses curiosity/willingness to listen), hands with fingers intertwined on table (signals his waiting for the client to say something), looks at client straight in the eyes (challenging attitude).</p>
<p>3</p> 	<p>L: <i>Look, you pump the brakes a little. I don't like rushing.</i></p> <p>C: <i>I'm sorry. It's just, you know, my parole hearing is coming up really fast.</i></p> <p>L: <i>Yeah.</i></p>	<p>Smiles (sarcastic attitude)</p>

4



C: Were you able to look over my case records?

Moves his left hand and touches his briefcase (suggests that the case records are there)



L: Oh. Uh, it's pretty damning stuff, plotting to murder your baby's father, with an ex-boyfriend, a cop, no less. And they've got the whole thing on tape.

Smiles (sarcastic attitude)



C: Mr. Grey, I was under enormous pressure back then. I was pregnant and I was alone and ganged up on. My hormones were making those decisions for me. I was not in control, and now I am and I want to get back to living, and I know that you can help me. You were able to get a woman in a similar situation acquitted.

Looks at client in the eyes (inquiring attitude)

5









L: That case was very different than yours.

Looks down (avoids responsibility, expresses difficulty)



C: Please help me. My whole childhood was abusive and terrible and I have struggled my whole life. I had a kidney taken from me as a young girl, and then when I finally got pregnant with Michael's baby and thought that

	<p><i>we were happy... he didn't love me, and then our baby, he died. And that is a prison that I will never escape. Is that not punishment enough? Have I not paid my debt for life?</i></p>	<p>Moves head backwards, lips sealed (indicates disbelief, unwillingness to promise)</p> <p>Looks at client in the eyes, moves head slightly forwards (sympathetic attitude)</p>
<p>6</p> 	<p><i>L: I'm sorry you lost a child.</i></p> <p><i>C: Thank you.</i></p> <p><i>L: But truthfully... I don't know how much bearing it's gonna have on your parole hearing.</i></p> <p><i>C: I'm not looking for a sympathy release. I mean, my behaviour in here speaks for itself. I have been a model prisoner ever since I stepped foot in Pentonville. Like, I, I have special privileges.</i></p>	<p>Moves slightly forwards across the table (builds rapport)</p>
<p>7</p> 	<p><i>L: Oh, I know. I've spoken to the warden about you. No, he sang your praises.</i></p> <p><i>C: He did?</i></p>	<p>Frowns slightly (suggests he is talking about a serious/important matter)</p>

	<p>L: <i>Mm-hmm.</i></p> <p>C: <i>He's such a kind man. I, I also want you to know that I've had time to reflect on my decisions that led me here.</i></p>	<p>Frowns and seals lips (expresses disbelief/doubt)</p>
<p>8</p>  	<p>L: <i>And?</i></p> <p>C: <i>And I will never sink to those lows again. It makes me sick to think about all the pain that I caused Michael and his family, and I want to be able to make it up to them. But I can't do that in here, can I?</i></p>	<p>Turns head to the right, looks (i'+ù-\l waiting to hear big news)</p> <p>Keeps head slight turned to the right (tries to understand what client is getting at), smiles (sarcastic attitude)</p>

The aim of carrying out a multimodal analysis of the video clip is that of showing learners also the importance of the nonverbal dimension of communication, which does not merely supplement the verbal message but works as an equally fundamental component of the interaction. It would be ideal if learners managed to use some of the observed behaviours while acting out their lawyer-client role plays. Although it is not possible to predict how an interaction with a client will evolve, and, consequently, what our feelings and reactions will be, it is useful to be aware of some general nonverbal signals that we can send to make the message clearer and the exchange more effective.

5.5 Role-playing

The last but fundamental stage of the methodology proposed consists in asking learners to reproduce first exactly the same interaction they have observed in the video clip and then use it as inspiration for an improved version of the role plays performed at the beginning of the activity. This time they should feel more confident and able to produce a better dialogue, with proper vocabulary and adequate body language too. In terms of the ‘Knowledge Processes’ mentioned above (Kalantzis and Cope 2010), there is a ‘transfer of knowledge’ prior to this stage enabling learners to experiment with *Transformed Practice* through the application of improved communicative modes and the enactment of creative strategies. Put differently and more simply, learners now ‘re-practice’ in a context where they can ‘simultaneously apply and revise what they have learned’ (Cope and Kalantzis 2000: 35).

Before engaging in the role plays, it will be useful to have a brainstorming session about the paraverbal and nonverbal aspects of communication that learners view as suitable in the context of lawyer-client interactions. The instructor will prompt learners to produce a table covering a number of different attitudes (e.g., professional, welcoming, respectful, aggressive, passive-aggressive, passive, etc.) and associated behaviours. Table 5 is an example of what learners should ideally prepare before the speaking activity. They may also be encouraged to add examples of phrases and short sentences corresponding to each of the behaviours included in the table.

Table 5. Verbal and nonverbal communication strategies

Type of attitude	Professional	Welcoming	Respectful	Assertive	Aggressive	Passive/ Passive - aggressive
Verbal communication	▪ Polite	▪ Polite	▪ Polite	▪ Medium pitch	▪ Demanding ▪ Threatening	▪ Sarcastic ▪ Apologetic

	<ul style="list-style-type: none"> ▪ Neutral/semi-formal ▪ Direct 	<ul style="list-style-type: none"> ▪ Neutral/semi-informal 	<ul style="list-style-type: none"> ▪ Not judgemental 	<ul style="list-style-type: none"> ▪ Emotionally expressive 	<ul style="list-style-type: none"> ▪ Loud voice 	<ul style="list-style-type: none"> ▪ Unreliable ▪ Does not take responsibility
Non-verbal communication	<ul style="list-style-type: none"> ▪ Appropriately dressed ▪ Shakes hands ▪ Confident 	<ul style="list-style-type: none"> ▪ Smiles ▪ Relaxed 	<ul style="list-style-type: none"> ▪ Listens ▪ Sympathetic 	<ul style="list-style-type: none"> ▪ Eye contact ▪ Open body posture 	<ul style="list-style-type: none"> ▪ Big/fast gestures ▪ 'Bigger than others' posture 	<ul style="list-style-type: none"> ▪ Pretends to be friendly ▪ Insincere smiles ▪ No eye-contact ▪ Tends to fidget

The possibility of video recording also this second set of role plays represents a major advantage for learners, who may then be able to compare their initial performance with the skill levels achieved after completing the whole activity. Therefore, this will most probably also produce a feeling of satisfaction among learners and a perception of having made steps forwards in the learning process.

6. Conclusions

This paper has attempted to propose some alternative techniques in the context of ESP teaching, integrating traditional listening and speaking tasks with activities that engage learners more actively, while also drawing their attention to aspects of communication going beyond the verbal dimension. The methodology outlined here consists of five main components, namely the observation/interpretation of the non-verbal signs of a muted lawyer-client interaction, the acting out of the possible dialogue, the reconstruction/transcription of the actual verbal exchange, the analysis of the multimodal transcription of the interview and, finally, the performance of the role plays. The approach is learner-centred, i.e., the role of the language instructor is that of a guide, reflective practitioner and active researcher rather than of an authority imposing linguistic

choices and behaviours. This is because the context of lawyer-client interactions may vary considerably, thus making it necessary for both instructors and learners to jointly consider all the dynamics of the communicative process.

The question of professional etiquette has also been briefly discussed, trying to identify some standards of behaviour expected of lawyers in English-speaking countries. This aspect is normally overlooked in teaching materials. However, it deserves to be properly addressed, because learners' cultural backgrounds may affect the choice and appropriateness of their conduct while interviewing clients. The discussion on this topic is particularly relevant now that our societies are becoming more and more multicultural and globalised, but at the same time it is also problematic due to the ensuing difficulty of clearly demarcating between cultural boundaries. Future research on professional English teaching should therefore take this aspect into due consideration in order to design materials that satisfy the actual needs of ESP learners, which are not just strictly linguistic.

At the time of writing this paper, the vast majority of language courses around the world, both at university and school level, are taught online due to the coronavirus pandemic. This has imposed limits and an adaptation of teaching methodologies, while also sparking discussion on the future of communication, which is now largely computer mediated. Although the current sanitary emergency is likely to come to an end at some point, it is realistic to think that there will continue to be a demand for online courses in the future. The method proposed above, however, is meant to be used in in-person teaching rather than remotely in that it presupposes a careful observation and analysis of the interaction, but, above all, its (re)enactment. It would be problematic to do the role plays and simultaneously monitor them in an online learning environment. If forms of online legal assistance become more common due to the continuous spread of technology into our daily lives, ESP teaching methods will necessarily have to be adapted to the changing modes of human communication. At the same time, the importance and the role played by proxemics and kinesics will also need to be reconsidered.

Notes

¹ Some examples of these new tasks can be found on the Cambridge Assessment English website (<https://www.cambridgeenglish.org>).

² Complete sections of famous trials, such as the ones involving O.J. Simpson or, more recently, Oscar Pistorius, for instance, are available online. Cf. Author (2016) for a multimodal analysis of trial discourse based on the Oscar Pistorius case, which could be used as an initial activity in the legal English classroom to draw learners' attention to the features of this type of spoken legal language.

³ The Library of Foreign Language Film Clips (<http://blcvideoclips.berkeley.edu/>).

⁴ Cf., for instance, the major publications which have appeared only in Italy in recent years: Garzone, Salvi and Turnbull (2007), Riley & Sours (2008), Cavallaro (2013, 2014), Fraddosio (2013), Steadman (2013), Cadel, Di Renzo Villata, Buzzi & Grasso (2017), Giampieri (2017, 2020), Tessuto (2018), Boyd (2018).

⁵ This Cambridge ESOL examination was discontinued in 2016.

⁶ TransLegal (<https://www.translegal.com/>) is a firm of lawyer-linguists specializing in legal translation and proofreading as well as legal English teaching and testing. They have also launched a lexicographic project (the World Law Dictionary project) in partnership with many universities around the world.

⁷ The structure of the interview proposed in Krois-Lindner and TransLegal (2006) is more elaborate and includes substages (e.g., the introductory phase is divided up into the greeting stage, the explanation of what will happen in the interview and the discussion of circumstances).

⁸ These tasks should be available at <https://www.cambridge.org/elt/legalenglish>. However, when the website was last accessed (22 October 2020) this page could not be found.

⁹ Unlike Krois-Lindner, Firth and TransLegal (2008) and Krois-Lindner and TransLegal (2006), which are specifically designed as preparation courses for the Cambridge ESOL International Legal English Certificate (ILEC), this book has a more operational focus, because it also aims at providing assistance for vocational preparation, e.g., within the context of legal practice courses, Bar professional training courses, the English language test element of the Qualified Lawyers' Transfer Scheme, etc.

¹⁰ The website indicated in the preface (www.mylanguagechamber.co.uk/mckay) is no longer active. To see the online resources associated to the book, visit <https://wps.pearsoned.co.uk> (last accessed: 29 October 2020).

¹¹ Incidentally, at the beginning of the unit there are two black-and-white photos of what should be lawyer-client interactions.

¹² The companion website can be found at www.routledge.com/cw/haigh.

¹³ The new, 6th edition of the book will be released in the course of 2021.

¹⁴ However, most of the body language signs mentioned (e.g., arms crossed, highbrows raised, fist clenched, hands behind hands, etc.) indicate negative attitudes or feelings, which learners are implicitly told to avoid.

¹⁵ Recent studies have shown the existence of similarities between filmic representation and authentic face-to-face interactions in terms of spontaneity (Bonsignori 2013, Forchini 2012, Kozloff 2000).

¹⁶ <https://abc.com/shows/general-hospital>.

¹⁷ The scene, titled 'Assume Nothing', can be watched freely on YouTube (<https://www.youtube.com/watch?v=yWc2zIDTpak>). Check [https://general-hospital.fandom.com/wiki/Martin_Gray_\(Michael_E._Knight\)#2019](https://general-hospital.fandom.com/wiki/Martin_Gray_(Michael_E._Knight)#2019) for details about the characters and the storyline.

¹⁸ There are also software programmes that can be used to slow down the audio portion of videos, thus making comprehension easier.

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