

XVIth European Symposium on Language for Special Purposes (LSP)  
University of Hamburg, 27-31 August 2007

# A Genre-Based Legal Document Writing Support System Using OCHA and PAIL Approaches

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# Development of an LSP Support System for Autonomous Learning

Grant-in-Aid Project (\ 5 million, about 32,000 euro) from the Japan Society for the Promotion of Science (Japanese Ministry of Education)

Project period 2007-2009

# Language is composed of patterns

1. Sound patterns form words
2. Word patterns form phrases and clauses
3. Phrase and clause patterns form sentences
4. Sentence patterns form texts
5. Text patterns form **genres**

# What is “genre”?

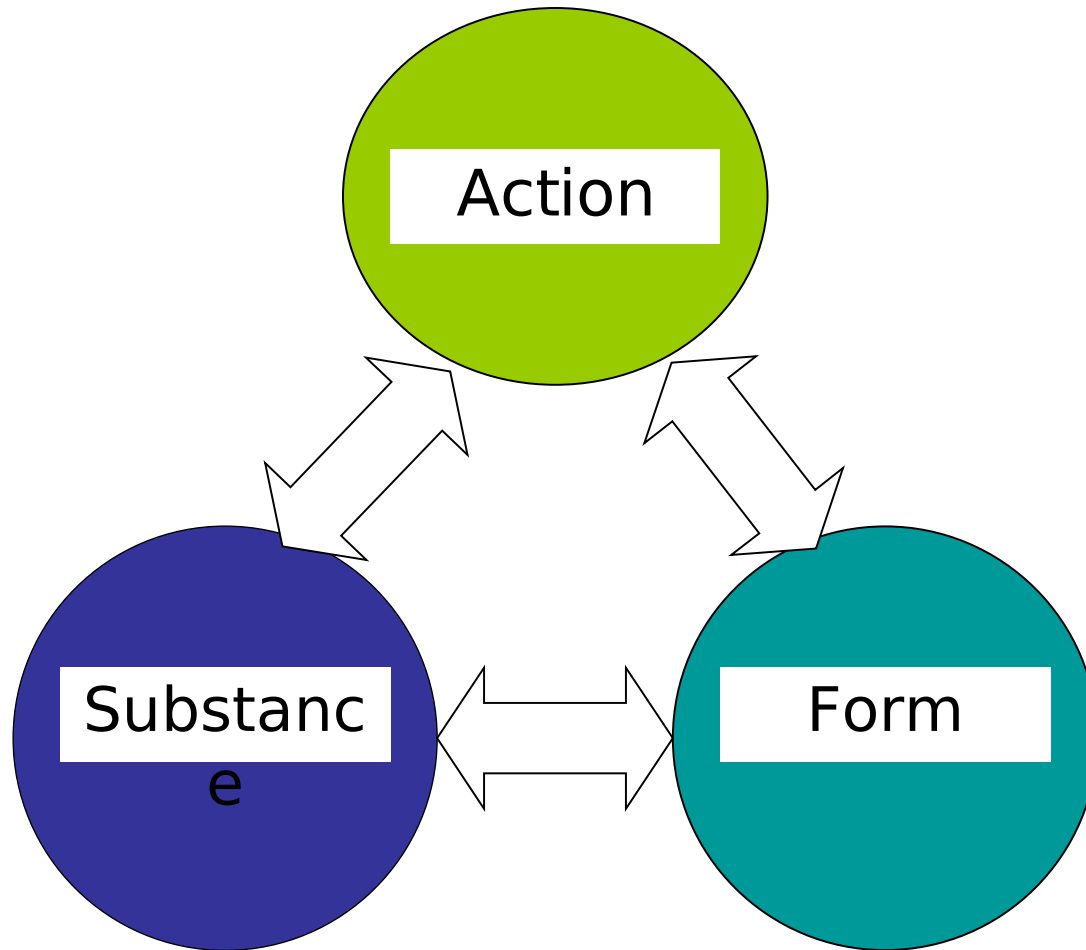
“Genre’ is **a recognizable communicative event** characterized by a set of communicative purpose(s) identified and mutually understood by the members of the professional or academic community in which it **regularly occurs**.

Swales’ definition (1981, 1985, 1990a)  
summarized by Bhatia  
in *Analysing Genres* (1993:13)

Swales' definition (1981, 1985, 1990a)  
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(1993:13)

“Most often it is **highly structured and conventionalized** with constraints on allowable contributions in terms of their intent, positioning, form and functional value. These constraints, however, are often **exploited** by the expert members of the discourse community to achieve private intentions within the framework of socially recognized purpose(s).”  
(Bhatia 1993:13)

# Features of genre texts



# Carolyn Miller

“A rhetorically sound definition of genre must be centered not on the **substance** or the **form** of discourse but on the **action** it is used to accomplish.” (Miller 1984:151).

# Carolyn Miller

Miller rejected a class of Environmental Impact Statements that she had studied as not constituting a rhetorical genre because “it did not achieve a rational fusion of elements—in spite of obvious similarities in **form** and **substance**, and in spite of a recurring rhetorical situation that was, in fact, defined by law. ***These documents had no coherent pragmatic force ...*** Overall, the imperfect fusion of scientific, legal, and administrative elements prevented interpretation of the documents as **meaningful rhetorical action.**” (Miller 1984:164)



# Example: A genre-based support system for the production of legal documents

- **What?** A system to help produce documents such as contracts, wills, patents, and case reports.
- **Who?** Legal professionals, paralegals, and law school students.
- **Why?** The complex language of legal documents poses a challenge, especially in English-as-a-foreign-language situations
- **How?** Use OCHA (observe text features, classify them, hypothesize their usage and apply observations)  
Use PAIL (identify the purpose, audience, information and language features of genre texts)  
Use genre-based corpora

# OCHA

- A pedagogic approach based on the scientific method
  - O**bserve the phenomena: the text
  - C**lassify the observations: the text features such as rhetorical structure, grammar, phraseology, collocations
  - H**ypothesize about the use of these features: e.g. verb tense usage, phrases used to signal discourse structure
  - A**pply the hypotheses to understand or create similar texts

# Advantages of using OCHA

- Weans students away from word-for-word translation which can be misleading and even inaccurate
- Reveals cross-linguistic rhetorical variation
- Makes students aware of systematically used language features of genre texts
- Equips students with techniques that can be applied to newly encountered texts, even from different genres

# What to observe

- **P**urpose of the text
- **A**udience at which it is aimed
- **I**nformation that it is expected to carry
- **L**anguage features that make it possible for the text to realize its purpose
  - Rhetorical
  - Grammatical
  - Lexical
  - Technical
  - Phonological

# Why does form need to be taught?

From second language acquisition (SLA) research: Focus on form

- Doughty and Williams (1998): classroom-oriented research reveals that “**some linguistic features do not ultimately develop to target-like levels**” if left to only experiential and meaning-based experiences.

# Ellis: Form-focused Instruction and Second Language Learning (2001)

## Types of Form-Focused Instruction

	Primary focus	Distribution
Focus-on-forms	Form	Intensive
Planned focus-on-form	Meaning	Intensive
Incidental focus-on-form	Meaning	Extensive

**A genre-based support system  
to implement OCHA**

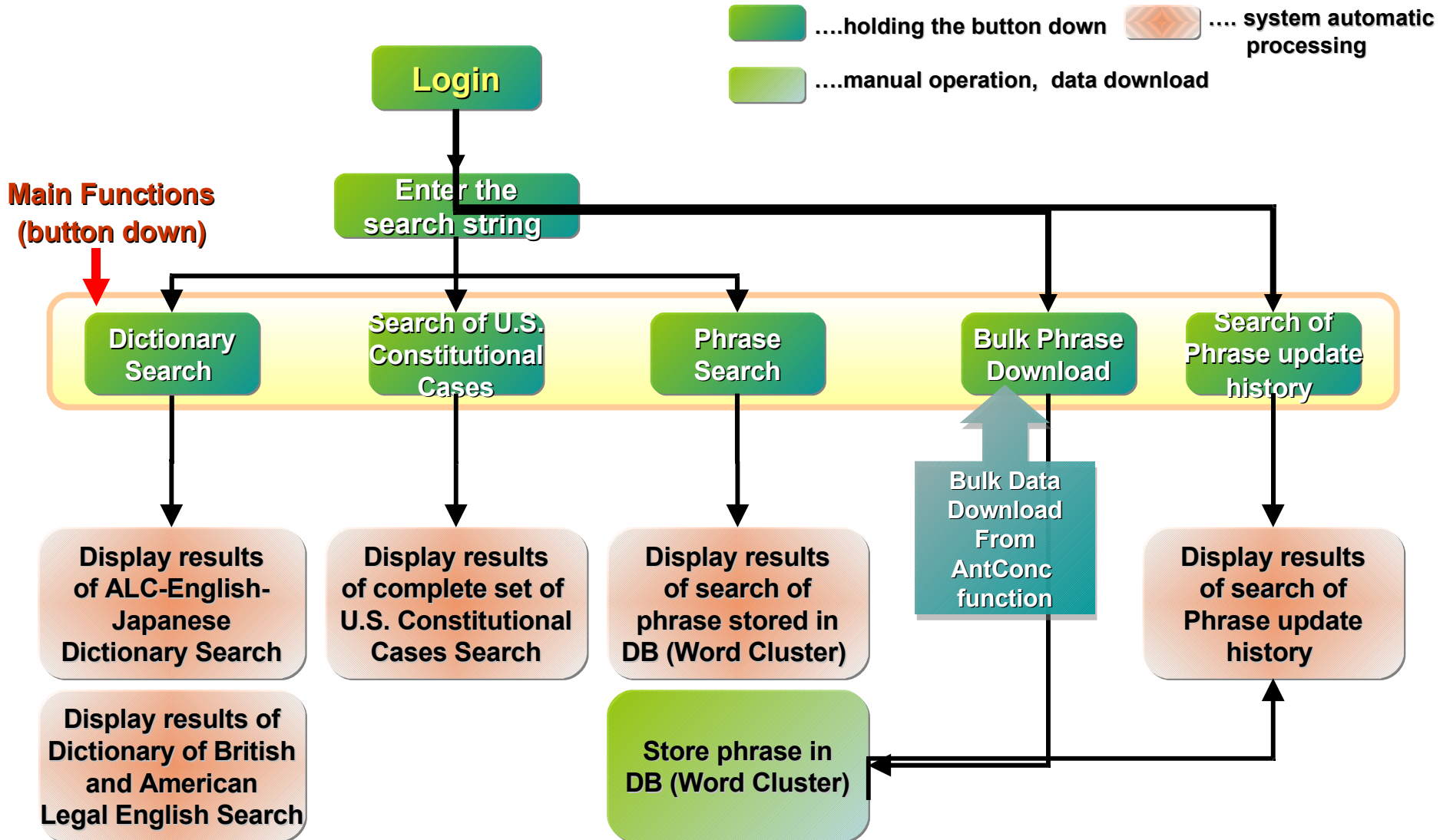
# **System for electronically searching and translating U.S. Constitutional Cases**

- 1) Search for either individual words or entire phrases in texts of Cases**
  
- 2) Access via**
  - Identification of common Japanese and English translations as well as usage**  
**--> ALC-English-Japanese dictionary**
  
  - Display of specialized usage of legal terms --> Dictionary of British and American Legal English**

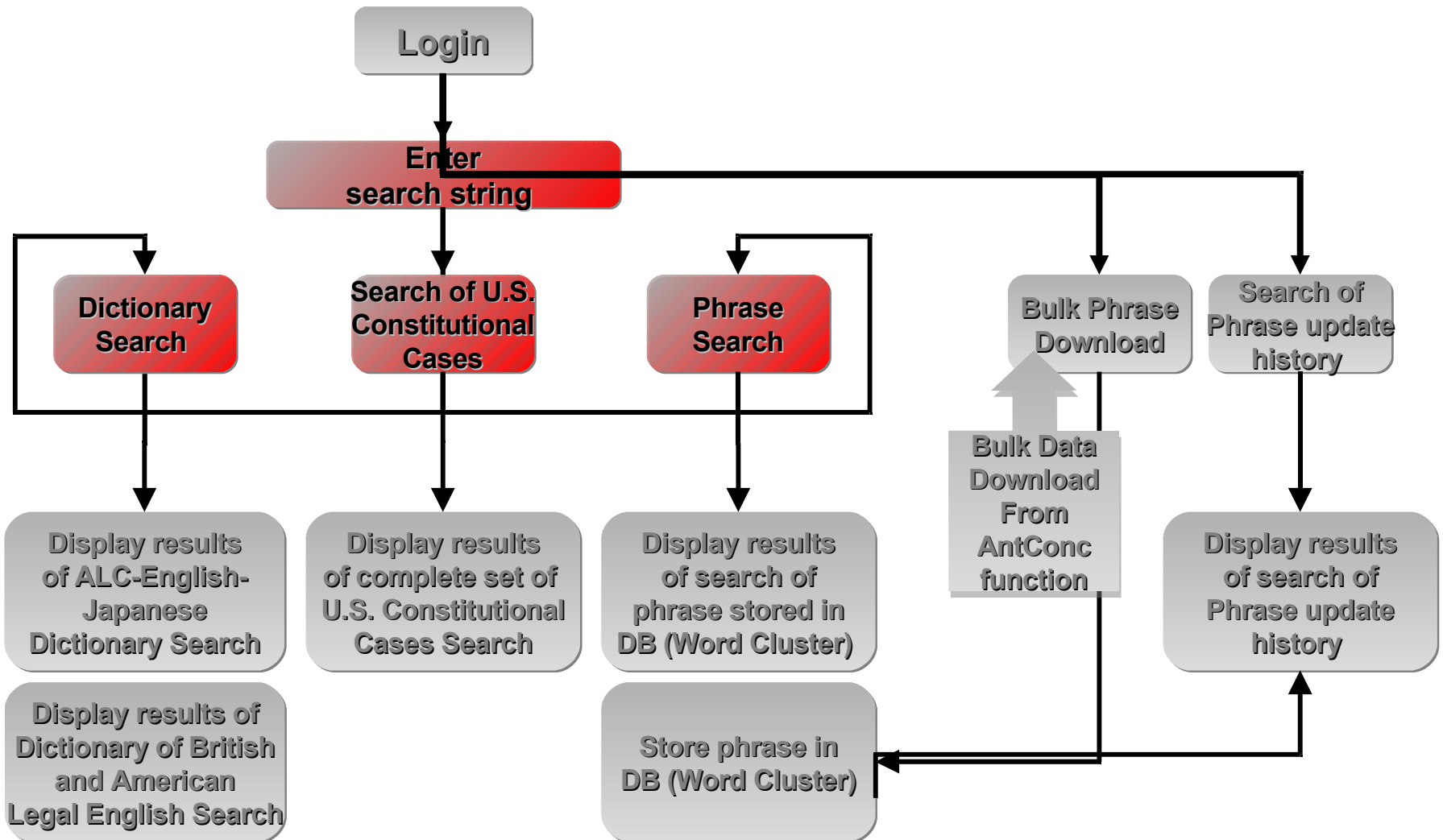


- **Identification of actual usage in text of U.S. Constitutional Cases (display of example sentences) --> complete set of U.S. Constitutional Cases**
- **Identification of frequency of usage of terms within text of U.S. Constitutional Cases (display of example sentences) ---> corpus of example phrases**
- **3) Link search results of one data set to next search in a different data set (search refinement)**

# Overview of Functions of the Precedent Search & Translation System



# Precedent Search & Translation (1)



# Precedent Searching & Translation (2)



Enter search string.

Enter search string, and click on “Dictionary Search” button for Dictionary Search.

Enter search string, and click on “Search of U.S. Constitutional Cases” button for Search of U.S. Constitutional Cases.

Enter search string, and click on “Phrase Search” button for Phrase (Word Cluster) Search

# Display results of Dictionary Search

Display results of ALC-English-Japanese Dictionary and Dictionary of British and American Legal English Search

米国憲法判例検索デモサイト - Microsoft Internet Explorer

ファイル(E) 編集(E) 表示(V) お気に入り(A) ツール(T) ヘルプ(H)

戻る 検索 お気に入り メディア

アドレス http://9.189.90.46/hanrei/CaseSearchServlet3

Google ウェブ検索 プログラム数: 262 オプション

【検索文字列】 charge 【検索方法】  単語検索  部分検索 【フレーズ更新日】 ~ 【更新者】

辞書検索 米国憲法判例検索 フレーズ検索 フレーズ一括取込 フレーズ更新履歴

検索文字列 : charge

表示された単語・熟語をクリックすると、米国憲法判例での使用例を見ることができます。

ALCからの検索	英米法辞書からの検索
<p><b>charge</b></p> <p>【名-1】 (役務に対する) 料金(りょうきん)、使用料(しゅうりょう)、手数料(てすうりょう)</p> <p>【名-2】 借方記入(かりかたきにゅう)、つけ、負債(ふさい)、課税金(かぜいきん)、税金(ぜいきん)、課徴金(かちょうきん)、負担(ふたん)、掛かり</p> <p>【名-3】 義務(ぎむ)、責任(せきにん)、問責(もんせき)</p> <p>【名-4】 管理(かんり)、運営(うんえい)、保護(ほご)、監督(かんとく)</p> <p>【名-5】 (世話(せわ)を) 託された人、担任(たんになん)、教区(きょうく)、委託(いたく)、預かり物、保管(ほかん)</p> <p>【名-6】 説示(せつじ)、指令(しれい)、命令(めいれい)、訓令(くんれい)</p> <p>【名-7】 告訴(こくそ)、告発(こくはつ)、罪、非難(ひなん)、嫌疑(げんぎ)、容疑(ようぎ)</p> <p>【名-8】 充電(じゅうでん)、帯電(たいでん)、電荷(でんか) ◆【略】CHG</p> <p>【名-9】 装填(そうてん)、装薬(そうやく)、弾薬(だんやく)、分量(ぶんりょう)、投入量(とうりょう)、感情(かんじょう)などの蓄積(ちくせき)、迫力(はかりよく)、杯の酒</p> <p>【名-10】 突進(とっしん)、攻撃(こうげき)、突撃(とつげき)</p> <p>【名-11】 活力(かつりよく)</p> <p>【名-12】 容疑(ようぎ)、疑惑(ぎわく)</p>	<p><b>acquisition charge</b>            期限前弁済の手数料; 早期返済への加重金            □ローンの弁済期前に完済した場合に課せられるもの。→prepayment penalty</p> <p><b>affirmative charge</b>            無罪の説示            □裁判官が陪審に対し、証拠の如何にかかわらず、起訴状の訴因によっては被告有罪とすることができない旨の説示を与えること。</p> <p><b>Allen charge</b>            アレン説示            □裁判官が、陪審員に対して他の陪審員の意見に耳を傾け心を開くようにと告げる多数が有罪という意見なのに、一部の陪審員が無罪という立場をとって譲らない決ができないときなどに用いられる。Allen v. United States (1896) に由来する名刺審のデッドロックを打開することを目的としたものであるところから、dynamite charge 弾的説示)とよばれたり、shotgun instruction、third-degree instruction とよばれ、</p>

# Display Search Results of U.S. Constitutional Cases (1)

Click on ID number of the results of Search of U.S. Constitutional Cases to display the text body.

米国憲法判例検索デモサイト - Microsoft Internet Explorer

ファイル(E) 編集(E) 表示(V) お気に入り(A) ツール(T) ヘルプ(H)

戻る 検索 お気に入り メディア

アドレス http://9.189.90.46/hanrei/CaseSearchServlet3

Google ウェブ検索 ブロック数: 262 オプション

【検索文字列】 charge 【検索方法】  単語検索  部分検索 【フレーズ更新日】 [ ] ~ [ ] 【更新者】 [ ]

辞書検索 米国憲法判例検索 フレーズ検索 フレーズ一括取込 フレーズ更新履歴

米国憲法判例 <検索条件> chargeでの検索結果

判例IDをクリックすると判例の全文を表示します。

辞書検索

ID	判例
<a href="#">14002</a>	1 unfavorably to his title. From the instructions asked, and the charge delivered, a selection is made, to exhibit the questions decided. Th 2 . to exhibit the questions decided. The court was requested to charge -- 3. "That when the lien of a mariner for wages is sought to be e 3 on-law process was not and could not be a proceeding in rem, to charge the ship with the debt, for the creditor has no lien upon her, and th
<a href="#">14003</a>	1 dee and consent and under his superintendence, is sufficient to charge the barque with the usual maritime lien, notwithstanding that Leach m 2 bills. Leach acceded to this arrangement, and directed them to charge the cargo then on board[**32] the Laura at Valparaiso to the joint ac 3 nce sundries for Laura due April 12, 1852" -- showing that the charge for the repairs and supplies was always kept separate and distinct fr 4 to remain there if he chose. There was no order, therefore; no charge of misconduct; no notice that they would put an end to the contract. 5 according to the contract, for his services as master. And the charge of taking the vessel to the Pacific, and illegally detaining her mer 6 But it would be a sufficient answer to it to say that no such charge is made against them in the answer. It is made against Leach; but th

Display the results of complete set of U.S. Constitutional Cases Search with the search string indicated in red.

# Display results of Search of U.S. Constitutional Cases (2)

判例14002全文表示 - Microsoft Internet Explorer

[戻る](#)

[charge](#) [へのリンク](#)

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#)

14002

JAMES L. AND SAMUEL L. TAYLOR, ADMINISTRATORS OF ROBERTTAYLOR, DECEASED, PLAINTIFFS  
IN ERROR, v. NATHAN T. CARRYL, WHO SURVIVED WILLIAM J. WARD.  
SUPREME COURT OF THE UNITED STATES

61 U.S. 583; 1857 U.S. LEXIS 490; 15 L. Ed. 1028; 20 HOW 583

DECEMBER, 1857, Term

PRIOR HISTORY: [**\*\*1**]

THIS case was brought up from the Supreme Court of Pennsylvania, by a writ of error issued under the twenty-fifth section of the judiciary act.

The facts of the case are particularly stated in the opinion of the court.

CORE TERMS: admiralty, marshal, vessel, custody, common law, ship, common-law, seamen, wages, attachment, seized, duty, admiralty jurisdiction, paramount, tribunal, barque, mariner, maritime, exclusive jurisdiction, court of admiralty, enlightened, concurrent, interfere, lawfully, arrest, foreign attachment, sovereignty, replevin, jealousy, seizure

LEXIS HEADNOTES - Classified to U.S. Digest Lawyers' Edition: Prior sale by sheriff -- when gives better title than sale by Marshal -- property levied on, not subject to another jurisdiction. --

Click on ID number of the results of Search of U.S. Constitutional Cases to display the text body.

# Display results of Phrase Search

米国憲法判例検索デモサイト - Microsoft Internet Explorer

ファイル(E) 編集(E) 表示(V) お気に入り(A) ツール(T) ヘルプ(H)

戻る 検索 お気に入り メディア

アドレス(D) http://9.189.90.46/hanrei/CaseSearchServlet3

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【検索文字列】  【検索方法】  単語検索  部分検索 【フレーズ更新日】 ~ 【更新者】

辞書検索 米国憲法判例検索 フレーズ検索 フレーズ一括取込 フレーズ更新履歴検索

Display results of search of phrase stored in DB (Word Cluster).

検索文字列: charge

米国憲法判例集における検索文字列を含むWord Clustersです。リンクをクリックすることで米国憲法判例での使用例を参照することができます

フレーズ登録

ソート順: 頻度順[多/少] アルファベット順[A-Z/Z-A] 代表例文[有優先]

非表示	Word Cluster	辞書	頻度	代表例文	例文訳
<input type="checkbox"/>	<a href="#">charge of</a>	辞書	224	posts was in the discharge of his duties as surgeon in the army, and under the orders of his Government.	XXXXXXXXXX
<input type="checkbox"/>	<a href="#">the charge</a>	辞書	221		
<input type="checkbox"/>	<a href="#">charge of the</a>	辞書	108	Test2	テスト2



# Conclusion

## Three Genre Components Essential for LSP Communication

3. Action, Substance, Form
4. Observe, Classify, Hypothesize, Apply
5. Purpose, Audience, Information, Language

Use ESP Concepts →

To create a Pedagogical Tool →

For Professional Development (e.g., legal  
professionals)

# Appendix

# Application to a Contract Text

Contract Nr. CK-W-1-ENG	Move
<b>NEGOTIATED UTILITY SERVICE CONTRACT</b>	
<b>THIS CONTRACT</b> entered into as of 27 December 1955 by and between the U. S. Government, <b>hereinafter called</b> the Government represented by the Contracting Officer executing this contract, <b>and</b> K University, whose address is Rokkodai-cho, Kobe City, Japan, <b>hereinafter called</b> the Purchaser,	
<b>WITNESSETH THAT:</b>	
<b>WHEREAS</b> , the Government has established Rokko Heights Dependent Housing, FAC 4055 near K University known as Rokko Heights, and owns, maintains and operates facilities for the furnishing of water service, and	
<b>WHEREAS</b> , the Purchaser desires to obtain water service from the Government, as required for K University, at the time of heavy rain only, ...	
<b>NOW, THEREFORE</b> , in consideration of the premises and of the mutual agreements herein contained, to be performed <b>by the parties hereto respectively</b> , it is agreed as follows:	

1. SCOPE AND TERM OF CONTRACT. (a) Subject to the terms and conditions hereinafter set forth, the Government shall sell and deliver to the Purchaser and the Purchaser shall purchase and receive from the Government water service (hereinafter called service) requested by the Purchaser from the Government at the premises to be served hereunder (hereinafter called the service location), all in accordance with the Special Provisions "A" for Water Service attached hereto and made a part hereof.

...

\* \* \*

\* \* \*

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the day and year first above written.

Headquarters: Camp Kobe, APO 317

By: (Signed) Nomen NESICIO

Lt Col CE

Regional Post Engineer

Purchase: K University

By: (Signed) Nanno NANIGASHI

Title: Executive Secretary

# Application to a Will Text

THIS IS THE LAST WILL AND TESTAMENT	Move
of me <i>John Geoffrey Mooncraft</i>	
of <i>30 Roman Way, Mannamead, Bramhall, Brightshire</i>	
I hereby revoke all previous wills and codicils I have made. This is my last Will.	
As executor(s) of this my will, I appoint: <i>my wife Jean Margaret Mooncraft; my daughter Mrs Penny Marjonie Stanton and my son-in-law Nicholas Matthew Stanton, both of 17 Winchester Close, High Lane, Brightshire.</i>	
I direct that all my debts and funeral and testamentary expenses be paid as soon as is convenient after by death.	
<i>1, I leave my painting of the Spanish Galleon by Tom Praund to my friend Michael Victor Norris of 43 Embankment Drive, Riverside, Tothill, Buryshire, in appreciation of his friendship over many years.</i>	
<i>2, I leave the sum of ....100 to the save the Children Fund of 17 Grove Lane, Camberwell, Longond SE5 8RD.</i>	

*3, I leave the sum of ...1000 to each of my children, Mrs Penny Marjonie Stanton of 17 Winchester Close, High Lane, Brightshire, David Stephen Mooncraft of 1 Dunham Close, Claverham, Dukeshire, Mrs Flora Mary Martin of Shresbury, 5 Hartley Road, Yewerton, Brightshire. ...Edwin Giles Mooncraft of 184 Andrews Drive, St. Judes, Dukeshire.*

*4, (i) I leave the remainder of my estate to my wife Jean Margaret Mooncraft of 30 Roman Way, Mannamead, Bramhall.*

*Dated this          day of (month)          (year)*

*.....(1st witness)*

*of*

*.....(2nd witness)*

*of*

*Signed by the*

*testator/testatrix*

*in our presence and*

*by us in his/hers*

*PAGE 1 if there is not enough space use the back page to continue. The witnesses should then sign and write in their addresses on the other side.*

(Continued from overleaf)

*Brightshire, provided she survives me for period of 28 days;*

*4, (ii) If my wife shall not so survive me I leave the remainder of my estate to my children, Mrs Penny Marjorie Stanton, David Stephen Moorcraft, Mrs Flora Mary Martin and Edwin Giles Moorcraft in equal shares:*

*4, (iii) If any of my children mentioned above shall die before me I leave the share in the remainder of my estate that he or she would have received equally between my children who survive me.*

*John G. Mooncraft.*

**Dated this** *30th* **day of** (month) *April* (year) *1998*

*P.J. Bristow* (1st witness)

*of 10, Garland Road, Buth. Avon*

.....(2nd witness)

*of 58 Herondale Rd. Solihill, Warks.*

**Signed by the**

**testator/testatrix**

**in our presence and**

**by us in his/hers**

**PAGE 2 Witnesses should sign and write in their addresses on this side if you have used this page.**

# References

- Bhatia, V. K. 1993. *Analysing Genre: Language Use in Professional Settings*. London and New York: Longman.
- Doughty, C. and Williams, J. (eds.) 1998. *Focus on form in classroom second language acquisition*. Cambridge: Cambridge University Press.
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- Ellis, R. 2001. Investigating form-focused instruction. In R. Ellis (ed.) *Form-focused instruction and second language learning*. Malden, MA: Blackwell.



# References

- Bhatia, V. K. 1993. *Analysing Genre: Language Use in Professional Settings*. London and New York: Longman.
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- Ellis, R. 2001. Investigating form-focused instruction. In R. Ellis (ed.) *Form-focused instruction and second language learning*. Malden, MA: Blackwell.

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- Miller, C. R. 1984. Genre as social action. *Quarterly Journal of Speech*, 70, 151-167.
- [http://  
en.wikipedia.org/wiki/Scientific\\_method](http://en.wikipedia.org/wiki/Scientific_method)
- [http://en.wikipedia.org/wiki/Portal:Scientific  
\\_method](http://en.wikipedia.org/wiki/Portal:Scientific_method)