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Enhancing Students' Metacognition in Legal English Classes

Abstract: In the last two decades, researchers have shown the importance of metacognition in language learning and teaching. This paper focuses on students' metacognition in the course 'English for Lawyers' at Masaryk University and reports on the action research which was performed over the period of three years, 2019–2021. The objectives of the research were twofold: to identify how students perceive their learning in legal English lessons in which both the legal content and academic skills were practised, and then to find out whether implementing steps that raise their metacognition would help students become more efficient learners. By collecting data from reflective questionnaires given to students, the teacher analysed the teaching and learning situations and proposed changes, such as explaining the learning opportunities of the lessons and supporting the planning, monitoring, and evaluating of students' learning, so that students could exploit the full potential of lessons and their learning abilities.
Keywords: academic skills, legal English, metacognition in language learning

Introduction

Metacognition, understood as 'one's knowledge concerning one's own cognitive processes and products, or anything related to them', is a term attributed to Flavell.[1] The concept of metacognition in language learning has experienced a certain development: from metacognition understood as knowledge about one's own learning[2] to a broad understanding of metacognition as an awareness of and reflections about one's knowledge, experiences, emotions, and learning in the contexts of language

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1   J.H. Flavell, Metacognitive Aspects of Problem Solving, (in:) L B. Resnick (ed.), The Nature of Intelligence, Hillsdale 1976, p. 232.
2   A. Wenden, Metacognition: An Expanded View on the Cognitive Abilities of L2 Learners, 'Language Learning' 1987, vol. 37, no. 4, p. 575.

learning and teaching.[3] Even though the importance of metacognition in enhancing language learning has been pointed out for more than two decades,[4] metacognition has not yet become an integral part of language learning and teaching.[5] This paper provides an overview of research investigating students' metacognition during the years 2019–2021 in the course 'English for Lawyers' taught at the Faculty of Law in Masaryk University.

1. Motivation and Teaching Context

After several years of teaching on the 'English for Lawyers' course, I noticed that students viewed and evaluated the lessons differently when the classroom activities focused on the law content from when they focused on academic or professional skills practice. More specifically, students' feedback on the course implied that some of them consider learning the content superior to learning skills and that practising academic skills like presentations, role plays, or discussions does not contribute to their learning of legal English; some even mentioned that these were just fun or a waste of time. To explore the real situation and students' views on their learning, I decided to start research investigating the issue of how students perceive the learning in topic-based lessons compared to those that are skills-based.

The course 'English for Lawyers' runs for four semesters and most students are first- and second-year undergraduates. The course is topic-based, but within the lessons, apart from language skills, academic and legal professional skills are developed as well. From the teacher's perspective, the best time for the research on students' metacognition seemed to be the last, i.e. the fourth, semester of the course because it is a perfect combination of skills and content. Students are supposed to prepare a team presentation on a legal topic as part of the continuous assessment. Thus, while working on developing their presentation skills, students can extend and practise their professional English as well. But is this also the student perspective? Are students aware of their learning in legal English classes? Are they metacognitively conscious learners? If not, how can I, as their teacher, help them? Those were the issues that I was interested in and explored in the years 2019–2021.

I planned the research in two phases. The first step of the research would address and disclose the real state of students' metacognition, i.e. whether students

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3   Å. Haukås, Metacognition in Language Learning and Teaching – Overview, (in:) Å. Haukås, C. Bjørke, M. Dypedahl (eds.), Metacognition in Language Learning and Teaching, Abingdon 2018, pp. 11–30.

4   See, e.g., A. Wenden, Metacognition…, *op. cit.*, p. 592; Å. Haukås, Metacognition…, *op. cit.*; A. U. Chamot, Language Learning Strategy Instruction: Current Issues and Research, 'Annual Review of Applied Linguistics' 2005, vol. 25, pp. 112–130; N.J. Anderson, The Role of Metacognition in Second Language Teaching and Learning, 'ERIC Digest' 2002, vol. 4, pp. 1–7.

5   Å. Haukås, Metacognition…, *op. cit.*

are aware of what they learn, or could learn, and whether they are able to reflect on their learning. The second step, in case the level of metacognition could be increased, would mean implementing tools for increasing the students' metacognition and exploring the effectiveness of the proposed tools. The plans, however, were affected by the COVID-19 crisis and the research had to be adapted. The second stage took two years; however, the trickiest issue was the fact that I was unable to directly compare the effect of metacognitive tools because the teaching situation was very different in 2019, 2020, and 2021.

2. Action Research as a Methodological Tool

A method that could effectively deal with the intended investigation was action research. This term was introduced by Kurt Lewin;[6] it refers to a practice of solving problems by cycles of observing, reflecting, and acting,[7] and thus combines research and actions being taken and observed. In this way, the teacher can gain more understanding of the students' performance and thinking. Moreover, the changing teaching situation is not an obstacle in the process of researching since action research allows for adopting research questions to new situations as the project progresses.[8]

The research presented here on student metacognition thus happened in three action-research cycles, the first one being Spring 2019, the second Spring 2020, and the last cycle in Spring 2021. The first cycle explored students' metacognition in lessons of two types, and the following questions were investigated:

Research Question 1: Are students aware of academic/professional skills they practise within a topic-based lesson?

Research Question 2: Are students aware of developing legal English knowledge when they practise academic/professional skills?

My expectations (from past teaching experience) were that students were more likely to notice that they had learnt the content, e.g. legal English vocabulary, than that they had developed their skills. Moreover, I anticipated that a certain percentage of students would not appreciate the content delivered via presentations given by their peers.

After the first cycle, an action plan of raising students' awareness of their learning in legal English lessons was designed, and it was implemented in two different settings, influenced by the COVID-19 crisis: the spring semester 2020 and the spring semester 2021. In those two cycles, I explored a research question connected to the action plan:

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6   K. Lewin, Action Research and Minority Problems, (in:) G.W. Lewin (ed.), Resolving Social Conflicts, New York 1946, p. 34.

7   P. McIntosh, Action Research and Reflective Practice, Abingdon 2010.

8   V. Koshy, Action Research for Improving Practice: A Practical Guide, London 2005.

Research Question 3: Can the teacher help students make their learning more effective by enhancing their metacognition about learning?

The data were collected by various methods, different for each cycle: end-of-lesson questionnaires, end-of-semester questionnaires, mid-semester individual consultations, or oral feedback. The questionnaires and consultations had a rather strong self-reflective nature, which led me to concerns about whether students are willing and able to reflect.

3. Research Cycle 1 (Spring 2019)

Description of the Lessons

The year 2019 was, from today's perspective, the last 'traditional' one when the lessons took place within the walls of the classroom, and nobody expected anything different. The fourth semester of the course of legal English consisted of three topics (Civil Rights, Human Rights, and Employment Law); however, a special focus was given to improving students' presentation skills, and some lessons were devoted solely to presentations. The classes took place once a week, each 100 minutes long, for 12 weeks. Every lesson consisted of both the legal content and skills practice; however, in Weeks 2–8, the lessons were, at first sight, focused on one of them. Weeks 2, 4, 6, and 8 were targeted at presentation skills and Weeks 3, 5, and 7 were centred around legal topics. The lessons were, in fact, of three types:

– Presentation practice-based (Weeks 2 and 4), but involving legal content: the students practised their presentation skills and gave team mini-presentations on the legal topic (civil and human rights) as a preparation for their future 15-minute presentation.
– Content-based lessons (Weeks 3, 5, and 7) on civil and human rights, but developing academic or professional skills in certain activities within the lesson, e.g. discussions, argumentation, a legal analysis of a case.
– Presentation lessons (Weeks 6 and 8) in which three groups delivered their 15-minute presentations, followed by self-reflection led by the teacher and peer and teacher feedback. The content was provided by the students; each presenting team could choose any topic related to law.

End-of-lesson Questionnaires

After each lesson, the students were to fill in an online questionnaire reflecting on their learning in which they completed the sentences: 'After this lesson I know…' and 'After this lesson, I feel (that)…'. The sentence openers intentionally avoided the phrase 'I learnt' so that the students had a chance to comment on developing their

skills, e.g. 'I know how to start a presentation effectively. I feel I still need to work on my eye contact with the audience.'

In the 2019 spring semester, I taught two seminar groups with 34 students altogether. The response rate to the questionnaire varied from 75% to 85%, and about 90% of answers were to the point, i.e. sensible and sincere comments, though often not very specific. Let us analyse the results based on which type of lesson the students reacted to:

– In the presentation practice-based lessons (Weeks 2 and 4), all answers pointed out developing presentation skills, but nobody mentioned the content. The majority of answers (85%) were not specific, e.g. 'I know how to improve my presentation skills', 'I know some tips about presenting', 'I feel I can present better', as opposed to 15% with specific answers: e.g. 'I know how to conclude a presentation.'

– After the content-based lessons (Weeks 3, 5, and 7), all relevant replies mentioned the content, e.g. 'I know how the system of checks and balances works', 'I feel good because I remembered a lot of legal words which we used'; only about 10% of answers mentioned skills – speaking or discussions, e.g. 'I feel I am better in discussions now.'

– After the presentation lessons (Weeks 6 and 8), the answers varied depending on whether the particular student presented or not. The students who presented often expressed feelings about their performance, e.g. 'I feel relaxed and satisfied', 'I feel I still need to improve my presentation skills.' The students who only listened to presentations commented about the content, e.g. 'I know more information about family law', or gave only general remarks, e.g. 'I feel pretty good, it was a nice lesson.' There was only one comment related to the skill of giving feedback: 'I feel I can evaluate others.'

Answers to Research Questions 1 and 2

Research Question 1: Are students aware of academic/professional skills they practise within a topic-based lesson?

The results of the end-of-lesson questionnaires in Weeks 3, 5, and 7 showed that the vast majority of students did not consider the practised skills as something they could mention in their reflection after the lesson. Only 10% of responses indicated the skills as something they had worked on during the lesson.

Research Question 2: Are students aware of developing legal English knowledge when they practise academic/professional skills?

There was no clear answer to this research question because the students' responses were greatly influenced by whether they presented or how much they were preparing for the (mini-)presentation. The responses revealed that, in the majority of cases, if a student presented, their emotions related to the actual presentation overweighed the experience of learning the content. If they just listened and gave feed-

back, students appreciated new information. All in all, about 35% of responses in Weeks 2, 4, 6, and 8 reflected on the legal knowledge in the skills-based lessons; however, I consider this figure influenced by the fresh emotions aroused by the presenting.

To compare the results with my expectation that students would be more likely to notice that they had learnt the content than that they had developed their skills, we can conclude that this was confirmed in the case of content-based lessons.

Further Results

The responses in the questionnaires also revealed other interesting results:

- No student commented on learning from others in any of the lessons. Only one remark was related to the work of others: 'I feel better because I saw many of my colleagues have the same problem with presenting in front of other people.'
- The students provided only occasional observations connected to specific activities in the lesson, e.g. 'I feel human rights are an interesting topic for work in pairs and discussion.' This might indicate that the students did not actively think about the learning potential of the tasks performed.
- Approximately 15% of students seemed frustrated because they 'didn't prepare for the exam' in the lessons. An example of this type of response is 'I feel indifferent, it is not useful for the exam.'

My concerns about the students' willingness and ability to reflect on their learning proved to be partly right. The majority of students were willing to reflect: an average of 80% submitted their answers every week, and 90% of them gave serious answers. (Examples of non-serious responses are 'I know everything' or 'I feel like a new man.') As far as the ability to reflect is concerned, the percentage of very general answers was rather high, about 70% out of the serious responses in all weeks. Such answers are not very helpful for the reflection, but the reasons for providing general responses are not clear and may be varied, from not being able to reflect to practical reasons, e.g. a lack of time when the student was in a hurry.

End-of-semester Questionnaire

To round up the whole semester, the students completed one more questionnaire, which was concerned with what the students appreciated about the course, with a specific question about the presentation skills. The response rate was 82%, out of which 83% of students appreciated the opportunity to practise presentation skills and 17% explicitly stated that it was unnecessary or even a waste of time. The last figure is directly related to my expectation that some students would not appreciate the content delivered via presentations given by their peers; however, the percentage was not high. What may be interesting is that none of the responses commented on the

fact that the presentation practice was an opportunity to learn something new about legal topics in English.

Conclusions After the First Research Cycle and an Action Plan

It can be concluded that even though students were given the information that each lesson combined both learning the content and developing the skills, the answers in the questionnaires revealed that the students gave priority to only one. Generally, hardly any students considered both when reflecting on their learning in the lessons. The responses showed that most students were not very good at reflecting on their actual learning in the course, which created an opportunity to raise metacognitive awareness to enhance their learning.

Based on the results, I prepared the following action plan:

– explaining learning opportunities (both skills and language) in all activities,
– supporting students' planning, monitoring, and evaluating of learning legal English from the first semester of the course,
– making sure students understand that improving English, working in the lessons, and succeeding in the final examinations are interconnected,
– finding time for learning strategies and reflection during the lessons.

4. Research Cycle 2 (Spring 2020)

I started implementing the action plan in the 'English for Lawyers' course in Autumn 2019 by making students aware of the learning opportunities and helping them to find strategies in the first and third semester; however, I expected to continue the action research with the same method (end-of-lesson questionnaires) in the fourth semester, in Spring 2020, to see whether there would be any difference in students' responses. The only new element that I expected compared to Spring 2019 was that my students were going to start cooperation with law students from the University of Nicolaus Copernicus in Toruń, Poland. They were going to communicate in a closed Facebook group, ask questions, provide answers, and implement those answers into their 15-minute team presentations.

As we know, the reality of Spring 2020 was very different from the plans. Following the philosophy of action research, I modified the action plan and applied the parts which were reasonable in the circumstances.

Teaching Situation

After one or two regular face-to-face lessons, the teaching and learning went online. In our case, the lessons were substituted by e-learning in the university information system: students could participate in optional Microsoft Teams sessions (not many did), and communication happened mainly via the university e-learning plat-

form or by email. I was teaching two seminar groups of students, 36 altogether. The new element, the cooperation with the Polish students, was easy to keep, and it suddenly became almost a natural part of online learning. The 15-minute team presentations were recorded and submitted online, which turned out to be very practical for the cooperation with the Polish students as the teams shared their presentations and provided international peer feedback.

Adjustments in the Action Plan

With all the changes happening, I decided to abandon the plan of collecting student reflections every week. The reasons were simple: everybody had to cope with an unknown learning situation, and many students were overwhelmed, uncertain, or even lost. However, I made an effort to show students learning opportunities in our (online) tasks.

As mentioned above, I communicated with the students by email or via the e-learning platform. The platform was mainly for providing individual feedback. Apart from that, I created a shared document with a weekly schedule where I noted down what had been done and what was to be done, but also tips for effective learning: useful phrases, how to learn from the Facebook communication, how to improve English writing skills. In this way, I could implement the following points from the action plan of 2019:

– explaining learning opportunities in the tasks that students did,
– supporting students' planning and monitoring of learning legal English,
– making explicit comments that the online work in the course and succeeding in the final examinations are interconnected,
– giving examples of learning strategies.

To illustrate the points, here is an extract from the shared document with the weekly schedule, giving instructions for the coming lesson:

6 May: Continue with the FB interaction, watch the presentations, and work on your English (useful exam practice):

1) *work on your understanding and interaction* (= practising listening, reading, writing): react on FB – either to presentations or posts, some presenters ask questions, if you have not answered any yet, use your chance.

2) *work on accuracy and extending your vocabulary:* Do you spot any nice words/phrases/grammatical structures? Or do you spot any suspicious words/phrases/grammatical structures/pronunciation (potentially with a mistake)? – *Check if they are correct* (use online dictionaries, e.g. https://www.lexico.com/) or search for the particular phrase in quotation marks. Examples:

Example 1: you are not sure if 'I'd like to draw your attention to the picture' is correct (maybe you would choose a different preposition); write into a search machine

'draw your attention to' – what is the result? – 4,900,000 results, English pages, and grammar explanations on the first page → the phrase is correct.

Example 2: you feel 'minimal wage' sounds strange in English, you search for this phrase, and Google will return 'Showing results for "*minimum* wage"' and, clearly, the right phrase is 'minimum wage'.

End-of-semester Questionnaire and Oral Feedback from Students

As mentioned above, I did not use end-of-lesson questionnaires in Spring 2020. The only way to collect data was an end-of-course questionnaire and feedback after the oral examination. The questionnaire included open-ended questions asking how the students coped with the online teaching and learning in the course and what they appreciated or (dis)liked. Unfortunately, the response rate was only 33%. Nevertheless, the majority of students (70%) shared their experience of the learning, mainly by describing what helped them, e.g. 'I very much enjoyed going through the presentations and learning new things about the law', 'I really loved cooperating with Polish students. It was very interactive and a good way to keep us doing something in "English for Lawyers"', or 'I really like that I had opportunities to improve my writing.' Unfortunately, many comments were rather vague, e.g. 'We've had many options to practise our English and improve ourselves.'

As for the feedback after the oral examination, I examined 12 of the students who I was teaching in the fourth semester of the course, and all of them were willing to discuss their learning in the course. Generally, the students were happy with the support provided and considered the comments in the shared document a valuable resource for their learning. What I found interesting was that each of them had their preferences about activities which they found helpful and effective. This assured me to continue providing students with a wide range of tips and learning opportunities so that each of them could find what is useful for them.

Conclusions After the Second Research Cycle and the Action Plan

Generally, Spring 2020 can be considered to be emergency remote teaching;[9] however, many elements introduced then proved to be helpful and effective for student learning, so they were implemented even in the online teaching of 2020/2021, which became fully-fledged online learning. An example of an element which I considered successful was the shared document monitoring planning and progress as well as providing tips for learning opportunities.

As far as the action plan was concerned, I decided to continue with the plan of 2019. Nevertheless, I modified the methods of how to analyse students' metacognition. I did not wish to continue with the 2019 end-of-lesson questionnaires because

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9   C. Hodges, S. Moore, B. Lockee, A. Bond, The Difference between Emergency Remote Teaching and Online Learning, 'Educause Review' 2020, vol. 27, pp. 1–12.

the learning situation and environment were too different to compare the results of 2019 and 2021. Instead, I introduced mid-semester individual consultations, which were to help students be aware of their learning. An end-of-course questionnaire was then to confirm whether students were able to analyse their learning in the lessons.

5. Research Cycle 3 (Spring 2021)

Teaching Situation

The academic year 2020/2021 was conducted online at Masaryk University. In the course 'English for Lawyers', this meant weekly lessons in Microsoft Teams (compulsory this year) and e-learning available in the university platform. Similar to the spring semester of 2019, Weeks 2 to 8 of the fourth semester of 'English for Lawyers' were devoted to developing presentation and communication skills as well as the legal content. I again taught two seminar groups with 40 students altogether, and we continued the cooperation with the Polish law students. This time the collaboration was well established within the semester: two common Microsoft Teams sessions, written interaction on Facebook, and providing peer feedback on recorded presentations.

Implementation of the Action Plan

To implement the 2019 action plan of raising students' metacognition in learning legal English, I carried out the following steps:
- explaining learning opportunities in all activities and thus raising students' awareness of their learning (during the Microsoft Teams lessons and in the shared document monitoring progress),
- supporting students' planning, monitoring, and evaluating of learning outcomes (in the shared document and individual consultations),
- making sure students understand that improving English, working in the lessons, and succeeding in the final examinations are interconnected (during the Microsoft Teams lessons and in the shared document monitoring progress),
- finding time for learning strategies and reflection during the lessons (mainly in individual consultations).

The shared documents continued to keep track of the work done and planned, and at the same time provided tips and feedback on the language produced by students. A special focus was placed on peer feedback, in presentations and other tasks, as this was a suitable place to make students aware of the double role of many legal English activities, e.g. practising the communicative function of the language as well as legal vocabulary practice.

A new reflective element consisted of short individual consultations in the middle of the semester. I spent at least five minutes with each student, discussing their learning progress and the support they needed. The majority of students showed themselves to be conscientious learners who just needed some assurance or assistance with specific issues. However, there were students who required more help, and they were grateful to find out that the teacher cares about their progress. I found individual consultation particularly useful in the online teaching environment since I was not able to establish individual rapport similar to the face-to-face setting.

End-of-semester Questionnaire

At the end of the course, students filled in a questionnaire which focused on their learning mainly during the presentation-phase weeks, i.e. Weeks 2–8. The questionnaire included Likert-scale items addressing the skills which the students practised and improved, and closed and open questions asking the students to specify activities they found most useful and valuable for their learning. The response rate was 90% and the results were the following:

- The following percentage of students agreed or fully agreed that they felt they practised: listening skills 61%, reading skills 50%, writing skills 78%, discussions and spoken interaction 92%, online presentation skills 94%, providing feedback 89%, legal English content 78%.
- The following percentage of students agreed or fully agreed that they felt they improved (the percentage is out of those who identified that they practised the particular area): listening 68%, reading 70%, writing 57%, discussions and spoken interaction 91%, presentation skills 91%, giving feedback 81%, legal content 80%.
- When asked what students considered the most valuable in their learning of legal English, 81% named academic skills (presentation skills, giving feedback, discussions), 25% the legal content, some students mentioned both.
- 97% of students considered presentation-skills practice valuable.

An Answer to Research Question 3 and Further Observations

Research Question 3. Can the teacher help students make their learning more effective by enhancing their metacognition about learning?

Even though the learning situations and questionnaires of 2019 and 2021 were different, the outcomes suggest that 2021 students were more conscious of their learning, and mainly of the importance of the presentation and discussion tasks. This can be demonstrated by the 97% of students who considered presentations valuable, compared to 83% of 2019 students, or by the fact that 2021 students gave high importance not only to presentation skills but also to discussions and giving feedback. Also, the percentage of students who appreciated and were aware of both the content and skills was much higher in 2021. As the 2021 students were exposed to more concen-

trated metacognitive strategies and the final questionnaire showed that students were rather positive about their learning outcomes, we can conclude that students' learning outcomes can be improved by a teacher raising students' awareness about their learning and supporting reflection and evaluation of the learning process, i.e. the answer to research question 3 is affirmative.

From the teacher's perspective, I felt that the 2021 students were more focused when performing activities mainly because they were informed about the learning opportunities they offered. The learning thus became more efficient. The steps which I considered essential in supporting students' metacognition are the mid-semester consultations and making the learning tips and evaluation personalised for the particular group or individual. Then it becomes the student's responsibility to exploit the learning opportunities offered in the course.

The experience and outcomes of implementing steps supporting student metacognition showed themselves to be promising. I am therefore going to continue with the action plan even in the coming semesters, no matter which type of teaching situation occurs. The research helped me understand how students perceived the learning in my lessons, and with this knowledge I can now help students become more efficient learners.

Conclusion

The action research presented here covered three research cycles which investigated student metacognition in the 'English for Lawyers' course, implemented new elements into the teaching, and analysed the results. Research cycle 1 demonstrated that students paid attention to practising and learning the legal content but did not exploit the full potential of lessons in which the content as well as academic and professional skills were practised. I therefore identified space for raising students' awareness about their learning. In research cycles 2 and 3, several steps were taken to enhance students' metacognition, e.g. by explaining learning opportunities and supporting the students' planning, monitoring, and evaluating of their learning. Since research cycle 2 was influenced by the beginning of the COVID-19 crisis, the data analysing the impact of the steps taken were collected during research cycle 3. The results show that enhancing student metacognition about their learning can make it more effective. This confirms Haukås's statement that 'language teachers play a key role in supporting their students in their language learning efforts by reflecting on and modelling what learners know and how languages can be learnt'.[10]

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10   Å. Haukås, Metacognition…, *op. cit.*, p. 25.

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