THE ACADEMIC DISCOURSE SOCIALIZATION
OF INTERNATIONAL LAWYERS AT A U.S. LAW SCHOOL

A Dissertation
submitted to the Faculty of the
Graduate School of Arts and Sciences
of Georgetown University
in partial fulfillment of the requirements for the
degree of
Doctor of Philosophy
in Linguistics

By

Marta L. Baffy, J.D.

Washington, DC
April 20, 2016
THE ACADEMIC DISCOURSE SOCIALIZATION
OF INTERNATIONAL LAWYERS AT A U.S. LAW SCHOOL

Marta L. Baffy, J.D.

Thesis Advisor: Heidi E. Hamilton, Ph.D.

ABSTRACT

As increasing numbers of international students pursue graduate degrees in the U.S., universities have developed English for Academic Purposes (EAP) programs and individual courses to foster and accelerate these students’ sociolinguistic development. In this study, I report on an EAP class designed for international lawyers enrolled in a Master of Laws (LL.M.) program at a law school located in the U.S. Using an inductive, data-driven approach grounded in the ethnography of communication (Hymes 1972), I identify and describe various linguistic phenomena which are involved in the students’ language socialization (Schieffelin and Ochs 1986) into the U.S. legal academic community.

I draw on the analytic tools of interactional sociolinguistics (Gumperz 1982) to explore how course participants contribute to the process of acculturation through their interactions during key classroom events. First, I examine how professors and students discursively construct a specialized “Legal English” class by laminating the interactive frames (Bateson 1972; Goffman 1986; Tannen and Wallat 1993) of “law class” and “ESL class.” I show that frame layering helps to organize the students’ learning experience in a way that promotes their initiation into legal academia in the U.S. Second, I investigate how two salient features of one professor’s classroom talk—repeated mentions of the characters “writer” and “reader” and constructed dialogue (Tannen 1989) or reported speech—work to support the students’ socialization into written
academic discourse. Third, I compare how two students facilitate whole-class discussions and use culturally appropriate communicative practices, particularly in the “feedback” turn of the Initiation-Response-Feedback (Sinclair and Coulthard 1975) sequence of classroom talk. Relying on written comments from professors and other students’ immediate actions and participation in the discussions, I show that the student performing a greater number and variety of actions in the feedback slot orchestrates a more successful discussion.

I consider how the analyses of classroom interactions presented in this dissertation may inform pedagogy in this course and similarly situated classes, and contribute to the language socialization, classroom discourse, and EAP literature. I conclude by suggesting future directions for linguistic research within the growing number of EAP courses and academic support programs for international LL.M. students.
ACKNOWLEDGMENTS

I would first like to thank my amazing mentor, supervisor, and co-teacher in the Working with Legal Texts ("Legal Texts") class, known in this dissertation as Professor Schultz. Without her unwavering support and belief in this project (and me), I would never have been able to collect such wide-ranging data from our Legal Texts classroom. Her encouragement throughout this entire process has allowed me to stick to my timeline and finish up this dissertation while also teaching this wonderful class.

I would also like to thank my dissertation committee for their invaluable feedback on the dissertation, in all its various forms. Thank you to Heidi Hamilton, who has taught me almost everything I know about fine-grained discourse analysis. We began collaborating in my second week at Georgetown, when I was lucky enough to become her research assistant during my first year in the Ph.D. program. Having taken every single class that she taught while I was doing my coursework, I have been able to fill my discourse analytic "toolbox" with many of the useful tools that have allowed me to analyze the data used for this dissertation.

Thank you as well to Anna de Fina, who piqued my interest in discourse and identity, a subject that I take up in this study to some degree, but very much want (and need!) to explore in greater depth in future work. Her narrative course was one of the most influential classes I took during my time at Georgetown; it is there that I discovered all of the interesting, creative ways that we all use language to shape our realities and construct our identities.

And thanks to Craig Hoffman, who not only encouraged me to always consider the practical implications of this project (something researchers often forget to do), but also took a chance on me and hired me three years ago to teach in the law program of my dreams. We made
a connection very early on during my Ph.D., and his decision to bring me on as an instructor in this program has changed my academic and professional life in some truly amazing ways.

A big thank you as well to all of my other instructors and mentors at Georgetown, in addition to my colleagues for their support and friendship these last five years. I would also like to thank all of my colleagues at my “second home,” the law school in which this study is situated. Your encouragement and interest in this dissertation were a big help in carrying out this project and my defense.

On a more personal note, I would like to thank my family, who never really understood what it was about linguistics that intrigued me enough to pursue this as a career, but over time have come to support me in this decision. And a huge thank you to my partner in life, Stefan Dehaseth, who has put up with my books, articles, and notes littered all over our apartment while I was writing this dissertation—and who, despite being an engineer and self-proclaimed language “dummy,” still happily served as a sounding board for all of my ideas and impressions related to this project.

Finally, I would like to dedicate this dissertation to all of my students in Legal Texts. It is because of you that this project was possible and such an enjoyable experience; teaching you by day and working on this dissertation by night was, believe it or not, actually a lot of fun.
# Table of Contents

**Chapter 1**  Introduction ............................................................................................................. 1  
1.1. Background and significance of the study ............................................................................ 1  
1.2. Situating the study ............................................................................................................. 4  
1.3. Research questions ........................................................................................................... 9  
1.4. Roadmap for the dissertation ............................................................................................ 10  

**Chapter 2**  Review of the literature: Academic discourse socialization in the English for Academic Purposes classroom .................................................................................................................. 12  
2.1. A language socialization perspective on language learning .............................................. 12  
2.2. A definition of academic discourse .................................................................................... 18  
2.3. Academic discourse socialization through the lens of interactional sociolinguistics .......... 21  
2.3.1. Introduction to interactional sociolinguistics and key theoretical constructs ............... 21  
2.3.2. Applying interactional sociolinguistic constructs in this dissertation ......................... 27  
2.4. The classroom as a site of linguistic research ................................................................. 28  

**Chapter 3**  Methods .................................................................................................................... 34  
3.1. Ethnographic methods ....................................................................................................... 34  
3.2. Sources of data and data collection methods .................................................................... 38  
3.3. Basic unit of analysis: Classroom events ......................................................................... 39  
3.3.1. Class lecture and discussions on academic writing .................................................... 41  
3.3.2. Student-led discussion facilitation on assigned readings ........................................... 41  
3.3.3. Class discussions on case law ..................................................................................... 43  
3.4. Data analysis procedures ................................................................................................. 45  

**Chapter 4**  Focus on teacher-student talk: Constructing a specialized “Legal English” class through frame lamination .................................................................................................................. 52  
4.1. Introduction ....................................................................................................................... 52  
4.2. The two frames: Law class and ESL class ....................................................................... 55  
4.3. Frame shifting during discussions on case law ................................................................ 58  
4.3.1. Single shift to the ESL class frame ............................................................................. 67  
4.3.2. Brief, successive shifts to the ESL class frame ......................................................... 71  
4.3.3. Gradual shifts between the ESL class and law class frames .................................... 74  
4.4. Frame infusion during lectures and discussions on academic writing ............................ 79  
4.5. Pedagogical implications ................................................................................................. 90  
4.6. Conclusion ...................................................................................................................... 96  

**Chapter 5**  Focus on teacher talk: Constructing dialogue to promote students’ socialization into written academic discourse ........................................................................................................... 98  
5.1. Introduction ..................................................................................................................... 98
5.2. Polyphony, voice, and constructed dialogue ........................................ 99
5.3. Characters in Professor Schultz’s classroom talk .................................. 101
5.4. Voicing or addressing a “writer” and “reader” via constructed dialogue .... 105
  5.4.1. Voicing a writer’s inner speech (Phase 1: Thinking) ......................... 109
  5.4.2. Voicing a writer as if directly communicating with a reader
        (Phase 2: Communicating) .................................................................. 115
  5.4.3. Voicing a reader’s internal dialogue (Phase 3: Reacting) ................. 118
5.5. Pedagogical implications ....................................................................... 126
5.6. Conclusion ............................................................................................. 131

Chapter 6 Focus on student talk: Developing language for facilitating
academic discussions .................................................................................. 132
  6.1. Introduction .......................................................................................... 132
  6.2. Indexicality and communicative competence ........................................ 134
  6.3. The discussion facilitation activity ....................................................... 136
    6.3.1. Introducing the discussion facilitation activity to students ............. 136
    6.3.2. Carrying out the discussion facilitation activity ......................... 139
    6.3.3. Providing feedback on the students’ discussion facilitations ....... 140
  6.4. Facilitating group discussions: Lifen and Sayeed .............................. 142
    6.4.1. Asking follow-up questions .......................................................... 146
    6.4.2. Revoicing classmates’ prior contributions .................................. 151
    6.4.3. Supplying reactive tokens .............................................................. 152
    6.4.4. Sample of Lifen’s facilitation ....................................................... 154
    6.4.5. Sample of Sayeed’s facilitation ................................................... 164
  6.5. Pedagogical implications .................................................................... 172
  6.6. Conclusion .......................................................................................... 179

Chapter 7 Conclusion .................................................................................... 181
  7.1. Summary of study findings ................................................................. 181
  7.2. Theoretical and methodological implications ...................................... 184
    7.2.1. Theoretical contributions .............................................................. 184
    7.2.2. Methodological implications ....................................................... 188
  7.3. Limitations of research ...................................................................... 189
  7.4. Future directions for research ............................................................. 192

Appendix A: Transcription conventions ...................................................... 195

Appendix B: Discussion facilitation feedback form .................................... 197

Appendix C: Discussion facilitation video handout .................................... 199

Bibliography ............................................................................................... 200
EXAMPLES

Example 4.1: Class 1/14/2015-Section 2; 44:55 .................................................. 62
Example 4.2: Class 3/18/2015-Section 1; 41:16 .................................................... 66
Example 4.3: Class 2/11/2015-Section 2; 14:00 .................................................. 66
Example 4.4: Class 4/8/2015-Section 1; 10:23 .................................................. 66
Example 4.5: Class 2/11/2015-Section 2; 34:56 .................................................. 66
Example 4.6: Class 4/8/2015-Section 1; 18:37 .................................................. 68
Example 4.7: Class 4/8/2015-Section 1; 22:35 .................................................. 71
Example 4.8: Class 2/11/2015-Section 2; 24:46 .................................................. 75
Example 4.9: Class 4/8/2015-Section 1; 18:37 .................................................. 66
Example 4.10: Class 2/11/2015-Section 2; 34:56 ............................................ 68
Example 4.11: Class 4/8/2015-Section 1; 22:35 .................................................. 71
Example 4.12: Class 2/11/2015-Section 2; 24:46 .................................................. 75
Example 4.13: Class 3/23/2015-Section 2; 32:07 ............................................ 84
Example 4.14: Class 9/29/2014-Section 2; 57:40 ............................................ 94
Example 5.1: Class 3/23/2015-Section 2; 1:29:18 ........................................ 103
Example 5.2: Class 1/20/2015-Section 1; 54:21 ............................................ 103
Example 5.3: Class 1/28/2015-Section 2; 9:49 ............................................ 104
Example 5.4: Class 2/19/2015-Section 1; 1:41:46 ........................................ 110
Example 5.5: Class 9/29/2015-Section 2; 1:25:46 ........................................ 112
Example 5.6: Class 1/20/2015-Section 1; 24:30 ............................................ 115
Example 5.7: Class 9/29/2014-Section 2; 1:09:46 ........................................ 116
Example 5.8: Class 10/6/2014-Section 1; 1:15:08 ........................................ 116
Example 5.9: Class 9/29/2014-Section 2; 1:21:32 ........................................ 117
Example 5.10: Class 1/20/2015-Section 1; 25:48 ........................................ 119
Example 5.11: Class 1/28/2015-Section 2; 6:07 ............................................ 120
Example 5.12: Class 10/6/2014-Section 1; 1:11:10 ........................................ 120
Example 5.13: Class 3/23/2015-Section 2; 1:29:18 ........................................ 120
Example 5.14: Class 2/23/2015-Section 2; 1:03:20 ........................................ 123
Example 6.1: Class 4/15/2015-Section 2; 42:24 ............................................ 148
Example 6.2: Class 4/15/2015-Section 2; 38:57 ............................................ 149
Example 6.3: Class 4/15/2015-Section 2; 29:19 ............................................ 152
Example 6.4: Class 4/15/2015-Section 2; 35:35 ............................................ 154
Example 6.5a: Class 4/8/2015-Section 1; 1:44:19 ........................................ 155
Example 6.5b: Class 4/8/2015-Section 1; 45:55 ............................................ 158
Example 6.5c: Class 4/8/2015-Section 1; 1:48:01 ........................................ 161
Example 6.6a: Class 4/15/2015-Section 2; 25:01 ........................................ 165
Example 6.6b: Class 4/15/2015-Section 2; 25:19 ........................................ 167
FIGURES

**Figure 4.1**: Partial content of a Power Point Slide used in Professor Schultz’s class sessions on academic writing.......................................................... 84

**Figure 5.1**: Frequency counts of human characters in Professor Schultz’s discourse during class sessions focused on academic writing.......................... 102

**Figure 5.2**: Power Point slide used in Professor Schultz’s class sessions focused on academic writing ................................................................. 107

**Figure 5.3**: Relationship between the phases of writing and types of writer/reader constructed dialogue in Professor Schultz’s class sessions focused on academic writing ........................................................................... 108

**Figure 5.4**: A student’s first draft of the concept paper with feedback in the margins .................................................................................................. 126

**Figure 6.1**: Power Point slide shown to students during introductory lecture on discussion facilitation ................................................................. 137

**Figure 6.2**: Reactive tokens used in Lifen’s and Sayeed’s discussion facilitations .............................................................................................. 153

**Figure 6.3**: Sample self-evaluation form for discussion facilitation ................. 176
**Tables**

**Table 4.1**: Frequency of shifts from the law class frame to different varieties of the ESL class frame during discussions on case law ................................................................. 67

**Table 5.1**: Writer/reader constructed dialogue in Professor Schultz’s class sessions focused on academic writing ........................................................................................................... 106

**Table 5.2**: Reader-internal dialogue prefacing discourse markers .......................................................... 121

**Table 6.1**: Turn-taking behavior of Lifen and Sayeed .............................................................................. 144

**Table 6.2**: Questioning behavior of Lifen and Sayeed .............................................................................. 147

**Table 6.3**: Actions performed by Lifen and Sayeed during their facilitated discussions ................................................................. 147
Chapter 1

INTRODUCTION

1.1. BACKGROUND AND SIGNIFICANCE OF THE STUDY

Over the last several decades, English for Academic Purposes (EAP) programs have proliferated across the United States. The mission of these programs is to equip non-native English speaking students with the communicative know-how to successfully participate in academia at the college, graduate, or postgraduate level (Jordan 1997; Dudley-Evans and St John 1998; Flowerdew and Peacock 2001; Hyland and Hamp-Lyons 2002; Hyland 2006), or in broader terms, to socialize learners to the practices, identities, values, attitudes, and ideologies of the “academic discourse community” (Duff 2008) of their choosing (e.g., engineering, medicine, law). The process of acculturation that students undergo in EAP and other more subject-specific degree programs is termed “academic discourse socialization” (Duff 2007a), “L2 disciplinary socialization” (Morita and Kobayashi 2008), or the building of a “professional vision” (Goodwin 1994).

Precisely how international students are inducted into their desired academic and/or professional communities is the focus of a growing body of research in studies employing a language socialization perspective (Schieffelin and Ochs 1986) coupled with qualitative and ethnographic methods (e.g., Poole 1992; Duff 1996; Morita 2000, 2004).¹ Research in this vein views students’ acculturation and acquisition of “communicative competence” (Hymes 1972) as a function of social interaction with more knowledgeable, or “expert” members of a community such as instructors, tutors and students more proficient in discipline sanctioned practices.

¹ As detailed in Chapter 3, ethnographic research, including the current study, involves data collection through a combination of methods including participant observation, interviewing of participants, audio- or videotaping of interactions for analysis, and review of documents and artifacts from the setting under investigation (Watson-Gegeo 1988).
Accordingly, objects of study tend to include specific interactional occasions either in the spoken or written modalities. These could be classroom discussions, tutoring sessions, or student drafts with instructor feedback (e.g., Bronson 2004).

The majority of prior research on academic discourse socialization has focused on student writing (Duff 2007a), with scant attention paid to oral academic discourse (but see, e.g., Morita, 2000, 2004) and more significantly, the socializing potential of instructor-student and student-student spoken interactions within and outside of the classroom. This is particularly the case for the small cohort of studies investigating academic discourse socialization in a legal context (e.g., Kamler and Maclean 1997; Bruce 2002; Maclean 2010; Price 2012; Hartig and Lu 2014), which, notably, have not explored the socialization of foreign-educated students (but see Harris 1992; Ramsfield 1997; Feak and Reinhart 2002; Northcott 2008; and Petrovic 2012 for related research). To date, there have been two large-scale, ethnographically oriented studies of U.S. law schools (i.e., Philips 1982; Mertz 2007), which document American students’ socialization to the cultural and communicative practices of U.S. legal academia. However, these studies do not address the experience of a growing group of law students, foreign attorneys who come to the U.S. to pursue a Master of Laws (LL.M.) degree.

LL.M. programs, traditionally lasting one year, provide global credentials for foreign-trained attorneys, as well as an opportunity to gain admission to the organized bar in several U.S. jurisdictions. These programs have increased exponentially in the last ten years, with a rise from 110 in 2000 to 265 in 2013 (National Jurist 2013). LL.M. degrees offer American-trained

---

2 California, New York, Georgia, Washington, and Wisconsin permit international lawyers who have completed a one-year LL.M. program to take the bar exam and upon passing, be admitted to the bar to practice law (National Conference of Bar Examiners 2015).
3 This growth is due at least in part to recent a decline in Juris Doctor (J.D.) enrollment and law schools’ recognition that they must make up for lost revenue through what some cynical commentators call cash cow programs (Sloan 2012; Stucki 2013).
attorneys the opportunity to specialize in a specific area of law (e.g., international law, tax, etc.),
though the degree is not necessary to practice law—indeed, according to one estimate, only 2% of American lawyers practicing in the U.S. have an LL.M. degree (see Curran 2016). For foreign-educated attorneys, however, the LL.M. is an attractive option and good investment. A graduate degree from an American law school enhances an attorney’s job prospects back home, and is one of the few routes to practicing law in the U.S. Many law schools have thus begun aggressively recruiting international students for their LL.M. degree programs, and today there are thousands of foreign attorneys enrolled in the over 265 LL.M. programs that exist in the U.S. alone.

The current research is situated in this academic context, that is, within an LL.M. program with a large number of international students. More concretely, it is a year-long ethnographic study of an “extended,” two-year LL.M. program offered at East University School of Law, a prestigious institution located on the East Coast of the United States. The program, offered only for international students, comprises a preparatory year akin to a rigorous and heavily disciplinary “EAP-like” course of study, and a second year of “regular” law classes at the LL.M. level (see Cateneo 2015). One class within the first year of the program, geared specifically toward students’ academic discourse socialization, is the site of the study. It is in this class, called Working with Legal Texts (“Legal Texts”), that I conducted one year of participant observation.

Given the rising number of international attorneys attending LL.M. programs, it is important to examine how, and to what extent, their acculturation to the U.S. legal academic community advances during their brief stay in the U.S. Even more important, the two-year LL.M. program offered at East University is a relatively new creation (as of this writing, it is in

4 This is a pseudonym, along with all other names used in this dissertation (except my own).
its eighth year) and other law schools—often in cooperation with English language institutes—have taken note and created their own versions of the extended LL.M. program. This growing trend calls for an examination of exactly what goes on in these new, hybrid EAP/law programs. To this end, the primary objective of the present research is to uncover the linguistic processes underlying the socialization of international students in this unique learning environment.

Through their year of “apprenticeship” (Rogoff 1990), students are socialized to the practices relevant to membership in U.S. legal academia; as discussed above, this is accomplished primarily through social interaction with more proficient members of the legal/academic community (e.g., professors, other LL.M. students, J.D. students, etc.). This study examines the “communicative events” (Hymes 1972) giving rise to such interactions in order to discern the linguistic processes involved in the students’ acculturation.

1.2. **Situating the study**

All students entering an LL.M. program are lawyers, having obtained a J.D. degree or its equivalent before enrollment. LL.M. programs usually last one academic year, during which students can focus on general U.S. law (offered for international students) or specialize in a particular area of law such as tax, intellectual property, and international business (offered for both U.S. and international students). As the LL.M. is a graduate degree, admissions committees generally set a high bar for English proficiency. At East University School of Law, the minimum
score on the Test of English as a Foreign Language (TOEFL) for admission to the LL.M. program is 100 points out of a possible 120.  

In the mid 2000s, the East University School of Law recognized that it was turning away highly qualified candidates for LL.M. study based merely on TOEFL scores of below 100. A two-year LL.M. program was established to cater to the types of students who had previously been rejected. Students who score below 100 on the TOEFL but otherwise meet all other admissions criteria are now accepted to a two-year LL.M. program. The first year of this program is comprised of an “EAP-like” curriculum, with a combination of law and language-focused classes, which entitles students to a “Certificate in Legal English.” In the second year of the program, students take law classes with one-year LL.M. students.

While most EAP programs are situated in Intensive English Institutes of two- or four-year colleges and universities, the first year of the two-year LL.M. program at East University is housed in the law school, which is located on a separate campus several miles from the university’s “main campus.” This location was chosen because the program founders recognized that being in a law school provides certain tangible benefits. First, the law school environment offers the students direct access to the disciplinary culture of the school, with its particular norms of behavior and communication. It affords the students opportunities to interact with more proficient members of the community, such as students in the second year of the two-year program, one-year international and American LL.M. students, and even American J.D. students. Second, the location serves to promote the two-year students’ sense of belonging or membership.

---

5 This number is based on the Internet-Based (iBT) TOEFL, which is accepted by virtually every institution of higher education in the United States. This version of the TOEFL is comprised of a reading, listening, speaking, and writing section, and the scores on each individual section can range from 0 to 30. The Educational Testing Service (ETS), which writes and administers the TOEFL, classifies scores between 22-30 on the reading and listening as “high” level, and scores between 26-30 on the speaking and writing as “good.” While East University requires a score of 100 for admission, other programs set the minimum TOEFL score anywhere from 70 to 100.
in the U.S. law student community. As explained by Professor Schultz, the director of the two-year program, “it makes the students seem more like law students.” Not coincidentally, helping these international lawyers to become successful U.S. law students—in other words, socializing them to the practices, identities, values, and ideologies that constitute U.S. legal academia—is the very goal of the first year of two-year program.

The first, “EAP-like” phase of the two-year program offers a curriculum grounded in general academic and disciplinary-specific skills and discourses (Hyland 2006) that are designed to enhance students’ overall English proficiency while also preparing them for the academic tasks they can expect to encounter in the second year. Students take a variety of required courses with titles like American Legal Discourse, English for International Lawyers, Introduction to U.S. Legal Systems (USLS), Presentation Skills, and the site of the present study, Legal Texts. As explained by Professor Hallman (personal communication), a member of the law faculty who founded and teaches in the two-year program, all of the classes in the first year are important to the acculturation of our students. On the one hand, the law classes offered in the first year—American Legal Discourse and USLS—help students make the “important cognitive leap” from their legal systems (based largely in statutory or code-based law) to the legal system of the U.S. (based primarily in “common” or judge-made law). These classes foreground the students’ intellectual and ideological development. On the other hand, the more English-focused English for International Lawyers, Presentation Skills, and Legal Texts courses are designed to improve students’ language proficiency as used in a legal academic context.

Legal Texts is mandatory in both the fall and spring semesters for all two-year students. It meets three times as often as any other class in the curriculum for a total of three class sessions (six class hours) per week, functioning as the flagship course of the two-year program. For this
reason, and because as one of the course instructors I could unobtrusively conduct participant observation, I selected this course for investigating the language socialization of the two-year students.

During the year that I conducted the study, the Legal Texts class had two sections with 10 students in “Section 1” and 12 students in “Section 2.” Sections were created based on students’ country of origin and sex. Students in the program represented nine different countries in Asia and Latin America, with six students from China, five from Saudi Arabia, four from Thailand, two from Mexico, and one student each from Turkey, Bolivia, Taiwan, Peru, and Japan. Unlike any other year in the program, women outnumbered men this year, with fifteen women and seven men. There were equal numbers of Chinese, Thai, and Mexican students in each section—that is, three, two, and one student respectively—and since there were five Saudi students, two of them were placed in Section 1 while the other three were put in Section 2. The remaining students were placed such that at least three male students were in each section (Section 1 had three men and Section 2 had four men).

All sections of Legal Texts is team-taught by two professionals who have expertise in either linguistics or law, or both. Professor Schultz, who is the director of the two-year program, has a Ph.D. in linguistics and approximately twenty years of teaching experience in English as a Second or Foreign Language (ESL or EFL) at the college-level in the U.S. and abroad, and about seven years of teaching adult education and teacher training. She joined the program in 2008 when it was created, and has seen the program grow since that time. Professor Schultz instructs the students in “core” academic skills and literacies (Dudley-Evans and St John 1998; Hyland 2006) that are relevant to the law school context; these include activities like academic paper

---

6 Institutional Review Board (IRB) approval for this study was obtained, Georgetown IRB-C proposal, #2014-0646 (“Ethnography of Communication in an LL.M. Program”).
writing, vocabulary building and review, and student discussions. With a J.D. degree and over ten years of ESL/EFL teaching experience (college and adult education), I am tasked with teaching more discipline-based classes on reading and briefing legal cases, participating in “Socratic” discussions about cases, and reading and responding to law examination questions. I also lead the classes on grammar, style, and specific writing skills such as summarizing, paraphrasing, and quoting.

The Legal Texts course employs a team-teaching approach (Johns 1997; Dudley-Evans and St John, 1998). There are two professors with a background in linguistics and/or law present in each class, though at any given time, one instructor leads a class session. The decision to bring in instructors with expertise in linguistics and law was made early in the program’s history by Professor Schultz and Professor Hallman. As Professor Schultz described it to me in an interview, this arrangement is primarily for the benefit of the students:

it’s really important for me that you have . . . legal competence in the classroom because students sometimes ask questions that I can’t understand. And the first year I was here I would always say, “Oh I’ll get back to you later.” But it just- it really helps. And especially over the course of the years I’ve been here, as I’ve used more and more legal written documents in the class, it’s really helpful to have legal expertise in the classroom. Both Professor Schultz and I attend each other’s classes and frequently participate or “jump in” when the discussion calls for it. For example, if Professor Schultz has a question about procedural or substantive law while analyzing a law review article or other legal text, she might consult with me during class. Similarly, she often chimes in with insightful comments regarding academic writing while I discuss the more “nitty-gritty” aspects of grammar or style. In their midterm evaluations of the Legal Texts course, several students commented that having two
professors in the class is valuable. This is likely because Professor Schultz and I have a very good working relationship and quite similar teaching styles, which no doubt adds to what I would characterize as a friendly, welcoming environment in the Legal Texts classroom.

1.3. RESEARCH QUESTIONS

At this juncture I present the two basic questions guiding the study in order to frame the subsequent discussion on the theory underlying the dissertation (Chapter 2). The present research seeks to answer the following questions:

1. How do the instructors in the Legal Texts course promote students’ socialization into academic discourse as used in U.S. legal academia?

2. How do students in the Legal Texts course develop and display culturally appropriate communicative practices during interactions in class?

As vehicles of cultural transmission (Spindler 1963; Wilcox 1982a), schools convey the sociocultural information necessary for successful participation in the academic community and larger society through the myriad interactions students in the program engage in with their instructors and classmates. The object of this study is to uncover the patterns that emerge from these interactions, and discern how they are involved in the process of students’ acculturation to academic discourse as used in the U.S. law school community.

A third, more practical question that is worth asking is, “so what?” The primary objective of the two-year program is to prepare students for LL.M. study in the second year, and as an educator in the program, I work with a small team that refines the curriculum year after year to better accomplish this task. A detailed, microanalytic study of the patterns of interaction among Legal Texts instructors and students may shed light on classroom events, activities, and exercises
that are particularly beneficial in building students’ communicative competence. In this vein, the third research question is:

3. How can insights gained from Research Questions (1) and (2) inform and drive pedagogy in this program and other similarly situated programs? To what extent/how can curriculum design and materials development benefit from study findings?

1.4. Roadmap for the dissertation

I begin the dissertation in Chapter 2 by sketching out the theory underlying the study. I first discuss the main theoretical perspective that underpins the research, that of language socialization. In this section I introduce the central tenets of this approach as well as some of its guiding principles. I also define the term “academic discourse” as used in this dissertation; because my concern is how students are socialized into academic discourse, I clarify what is meant by the term. Next, I turn to interactional sociolinguistics, the conceptual framework that informs my methodological choices and analyses, and explicate some of its key constructs. Finally, because much of my research takes place within an EAP class, I discuss a few seminal studies of classroom discourse, some of which I also draw on in subsequent analysis chapters.

In Chapter 3, I turn to the methods of inquiry employed in this dissertation, which are grounded in the ethnography of communication. I define what is meant by “ethnography” and detail the methods typically employed in ethnographic research. I also explain how these methods are used in the current study, and describe sources of data and data collection methods. Here, I detail the three classroom events I have selected for in-depth analysis and provide my rationale for choosing them; these events include class lecture and discussions on academic writing, student-led discussion facilitation, and discussions on case law. I also outline some of
the basic analytic procedures used in this study, including the methods I employed to identify patterns in the data, narrow down the data set, and transcribe audio and video recordings.

Chapters 4, 5, and 6 comprise the analysis portion of the dissertation, where I address Research Questions (1), (2), and (3). In each chapter I examine the various ways that the Legal Texts class, and the communicative events to which it gives rise, are involved in the socialization of our students into U.S. academic discourse. In doing so, I focus on the students’ socialization from three angles. In Chapter 4, I investigate how teachers and students co-construct a specialized Legal English class by laminating the interactive “frames” (Bateson 1972; Goffman 1986; Tannen and Wallat 1993) of “law class” and “ESL class.” I analyze how framing helps to organize the students’ learning experience in a way that promotes their initiation into U.S. legal academia. In Chapter 5, I shift my focus of attention to teacher talk—specifically that of Professor Schultz—and examine how the professor’s representation of “reader” and “writer” through “constructed dialogue” (Tannen 1989) fosters the students’ socialization into written academic discourse. Finally, in Chapter 6, I compare how two focal students facilitate a whole-class discussion and display culturally appropriate communicative practices in doing so. Through microanalyses of the students’ discussions, and drawing on participant-produced artifacts (e.g., written feedback from professors), I show that the student who draws on fewer of these practices is evaluated more negatively by her professors and peers. After presenting my analysis in each chapter, I go on to discuss the pedagogical implications of my observations and analyses.

I conclude the dissertation in Chapter 7. I summarize the study findings and implications, theoretical and methodological implications, and the limitations of ethnographic studies in general, as well as this study in particular. In the end, I consider possible future directions of research in this specialized, law-focused branch of EAP.
Chapter 2

**REVIEW OF THE LITERATURE:**
**ACADEMIC DISCOURSE SOCIALIZATION IN THE ENGLISH FOR ACADEMIC PURPOSES CLASSROOM**

This chapter lays the theoretical foundation for the analyses presented in Chapters 4, 5, and 6. I begin by outlining the language socialization perspective to language learning, the perspective espoused in this dissertation, drawing primarily on the work of linguistic anthropologists Elinor Ochs and Bambi Schieffelin (Section 2.1). As my research questions ask how students are socialized into academic discourse, next I define and operationalize the term “academic discourse” as used here; this reveals an overwhelmingly practice-based orientation toward the study of talk (Section 2.2). Following this, I present the analytical lens through which I examine the students’ socialization—interactional sociolinguistics—and discuss the theoretical constructs that I use to analyze Legal Texts interactions; here, I also explain how I apply these concepts in the analyses to come (Section 2.3). Lastly, because the Legal Texts classroom is the site of this dissertation, I review a few seminal studies of classroom discourse, which also inform subsequent analyses (Section 2.4).

**2.1. A LANGUAGE SOCIALIZATION PERSPECTIVE ON LANGUAGE LEARNING**

A sociocultural approach that underlies much linguistically oriented ethnographic research, including the present study, is that of language socialization (Schieffelin and Ochs 1986; Watson-Gegeo 1998; Ramanathan and Atkinson 1999). This research perspective was developed in the 1980s in response to the shortage of studies focusing on the role of language and other semiotic forms in shaping how children become functioning members of society; research up to that point focused a great deal on children’s and novices’ acquisition of formal
features of language, with very little or no regard for the role of the sociocultural environment in creating socially competent language users. The work of a small group of linguistic anthropologists brought about this new perspective to the study of language learning (see, e.g., Philips 1972; Heath 1982; Ochs 1988, Schieffelin 1990; Kulick 1992), which would view language development “as an outcome of (1) the socially and culturally organized activities in which children participate regularly, and (2) the language(s) children are implicitly encouraged to acquire” (Duranti 2010, 199). As summed up by two pioneers in the field and perhaps its most prolific scholars, Ochs and Schieffelin (2012, 11), the primary aim of the language socialization approach is to ascertain how language and other meaning systems are involved “in the quotidian reproduction and innovation of social order and cultural knowledge, beliefs, values, ideologies, symbols, and indexes.” Researchers working within a language socialization perspective initially focused on the first language development of children; however, the perspective has now been applied to the second language and heritage language socialization (e.g., Duff 2012; He 2012), as well as the computer literacy socialization (e.g., Thorne and Black 2007) of children and adults alike.

As noted in the introduction to this dissertation, a major tenet of a language socialization perspective is that newcomers to a community learn the culturally appropriate communicative practices through social interaction with more experienced members of the community. Social interaction with “central members” (Lave and Wenger 1991) of a community permits novices to develop competence in communicating within particular community contexts. Consonant with a Vygotskian sociocultural framework (see Vygotsky 1978), under the language socialization perspective, newcomers to a community are viewed as developing this competence through “guided interactions” in a “zone of proximal development” as they move from guided or
collaborative to independent action” (Schieffelin and Ochs 1986, 166). Under the language socialization perspective, socialization is seen as an interactional and bidirectional process and “all parties to socializing practices are agents in the formation of competence” (Ochs and Schieffelin 2012, 5-6). Children and other novices (e.g., trainee car mechanic, midwife’s assistant, first-year law student) are considered “active contributors” (Schieffelin and Ochs 1986, 165) to meaning-making instead of passive receptacles of sociocultural knowledge.

Because competence is virtually always relative to a particular community, researchers of various stripes have problematized the notion. Depending on one’s theoretical orientation and object of study, this social unit has been termed a “speech community” (Hymes 1972), “discourse community” (Swales 1990), and “community of practice” (Lave and Wenger 1991; Eckert and McConnell-Ginet 1999; Holmes and Meyerhoff 1999). In the current study, I conceptualize community as a community of practice, in the tradition of social practice theory (Bourdieu 1977), which views community as “a group whose joint engagement in some activity or enterprise is sufficiently intensive to give rise over time to a repertoire of shared practices” (Eckert and McConnell-Ginet 1999, 185). As ethnographic research is targeted toward a description of a community’s cultural and communicative practices—in other words, the “repertoire of shared practices” around which communicative competence is built—a practice-based construct of community is most suitable for the present study. Indeed, this is the conceptualization of community adopted by many researchers working within the language socialization tradition.

A theoretical orientation that privileges practice also sees learning as participation in communities of practice as opposed to mere internalization or absorption of decontextualized knowledge (Brown, Collins, and Duguid 1989; Lave and Wenger 1991). In this view, learning is
socially situated: it cannot occur without participation in community practices and, consistent with a language socialization perspective, interaction with “expert” community members. This study operates under the assumption that students in the two-year program learn primarily through engagement in, and analysis of, the oral and written practices that constitute U.S. legal academia. Through their interactions with Legal Texts (and other) instructors, students gradually enhance their language proficiency and actively build their own repertoire of practices appropriate to the U.S. law school setting.

In addition to increasing participation in the community, learning also involves identity construction and change. Lave and Wenger (1991, 53) point out that,

…learning only partly—and often incidentally—implies becoming able to be involved in new activities, to perform new tasks and functions, to master new understandings.

Activities, tasks, functions, and understandings do not exist in isolation; they are part of broader systems of relations in which they have meaning. These systems of relations arise out of and are reproduced and developed within social communities, which are in part systems of relations among persons. . . . Learning thus implies becoming a different person with respect to the possibilities enabled by these systems of relations.

Thus, while students in the two-year program gradually learn the academic practices appropriate to the U.S. law school setting, they also develop and negotiate relevant social identities. All of the students in the program are foreign-educated and most had never been to the country prior to their tenure in the program. Their socialization therefore involves multilayered identity change both in terms of their national identity and feelings of where they belong, as well as shifting understandings of their academic and/or professional selves. Some students go through significant “culture shock” before they begin to accept or adopt certain American cultural
practices as their own; others undergo a gradual, albeit drastic change through their time in the program. For example, one Saudi female student from a previous two-year cohort shed her headscarf and obtained a driver’s license within a span of about two years in the United States, despite the fact that these practices are culturally prohibited in her home country of Saudi Arabia. Other students take on a more “American” persona by changing their names—for instance, to Jessica or James.

Drawing on social constructionist perspectives (Berger and Luckmann 1967; Goffman 1982; Shotter 1993), a theoretical premise underlying this study is the notion that our selves are socially and discursively produced within the context of particular interactions (see, e.g., Schiffrin 1996a). Identities are neither fixed nor internalized constructs “possessed” by individuals; rather, they are dynamic and result largely from processes of negotiation between interactants (Hadden and Lester 1978; Bucholtz and Hall 2005; de Fina, Schiffrin, and Bamberg 2006). Instructors and students in the program construct their own and each other’s socially situated identities through engagement in a variety of discipline-based practices and academic tasks that comprise the two-year curriculum and Legal Texts syllabus. This is because oral discourse and other modes of communication (e.g., paralinguistic and nonverbal features such as intonation, posture, eye gaze) permit—indeed, they implicate—the building and shaping of identities.

In terms of students’ academic selves, the two-year program seeks to foster the students’ development of an overall “U.S. law student” identity. Broadly speaking, this entails an understanding of and proficiency in culturally relevant communicative and intellectual practices: participating in a “Socratic” discussion about legal cases (see Chapter 4), reading and writing academic pieces (see Chapter 5), and leading academic discussions themselves (see Chapter 6).
As the ensuing analytical chapters will show, students develop and display the identity of U.S. law students who can engage in these practices primarily through social interactions with their professors and classmates during key classroom events (see Chapter 3 for a description of these events).

Linguistic forms and nonverbal elements represent and instantiate particular identities, as well as social activities (e.g., cross-examining, presenting, storytelling) through a process called “indexicality” (Ochs and Schieffelin 2008), a concept central to language socialization research. An index is a linguistic structure that does the work of conveying important sociocultural information; it is a linguistic form that “points” to aspects of the social context and is associated with particular contextual dimensions. These contextual dimensions include social actions (e.g., a demand), psychological stances (i.e., affective and epistemic stances), social activities (e.g., testifying), and social identities (e.g., female, African American, lawyer) (Ochs 1993, 1996, 2002). Indexicality is integral to language socialization and participation in a community of practice because “[e]very social group has available to its members a repertoire of linguistic forms. Like a communicative palette, members draw upon this repertoire to portray particular stances, acts, activities, and identities” (Ochs 2002, 113) which are relevant and appropriate. Newcomers to a community are expected to develop their own, culturally sanctioned linguistic repertoire if they wish to become fully fledged, socialized members of the community.

As first argued by Ochs (1992), linguistic forms rarely encode activities or identities directly. Instead, they index stances and actions that are associated with, or constitute, particular activities and identities (see also He 2003). For example, a lawyer may employ a particular linguistic feature such as overlapping speech and tag questions to display an inquisitorial or

---

7 As described by Ochs (2002, 109), affective stance “includes a person’s mood, attitude, feeling, or disposition as well as degrees of emotional intensity,” while epistemic stance “refers to a person’s knowledge or belief, including sources of knowledge and degrees of commitment to truth and certainty of propositions.”
oppositional disposition or stance. This, in turn, builds her professional persona of litigator (social identity) during cross-examination of an opposing witness (social activity).

A large part of building communicative competence entails learning to recognize and use markers of indexicality, or understanding and exploiting the “indexical potential” (Ochs 1996, 414) of linguistic forms. Ochs (2002) offers an analytical framework for determining levels of “sociolinguistic competence” using the indexical hierarchy just discussed. Because actions and stances are explicitly marked or indexed by linguistic forms, they are the “cultural building blocks” (Ochs 2002, 109) of social activities and identities, and likely acquired by novices first. As a preliminary step in discerning the sociolinguistic competence of a “peripheral” (Lave and Wenger 1991) member of a community, Ochs suggests asking whether the individual uses action and stance markers sanctioned by the community, and part of the community’s communicative repertoire. Then, once a novice has incorporated relevant linguistic forms into her own repertoire, the researcher must determine whether the individual deploys them appropriately to encode desired social identities and activities. This analytic framework connects linguistic form to social activities and identities, and is a rubric I use in this dissertation to analyze the emerging communicative competence of students in the two-year program (see Chapter 6 in particular).

2.2. A DEFINITION OF ACADEMIC DISCOURSE

In the introduction to this dissertation, I cite numerous studies that explore how students are socialized into academic discourse, and mention there that many of these studies have explored socialization in the context of written and, to a lesser extent, oral classroom activities. By “academic discourse,” I refer specifically to the oral and written practices that individuals
draw upon in social activities constitutive of academic life. These activities include writing seminar papers, leading class discussions, presenting mock oral arguments, and so forth.\(^8\)

As this definition of academic discourse hinges on the notion of “practice” (and because I have used the term throughout this chapter), a definition of this concept is also in order. In defining the term “practice,” I borrow largely from Goodnow, Miller, and Kessel (1995, 1), who conceptualize practices as “meaningful actions that occur routinely in everyday life, are widely shared by members of [a] group, and carry with them normative expectations about how things should be done.” Practices are not neutral but rather “come packaged with values about what is natural, mature, morally right, or aesthetically pleasing (Miller and Goodnow 1995, 6). Thus, one practice may be appropriate in a culture, while in another that same practice might be viewed as awkward, wrong, and even rude or impolite. A practice familiar to many Americans is the hug or handshake, which is often used in the U.S. to greet friends and acquaintances. However, in other cultures, including in many European countries, the hug is often supplanted by a kiss on each cheek—a practice that is rather unusual between Americans.

Practices can be realized verbally (through oral or written channels) or non-verbally (such as a hug, handshake, or kiss). For example, in an academic environment, a student who wishes to participate in a class discussion can undertake one of a number of actions (practices) to signal her desire to speak. She could raise her hand to indicate that she wants to ask a question or make a comment; alternatively, she could strategically interject at a point of possible turn completion to take control of the conversational floor (see, e.g., Erickson 1996). Both of these alternatives would count as legitimate forms of class participation in the U.S. law school context—while

---

\(^8\) Note that the term “academic discourse” and the more general “discourse” is quite a bit broader and also embodies ideologies, value systems, and beliefs (Fairclough 1989; Gee 1996). However, given the rather narrow scope of this dissertation, I purposely limit my investigation of academic discourse to “practices” and how individuals draw upon them in culturally relevant activities. I do not, for example, address how professors promote students’ socialization to ideologies prevailing in a U.S. legal academic setting, though this would also be a fruitful endeavor.
standing up and shouting out in the middle of a professor’s lecture would likely not.

“Legitimate” practices are by and large learned through participation in class activities, and students are apprenticed to them in the classroom over time. A great deal of classroom research has focused on how newcomers to an academic culture gain competence in the communicative practices appropriate to verbal exchanges within the classroom, as well as written work products such as seminar papers, reports, and the like (Erickson 1996; Lewis 2001).

Academic discourse is comprised of many oral and written practices. Participating in class will often be accomplished through non-verbal or oral means: raising a hand or interjecting at an opportune moment. However, the rather lengthy process of writing a seminar paper is obviously carried out via the written text. Members of U.S. legal academia have a “repertoire of shared practices” for writing such texts—with respect to making introductions, describing concepts, referring to previous research, providing support and evidence, appealing to authority, and indeed, performing any other action which becomes part of the social “dialogue” between writer and reader. Students at nearly all levels of study are expected to learn both oral and written practices to participate appropriately and effectively within their target community.

As used in this dissertation, then, the term “academic discourse socialization” (Duff 2007a, 3), refers to the socialization of novices to academic discourse, that is, the socially situated, shared communicative practices that constitute academic communities. In the analyses to follow, I use the notion of “academic discourse as practices” in two ways. First, I carry out fine-grained linguistic analyses of linguistic patterns that I have observed in interaction data, which I believe are involved in the students’ socialization to oral and written practices (Chapters 4 and 5) as used in a U.S. law school. Second, I analyze how two focal students actually draw on oral practices to which they have been previously exposed to facilitate a whole-class discussion
(Chapter 6). Though I consistently refer to the Legal Texts students’ socialization into U.S. legal academia, most of the practices referenced in this dissertation are emblematic of U.S. academia in general, not law school in particular. For example, in the U.S., students at all levels of higher education, including law school, are expected to write academic papers with an audience in mind (see Chapter 5) and lead and participate in academic discussions (see Chapter 6).

2.3. ACADEMIC DISCOURSE SOCIALIZATION THROUGH THE LENS OF INTERACTIONAL SOCIOLINGUISTICS

While prior language socialization research motivates my research questions, interactional sociolinguistics, a research perspective growing out of the fields of anthropology, linguistics, and sociology (Schiffrin 1994, 1996b), informs many of the methodological and analytical choices I make in this dissertation. Accordingly, in this section I define interactional sociolinguistics and outline several major theoretical constructs relevant to this study: contextualization cues, framing, footing and positioning, and conversational involvement (Section 2.2.1). Following this, I briefly explain how these concepts are applied in the analysis chapters to come (Section 2.2.2).

2.3.1. INTRODUCTION TO INTERACTIONAL SOCIOLINGUISTICS AND KEY THEORETICAL CONSTRUCTS

Broadly speaking, interactional sociolinguistics is the “study of the linguistic and social construction of interaction” (Schiffrin 1996b, 316). It is an “approach to discourse” (Schiffrin 1994) that seeks to show, through microanalysis of naturally occurring talk, “how individuals participating in [speech] exchanges use talk to achieve their communicative goals in real-life situations” (Gumperz 2003, 218). A major contribution of this research perspective is the notion that speakers “may share grammatical knowledge of a language, but differently contextualize
what is said—such that very different messages are produced and understood” (Schiffrin 1994, 97). Gumperz (1982, 131) coined the term “contextualization cue” to refer to “the means by which speakers signal and listeners interpret what the activity is, how semantic content is to be understood and how each sentence relates to what precedes or follows.” Such cues may be syntactic, lexical, prosodic (e.g., intonation, stress, volume), paralinguistic (e.g., pausing, rhythm), and nonverbal (e.g., shifts in posture or eye gaze) elements that speakers employ “to indicate how they mean what they say” (Gordon 2011, 67). Through seminal work in the field, Gumperz has demonstrated that contextualization cues are by and large culturally determined (e.g., Gumperz 1981, 1982, 1992).

Much research carried out in the interactional sociolinguistic tradition has explored how cultural differences in the use of contextualization cues can lead to misunderstanding, communication breakdown, and even negative stereotyping. As detailed below, some early studies in the field show that a mismatch between the language of home and that of the school can lead to negative teacher evaluations and poor performance on the part of children who are not socialized to mainstream communicative norms that hold in the classroom (Philips 1972; Gumperz 1981; Heath 1982; Erickson 1996; Alim 2005). Other studies have focused on contexts such as group discussion (Watanabe 1993), interviews (Cook-Gumperz and Gumperz 2002), service encounters (Bailey 1997), and courtroom cross-examination (Eades 2005) to show that even minor differences in the use of contextualization conventions can lead to communicative conflict with potentially grave consequences. This is because, as pointed out by Martin Rojo (2011, 348), “intercultural misunderstandings are interpreted as failures of communicative competence by the other party (in general, those who belong to the cultural minority), and these are then brandished as ‘evidence’ to reinforce negative stereotypes or to justify social exclusion.”
Contextualization cues function to establish “frames” (Bateson 1972; Goffman 1986) for communicative events, where a frame refers to a “definition of a situation” (Goffman 1986, 10) or a “sense of what activity is being engaged in” (Tannen and Wallat 1993, 60). Frames emerge in talk and are constituted by contextualization cues, or constellations of cues, which include linguistic, paralinguistic, and nonverbal features of communication. For example, the frame of “playful teasing” is signaled not only by the informational content of talk, but also through the use of prosodic features such as exaggerated intonation, stress, and laughter (Straehle 1993). On the flip side, “serious conversation” may be cued by flat intonation, lowered volume, and prolonged periods of silence.

Crucially, frames signal expectations for how to proceed in an interaction. When interlocutors do not share contextualization practices and framing conventions, miscommunication and negative stereotyping can easily occur. Watanabe (1993) shows that differences between Japanese and American students’ conceptions of how to carry out and argue in a group discussion (i.e., their different “framing strategies”) can lead to frustration on both sides. For example, in response to a question prompt (e.g., “Why did you decide to learn Japanese or study abroad?”), Japanese participants appeared to have “the expectation that they should present details as fully as possible, in chronological order” (191-192) as if telling a story. Americans, on the other hand, presented their reasons quickly and to the point, as if “briefing” or “reporting.” As Watanabe points out, the mismatch in expectations for how to present information during the discussion may result in the attribution of negative qualities: Japanese students may be viewed by the Americans as “beating around the bush,” while the American students might be deemed too direct and blunt.
Contextualization cues also help to create “footings,” or what Goffman (1981, 128) refers to as “the alignments we take up to ourselves and the others present as expressed in the way we manage the production or reception of an utterance.” Footings are discursive alignments—such as speaker vis-à-vis hearer, mother vis-à-vis daughter, lawyer vis-à-vis client—and unlike the more static sociological concept of “role,” footings are fluid and shape speech events. Indeed, footing and framing go hand in hand: “a change in our footing is another way of talking about a change in our frame of events” (128). A conversation between mother and daughter may, for example, shift from the frame of “lecturing” (and a mother-daughter footing) to that of a “heart to heart” (and a friend-friend footing) in a matter of moments. In fact, linguists studying naturally occurring talk use the notion of footing to examine how “very micro interactional shifts” (Ribeiro 2006, 74) in footing contribute to the dynamic construction of selves and events.

Closely related to footing is the notion of “positioning,” which has a somewhat different theoretical pedigree as it originates in the field of social psychology (Davies and Harré 1990; van Langenhove and Harré 1999). Positioning refers to the “discursive process whereby selves are located in conversations as observably and subjectively coherent participants in jointly produced storylines” (Davis and Harré 1990, 48). Positions such as mother and daughter (or teacher and student, or lawyer and client) are identities that are “taken up” and projected by speakers and hearers in the conduct of talk or, as Davies and Harré refer to it, the various “story lines” produced through interaction. As noted in Section 2.1, identities are realized through linguistic forms that index identity-relevant actions and stances; for instance, a declarative statement that functions as an instruction to finish dinner helps to constitute the position or identity of caretaker/mother (see, e.g., Kendall 2008).
One methodological difference between footing and positioning is that while the former is typically used to study subtle interactional shifts in alignment between speakers, positioning is employed more generally to examine how identities are constructed through talk. However, positions, like footings, are “mutually constitutive components of frames,” and speakers and hearers “create frames by taking up and making certain positions [or footings] available to others; and conversely, [they] make certain positions [or footings] available through the frames they create and maintain” (Kendall 2008, 545). Which construct is used is therefore a matter of perspective and research orientation. In this dissertation I draw on both concepts to explore how alignments and identities are created to facilitate and reflect our students’ socialization into academic discourse.

A final interactional sociolinguistic concept that informs the current study is the notion of “conversational involvement” as developed by Tannen (1989), drawing on the work of Gumperz (1982) and Chafe (1982, 1984). Conversational involvement is an “achievement in conversational interaction” which refers to “an internal, even emotional connection individuals feel which binds them to other people as well as to places, things, activities, ideas, memories, and words” (Tannen 1989, 12). Tannen studies in detail how involvement may be created through “involvement strategies” such as repetition, the creation of dialogue, and the provision of imagery and details in talk. She theorizes that such involvement strategies operate on the level of sounds (e.g., repetition of phonemes) as well as meaning. As to the latter, Tannen explains that meaning-making strategies “create involvement through audience participation in sense-making: By doing some of the work of making meaning, hearers or readers become participants in the discourse” (17). Thus for Tannen, the “work” that listeners and readers do to make sense
of what a speaker or writer says functions to create involvement, and the discourse becomes a “joint production” between participants.

One example of a sense-making involvement strategy that Tannen cites and deals with extensively in her work is (direct) reported speech, or what she refers to as “constructed dialogue.” An example of constructed dialogue would be a child reporting to her mother: My teacher told the others, “You are all terrible students.” But to me she went, “You’re the best student in the class.” The material inside the quotation marks is designed to represent the “real” words of the author—though as Tannen points out, rarely is constructed dialogue reported verbatim. Even if it is, in spoken dialogue speakers often take liberties prosodically, and add stress or pitch contours where there were none in the original utterance. To this, Tannen (1989, 99) says: “even seemingly ‘direct’ quotation is really ‘constructed dialogue,’ that is, primarily the creation of the speaker rather than the party quoted.”

Tannen argues that one basic function of constructed dialogue is to create involvement. Specifically, she contends: “[b]y giving voice to characters, dialogue makes story into drama and listeners into an interpreting audience to the drama. This active participation in sensemaking contributes to the creation of involvement” (133). Notably, the child boasting about his academic accomplishments could tell his mother: My teacher likes me more than any other student. But he presumably chooses to voice his teacher through constructed dialogue—attributing to her speech that she may or may not have actually uttered—in an effort to make her comments more vivid and immediate. Further, the child’s use of constructed speech invites his mother to participate in sensemaking by conjuring up in her mind a (somewhat unlikely) scene where the teacher reprimands other students while praising her son’s accomplishments. This, in turn, allows her to draw her own conclusion regarding the teacher’s admiration of her son. The mother does
substantial “work” in making sense of this situation, and is not “spoon fed” this information.

Tannen argues that it is precisely this feature of constructed dialogue that creates conversational involvement.9

2.3.2. APPLYING INTERACTIONAL SOCIOLINGUISTIC CONSTRUCTS IN THIS DISSERTATION

Although much early research in interactional sociolinguistics was carried out in the service of better understanding (and remedying) cross-cultural (mis)communication, the concepts developed within the field prove useful in answering a diversity of questions in other research sites as well. My investigation in this dissertation centers not on cross-cultural (mis)communication per se, (though the discussion of pedagogical implications in Chapter 6 veers close to this line of research); rather, I use the analytical tools of interactional sociolinguistics to illuminate how language is patterned in Legal Texts to facilitate and reflect our students’ socialization into academic discourse as used at a U.S. law school.

In Chapter 4, I draw on framing theory as developed by Gumperz and extended by others (e.g., Tannen and Wallat 1993; Gordon 2008) to analyze how students and professors in Legal Texts use language to construct a specialized “Legal English” class. I take as an analytical starting point the notion that the classroom is a “dynamic communicative environment in which the ordinary activities and events of daily life are constructed by participants as they interact” (Weade and Green 1989, 22), and investigate how professors and students “laminate” (Goffman 1986) or overlay frames to organize the students’ learning experience as involving both language learning and legal study. Through an analysis of classes led by both me and Professor Schultz, I show that the frames of “ESL class” and “law class” are juxtaposed in the classroom through the deployment of various contextualization cues.

9 In addition to promoting conversational involvement, constructed dialogue has been found to have a range of other functions, as discussed in greater detail in Chapter 5.
In Chapter 5, I focus on Professor Schultz’s use of constructed dialogue in voicing and addressing “writers” and “readers” of written texts. To illustrate, the professor says things such as: *So the reader will read this and think, “oh my goodness yes, that’s infringement.”* I argue that Professor Schultz represents the entities of writer and reader via constructed dialogue in order to dramatize the writing process and create involvement on the part of students—who can, as a result of the fabricated speech, better visualize and understand key steps in the writing process. Further, I contend that constructed dialogue also “demonstrates” (Clark and Gerrig 1990) and hence reinforces key points about writing made more explicit, because by constructing the speech of writer and reader, Professor Schultz shows rather than tells (Bauman 1986) what effective writing “looks” and sounds like.

Lastly, in Chapter 6, I shift my attention to student speech, specifically, to that of two focal students as they facilitate an academic discussion. In this chapter I focus on how these students display culturally relevant and appropriate communicative practices (e.g., using a reactive token such as “mm” to signal listening) to varying degrees. I demonstrate that the student drawing on more practices associated with the discussion facilitation activity and the identity of discussion facilitator carries out a more successful discussion facilitation overall, as judged by both his peers and professors.

Although only peripherally, in each of the analysis chapters (Chapters 4-6) I also touch on how professors and students shift footing and/or position themselves and others during three key classroom activities (which are described in detail in Chapter 3 below).

2.4. **The Classroom as a Site of Linguistic Research**

Because one of the questions driving the present study is how instructors facilitate their students’ socialization to academic discourse (Research Question (1)), much of the data collected
from the Legal Texts course is from the classroom, a crucial site of instructor-student as well as student-student interaction. Accordingly, this section briefly outlines theoretical perspectives on classroom discourse that are most relevant to the present study.

Early research on classroom discourse focused on structural descriptions of classroom communicative events (Cazden 1988), with the Initiation-Response-Evaluation (IRE) triadic structure being their most salient feature (Mehan 1979a). Teacher-student dialogue typically proceeds in a systematic fashion whereby the teacher poses a question (Initiation), a student supplies an answer (Response), and the teacher comments on this reply (Evaluation) in the form of an acceptance (e.g., using the acknowledgment token “okay”), an explicit evaluation (e.g., “very good”), and/or expansion of the response (Cazden 1988). Overwhelmingly, teachers have rights to initiate question-answer and IRE sequences because as agents of the educational institution, they wield considerable interactional power and control turn-taking (Heritage 2005).

Much early research dealt with the nature of teacher-initiated questions (e.g., Mehan 1979b), and several taxonomies of question types were created. Although this strand of research has greatly contributed to our current understandings of classroom discourse, one rather serious shortcoming of this work was its exclusive focus on formal features of school interaction.

Structural accounts of classroom discourse soon gave way to more nuanced, context-sensitive analyses of classroom interactions, at least in part because of the recognition that context dictates how classroom discourse unfolds (Drew and Heritage 1992; Erickson 1996). Further, ethnographic accounts of classroom discourse indicated that students from varying sociocultural backgrounds have different access to the tacit rules regarding interaction that predominate in U.S. classrooms. As noted earlier, Philips’s (1972) seminal work on the Warm Springs Indian Reservation reveals how features of white, American interaction, reproduced in
classrooms by white teachers, are incongruent with the communicative norms with which Native American children grow up (e.g., favoring collective versus individual talk). This results not only in the occasional miscommunication, but also an assessment of Native American children by their teachers as “shy” and reluctant to speak up in class. Similarly, Heath’s (1982) study of three different literate communities in the Southeastern U.S. shows that there exist varying patterns of language use related to telling bedtime stories at home. Children who do not have early experiences with bedtime stories are disadvantaged in the mainstream U.S. classroom where book reading and discussion is by and large the norm.

One of Philips’s most intriguing findings is that Native American children are disadvantaged in mainstream classrooms because in the home they have been socialized to different “participant structures” than their white peers. Participant structures refer to “the patterned arrangements of interactional rights and responsibilities that frame the taking of turns among a group of participants in a particular interactional event or activity” (Hall 1998, 287), and they are a resource for participating in classroom activities. For instance, in a lecture, the teacher speaks while students listen attentively and take notes; on the other hand, during discussion, teacher and students are both responsible for actively contributing to the dialogue. Students are expected to know how to participate appropriately in all classroom activities regardless of the participant structure associated with it; however, classroom research has demonstrated that students have varying levels of expertise in these conversational roles, depending at least in part on the participant structures to which they are exposed within the home.

Erickson’s (1996) work on social interaction in the classroom also reveals that students have to learn not only the participant structures and corresponding student roles, but also when to
provide a contribution in the second, reply turn in the IRE sequence. In a mixed class of kindergartners and first graders, Erickson observed that the first graders became “turn sharks,” using their “cultural knowledge of the customary timing of IRE utterances to attack” and essentially eat up the kindergartners’ opportunity to reply to the teacher’s questions (49). Erickson found that the timing of IRE sequences are such that “[a]nswer slots tended to be initiated (or the key word in the answer slot tended to occur) on the immediately next beat after the end of the question or on the next beat after that” (55). This study demonstrates that participants to classroom activities have differential access to the conventions that obtain in classroom talk based on their cultural knowledge and socialization histories.

The three-part IRE sequence studied by Erickson and others (e.g., Cazden 1988; Hall 1998) has also been problematized by some researchers based on the claim that it provides too simplistic an account of what often occurs in the third slot of traditional classroom “triadic dialogue” (Lemke 1990). Sinclair and Coulthard (1975) were the first to coin the term Initiation-Response-Feedback (IRF), and they subsequently renamed the third move as “follow-up.” They propose that evaluation is one a few options available to an instructor during the third turn; she can also accept, reject, and comment on a student’s prior contribution by, for example, expanding upon it. Wells (1993) has also extended this idea and argues that successful teachers often provide feedback or follow-up rather than merely an evaluation. Nassaji and Wells (2000) have gone one step further and classified the various interactional moves available to the instructor in the third turn (e.g., evaluation, justification, counterargument).

Lee (2007, 1210), however, points out that,

the third turn represents the situated accomplishment of pedagogical actions out of contingent circumstances that the teacher encounters . . . [and] [p]redetermined categories
do not allow access to these contingent contexts nor to the situated accomplishments the
teacher exhibits to her students in the evolving sequence of talk-in-interaction.

He argues instead that third turn moves function primarily to respond to and act on the student’s
second turn and conceptual categories such as “evaluation,” “follow-up” and “feedback” obscure
the integral role of local context and hence “simpli[y] the range of tasks that teachers perform in
their third turn by reducing these tasks to a few manageable abstracts” (1226).

In this dissertation I label the three-part sequence “IRF” and the third turn as “feedback”
or “follow-up.” This is in large part because as a teacher and education researcher, I view
teaching not as a process of transmission (where an institutional authority bestows information
upon students who must then learn to regurgitate it for teacher evaluation), but rather a dialogic,
inquiry-based process of participation. As Hall and Walsh (2002, 196) explain, instructors using
“a fuller range of follow-up moves in their interaction with students, incorporating student
contributions into the ongoing dialogue, holding students responsible for monitoring and
expanding on their own and each others’ contributions . . . lead to higher levels of student
achievement.” I also agree with Lee’s (2007, 1205) assertion that “what teachers do in the third
position is not predictable” but contingent on what has been previously said. Accordingly, in
Chapter 6 I examine how a student leading a discussion facilitation (i.e., in the role of “teacher”)
skillfully exploits the possibilities that the follow-up turn affords in order to showcase his
listenership and promote his classmates’ ongoing participation in the discussion.

Research on talk in the ESL (and EAP) classroom uses insights gained from early studies
of classroom interaction involving children, such as the studies cited above (e.g., Philips 1972;
Sinclair and Coulthard 1975; Mehan 1979a, 1979b; Heath 1982; Erickson 1996), to further
develop research on classroom discourse in general, as well as to explore how talk in the second
language classroom varies from that used in native language environments (see, e.g., Seedhouse 1997). Although many studies carried out in the ESL setting have focused on the development of students’ written competence, there is now a wealth of research on features, structures, and processes of oral classroom discourse. These studies approach the study of classroom language within research traditions ranging from interactional sociolinguistics (see, e.g., Jones 1999; Cook-Gumperz and Gumperz 2006; Talmy 2009), to conversation analysis (see, e.g., Markee 2004; Ohta and Nakaone 2004; Hellerman 2007; Waring 2008, 2009), and critical discourse analysis (see, e.g., Kumaravadivelu 1999; Benesch 2001) (also see Chapter 3 for a description of conversation analysis and its relevance to this study). Further, as suggested in the introduction to this dissertation, more and more studies investigating classroom talk in the adult second language classroom are adopting a language socialization perspective to cast light on how students are inducted into academic communities (e.g., Poole 1992; Duff 1996, 2007a, 2007b; Duff and Anderson 2015; Morita 2000, 2004; Talmy 2015). Combining the perspective of language socialization with analyses grounded in interactional sociolinguistics, this dissertation seeks to uncover how students in Legal Texts are socialized to academic discourse as used in a U.S. law school in and through classroom talk.

This chapter has laid the theoretical foundation for the analyses chapters to come. As discussed, a language socialization perspective undergirds the project undertaken here, while interactional sociolinguistics is the lens through which I examine the classroom exchanges in Legal Texts. Next, I discuss what makes the present study ethnographic in orientation.
Chapter 3  
METHODS

According to Ochs and Schieffelin (2012, 10-11), the pioneers of the language socialization perspective, two key features characterize research in this vein:

(1) an analytic focus on speech, writing, gesture, images, music, and other signs as primary means and endpoints of the socialization process and (2) an ethnographic sensibility that accounts for the socializing force of these semiotic resources in terms of enduring and shifting socioculturally meaningful practices, events, situations, institutions, relationships, emotions aesthetics, moralities, bodies of knowledge, and ideologies.

In this chapter I outline how I have stayed committed to the language socialization paradigm by first describing the ethnography of communication as a method of inquiry, and then detailing the ethnographic methods I have employed in this study (Section 3.1). Next, I offer specifics about the sources of interaction data that I collected from the Legal Texts classroom, in addition to the collection methods I used in obtaining this data (Section 3.2). Finally, I provide some information regarding the basic unit of analysis I use to examine the data (Section 3.3), and briefly review and outline the analytic procedures used (Section 3.4).

3.1. Ethnographic methods

Ethnography is the detailed and systematic observation of people’s behavior and interactions within particular communities; it is characterized by “first-hand, naturalistic, sustained observation and participation in a particular social setting” (Harklau 2005, 179). The more specific ethnography of communication is the qualitative study of patterns of interaction that constitute a community. Ethnographers of communication and language researchers utilizing
ethnographic methods typically study the communicative behaviors or practices which speakers need to know to communicate appropriately and effectively within a community (Saville-Troike 2003). The knowledge and skills required for such communication is termed “communicative competence” (Hymes 1972) and it entails an awareness of rules for communication and interaction, including knowledge of “community norms” (Gumperz 1997) that permit speakers to use and interpret linguistic forms successfully. The goal of ethnography of communication (from this point, referred to as “ethnography”) is to identify specific patterns of interaction and functions of communication and how they relate to the acquisition of communicative competence by novice members of a community. Broadly speaking, then, the present study aims to uncover how communication in the Legal Texts course is patterned to assist our students’ acculturation to U.S. legal academia, or in other words, their development of communicative competence.

Ethnographic research is not only an end in itself (i.e., “an ethnography”), but, as used here, also a method for data collection and analysis. As a method, ethnography of communication is eclectic and makes use of an array of data collection procedures. These include participant observation, interviews with participants (members of the community being studied), audio and/or video recordings of interactions for subsequent analysis (e.g., discourse, narrative, genre, etc.), the gathering of field notes, and the collection of documents and artifacts produced by participants (Green and Wallat 1981; Watson-Gegeo 1988). As detailed in Section 3.2, I draw on a variety of data sources. However, because my research focus is on oral discourse in the classroom, much of my data includes audio and video recordings of classroom interactions. I supplement these with field notes, course documents, and participant-produced artifacts that I have collected throughout the academic year (see also Section 3.4 for more detail).
As a qualitative method of inquiry, one criticism that has been leveled at ethnographic research is that descriptions and analyses tend to be guided simply by the researcher’s own attitudes and values, resulting in highly interpretive findings (see Hammersley 1994 and Denzin and Lincoln 2011 for a thorough discussion of criticisms of ethnography). But proper, and varied use of ethnographic methods safeguard precisely against interpretive accounts. In fact, the goal of an ethnographic study is to provide an “emically oriented description” (Ramanathan and Atkinson 1999, 49) of the community being studied, or in other words, a description that foregrounds community members’ perspectives as opposed to the researcher’s own, unvalidated impressions. “Emic” (Pike 1954, cited in Hymes 1972, 24) accounts of language/behavioral data privilege insider understandings or “the participants’ views of their social realities” (Carson and Nelson 1996, cited in Ramanathan and Atkinson 1999, 52). On the other hand, “etic” (Pike 1971, cited in Hymes 1972, 24) accounts derive from the researcher’s own view of events and are “based on the use of frameworks, concepts, and categories from the analytic language of the social sciences” (Watson-Gegeo 1988, 579). Although an “etic grid” (Hymes 1972; Schiffrin 1994; Saville-Troike 2003) is a great starting point for ethnographic research, interpretations should ultimately be checked against insider understandings in order to get an accurate picture of how community members view the phenomena under investigation. In addition, built into ethnographic research is the notion of triangulation, or the idea that data ought to be collected from a variety of sources and through different methods, including participant-observation, interviews with informants, and analysis of documents and recorded data (Lutz 1981; Saville-Troike 2003). As a validation mechanism, triangulation guards against interpretive and biased analysis (Watson-Gegeo 1988; Creswell and Miller 2000).
Because ethnographic research seeks out insider understandings, it is important to consider my own position in the U.S. law school community. It is well recognized in ethnographic research that in order to gain a deep understanding of a culture, the researcher should become a participant in that culture; this is why participant-observation (emphasis on “participant”) is the foundation of all ethnographies. Studying a community in which one is a functional member provides a couple of benefits, the most important being that the researcher becomes a source of information—a “repository of cultural knowledge” (Saville-Troike 2003, 89). Having been socialized to the U.S. law student community myself, I can draw on my own experiences in becoming a law student to interpret the actions of my students and, of course, my own as I interact with them. Similarly, as an English teacher and academic, I can use my knowledge of teaching international students to better understand Professor Schultz’s lessons: her goals, motivations, understanding of the material, and so forth. Studying a community in which I am a member therefore resolves, at least in part, the problem of validation. As explained by Saville-Troike (2003, 90),

combining observation and self-knowledge, [ethnographers working within their own culture] can plumb the depths and explore the subtle interconnections of meaning in ways that the outsider could attain only with great difficulty, if at all. . . . [W]ith the ethnographer able to function as both observer and informant, some of the problems of verification can be overcome, and a corrective to unbridled speculation provided. Nonetheless, I have tried to remain vigilant and avoid imposing my own understandings, and my own socialization trajectory, on my analyses of the behaviors of Professor Schultz and our students. For this reason, I built participant interviews and the collection of written artifacts
produced by participants (e.g., student papers and reflection pieces, instructor feedback, etc.) into my data collection methods.

3.2. SOURCES OF DATA AND DATA COLLECTION METHODS

Throughout the academic year of my participant observation, I drew on a variety of data sources because they cover a wide spectrum of participant actions and perspectives and help to develop a “thick description” (Geertz 1973) of the Legal Texts course—and by extension, the first year of the two-year program. These include data from (1) field notes from classroom participant observations; (2) program and course-related documents such as program brochures, course syllabi, and class handouts; (3) artifacts created by instructors and students, including drafts of course papers, instructor feedback on oral skill-building activities, and course evaluations; (4) transcripts from the classroom and “extracurricular” activities such as writing conferences and student study groups; and (5) transcripts from general and playback interviews with participants (i.e., Professor Schultz and select students).

I audio and video taped most class sessions so as to capture the full range of meanings created in this environment via language and other semiotic tools (e.g., material on the board and Power Point slides). However, I only audiotaped class sessions involving small group discussions, with one recording device set up in the middle of each discussion group (see description of this classroom event in Section 3.3). I also audiotaped out-of-class activities (e.g. study group sessions) and interviews because some students did not consent to video recordings in this more intimate setting.

Throughout the first term of fieldwork, Professor Schultz led all of the class sessions and conferences that I recorded. At the outset of data collection I decided to limit classroom and conference data in this way so as to minimize description and analysis of my own discourse—
based on the assumption that these analyses may be skewed or too “subjective.” However, after a semester’s worth of participant observation (i.e., teaching half of the Legal Texts classes and observing the other half) and following a thorough review of my field notes and midterm course evaluations, I (reluctantly) decided that some of my own classes should be recorded for analysis as well. My rationale for this decision is twofold. First, the Legal Texts course is specifically designed to draw on the expertise of a linguist (Professor Schultz) and a lawyer (me). Including only one of the instructors’ classes in the data set unduly privileges that instructor’s discourse and mischaracterizes, even distorts the Legal Texts classroom milieu.

Second, a focus on only on Professor Schultz’s classes provides an incomplete picture of the students’ socialization to the practices associated with the law school context. Professor Schultz holds a Ph.D. degree in linguistics and has decades of experience in teaching ESL; accordingly, she is primarily responsible for teaching students core academic skills and practices, or “general principles of inquiry and rhetoric” (Spack 1988, 29) relevant to law school. On the other hand, with a J.D. degree from a U.S. law school, I have disciplinary knowledge of law and first-hand experience with legal study in the U.S., having been a member of the U.S. law school community myself. Examining my more discipline-focused classes—for instance, discussions of legal cases grounded in the Socratic method or sessions on law school exam writing—may shed light on how students orient toward, identify with, and/or adopt the subject-specific literacies associated with membership in the law school community. Thus, in the second semester of the study, I recorded some of my classes as well.

3.3. **Basic Unit of Analysis: Classroom Events**

Following in the ethnographic tradition, this study takes the “communicative event” (Hymes 1972) as its basic unit for descriptive purposes. Communicative events are generally
bounded and routinized units of interaction with a particular purpose of communication and topic
(e.g., reviewing vocabulary) in a particular setting (e.g., the classroom) with the same
participants (e.g., the instructor and students) using the same tone or key and the same
communicative norms (e.g., drilling) over repeated instances of the event. An advantage of
studying events at different times is comparability across time and generalizability regarding
patterns of interaction within a context that more or less remains constant (Saville-Troike 2003).
Because all communicative events recorded for this study take place either within or outside of
the classroom, I call them “classroom” and “out-of-class” events.

Prior to data collection in the beginning of the program, I identified three classroom and
two out-of-class events as important sites of socialization by giving rise to “socializing routines”
(Garrett and Baquedano-Lopez 2002, 343) that allow students to engage with their instructors
and peers as practice before their foray into “real” law classes in the second year of the program.
Classroom events I selected for data collection include vocabulary review, class lecture and
discussions on academic writing, and student-led facilitated discussions on assigned readings.
The two out-of-class events are individual writing conferences with instructors and student study
group sessions. Nearly all of the classroom events, and some of the out-of-class events were
audio and/or video recorded in the fall and spring. I added a final event for data collection in the
spring semester of observation, after mid-term course evaluations revealed that students
themselves viewed a particular classroom event as especially useful. These are class discussions
on case law.\textsuperscript{10}

\textsuperscript{10} Note that students indicated on these midterm evaluations that (1) vocabulary review, (2) class discussions on
academic writing and corresponding writing conferences, and (3) reading and analyzing legal cases (i.e., class
discussions on case law) were the three most valuable aspects of the Legal Texts course. Each of these events was
included in data collection.
After reviewing my field journal and recordings and identifying patterns of interaction, I decided to limit my analysis to three classroom events: (1) class lecture and discussions on academic writing, (2) student-led discussion facilitation on assigned readings, and (3) class discussions on case law. In the sections below, I describe each of the three classroom events, along with a rationale for including them in the study.

3.3.1. CLASS LECTURE AND DISCUSSIONS ON ACADEMIC WRITING

Class discussions on academic writing usually center on legal texts that serve as exemplars of generic or macro structure (e.g., introduction, body, conclusion), language use (e.g., the use of transitions), and the particular rhetorical mode (e.g., narrative, cause/effect, argument, etc.) that Professor Schultz is teaching at the time. These classes take anywhere from half an hour to the entire class session (two hours), and the participant structure (Philips 1972) varies from lecture, student presentation, and small group or pair discussion. This communicative event casts light on students’ acculturation to the written practices of the academic discipline of law, and the ways that the instructor and students negotiate the intricacies of such written forms of engagement in the law school. In Chapter 5, I examine one way that Professor Schultz promotes our students’ socialization to written academic discourse specifically through her use of constructed dialogue.

3.3.2. STUDENT-LED DISCUSSION FACILITATION ON ASSIGNED READINGS

The second classroom event that I initially decided to observe and record is the student-led facilitated discussion. This exercise is based on Harvard Business School professor C. Roland Chistensen’s model of discussion-based teaching (Christensen 1991) and so-called “Harkness discussions” created at Philips Exeter Academy (Mullgardt 2008). Participation in this
classroom event is managed by students themselves: sitting around a table in small groups of three students to the entire class, students are responsible for both facilitating and participating in the group discussion. In the meantime, Professor Schultz and I remove ourselves from the conversation, and sit outside of the circle. Our role is to provide written feedback on the students’ questions, participation, and language use on small flash cards or feedback forms that we return to students following the exercise.

Material for group discussions comes from four law-related books that students are assigned to read. Books, including both fiction and non-fiction, are discussed in three-week “units,” with two such units per semester. During these units, the books are split into three sections (e.g., pages 1-60 during Week 1; pages 61-120 during Week 2; pages 121-180 during Week 3). In the fall semester, three or four students successively facilitate the discussion for each section (e.g., the first student facilitates discussion on pages 1-20; the second student facilitates discussion on pages 21-40; and the third student facilitates discussion on pages 41-60), which use up about 45 minutes to one hour of class time (once per week). Discussion groups in the fall semester range from three to four students, while in the spring semester they get progressively larger. For the first discussion unit in the spring, groups comprise half of the class (i.e., five or six students); for the second discussion unit, each student is assigned to facilitate a whole-class discussion.

As explained in greater detail in Chapter 6, student-led discussion facilitation is a key site for the development and display of communicative competence among the students, and I chose it for analysis as a result. In the course of talking about themes, concepts, and details from the

---

11 Students read four books for class discussion, in the following order: About the Author by John Colapinto; The Buffalo Creek Disaster by Gerald Stern; Unbillable Hours by Ian Graham; and Freedom for the Thought that We Hate: A History of the First Amendment by Anthony Lewis. Students also read One L by Scott Turow during their winter vacation. Although students do not discuss this last book in the classroom, their assignment during the break is to select passages that resonate with them and in writing, explain why.
books under discussion, students build and showcase their own repertoire of oral practices appropriate to the law school setting. In Chapter 6, I focus on how two focal students have developed this repertoire to greater and lesser degrees of success.

3.3.3. **CLASS DISCUSSIONS ON CASE LAW**

At the end of the first semester of the Legal Texts class, students were given a feedback form asking them to anonymously comment on course activities and materials. The questionnaire contained (1) two open-ended questions that invited students to relate what has been the “most helpful” and “least helpful”; (2) a question that asked them to remark on course materials (i.e., texts such as law review articles, books for discussion facilitation, legal cases, etc.) used; (3) a question about what students wanted to make their “priority for English” in the following term; and (4) a request for other “comments or questions.” Apart from providing information for course planning, these completed feedback forms are extremely valuable because they offer an emic perspective that allows for triangulated analysis; they reveal what students themselves considered useful for their learning in the fall semester. For the first question a majority of students listed legal cases and corresponding class activities as one of the “most helpful” aspects of the course (11 out of 21 students mentioned the utility of cases in this question). I included it for analysis as a result.

Discussions on case law focus on a legal case that students read for homework. For the sake of consistency and continuity (and because I feel most confident with the subject), over the course of the academic year I assigned thirteen cases, all in torts—the area of law that deals with personal injuries. Each of the assigned cases involved a cause of action grounded in negligence,

---

12 And it is worth noting that of the 10 students who did not mention legal cases, six commented only generally about the professors and the course, without reference to specific exercises (e.g., the most helpful was “our helpful and kind professors”). The remaining four students spoke only about writing (e.g., the most helpful was, “the practice of writing . . . the professors helped us correct our papers and improve the style of writing”).
which is, by and large, the most common type of tort. More specifically, the cases focused on one of the four elements that plaintiffs must prove in order to prevail on a claim of negligence: duty, breach, causation, and damages. In the fall semester, we discussed duty and breach, as illustrated by legal cases. In the spring, we did the same with causation and damages.

In addition to reading the assigned torts cases, students were also tasked with briefing them. Case “briefs” are short, concise synopses of case law, with a highly formalized structure that is aimed to help students extract the most important information from a legal opinion;\(^\text{13}\) briefs also assist students during class time when professors ask questions about that case. Within the first three weeks of the term, I gave the students in the Legal Texts course explicit instructions on case briefing. Throughout the academic year, I provided both oral and written feedback on all of the students’ briefs. In addition, students participated in simulated “Socratic” discussions about the assigned cases, which I also led.

The Socratic method is a hallmark of legal pedagogy, with a legacy that goes back to the late 1870s, when Christopher Columbus Langdell, the dean of Harvard Law School, introduced the approach (Mintz 2009). It is a genre of teaching premised on the notion that students learn best not through lecture or explanation, but rather “a steady stream of questions designed to challenge unquestioned assumptions and reveal underlying legal principles” (Mertz 2007, 26). Professors employing the Socratic method typically start out with “easy” questions about the facts of a legal case, moving onto more challenging ones about the court’s reasoning and hypothetical scenarios that ask students to apply the holding of the case (i.e., the law) to a new set of facts. A Socratic discussion is a routinized communicative event that requires a high degree of student participation and involvement.

\(^{13}\) Case briefs typically contain at least the following sections: party names and court, facts, procedural history, issue, holding, reasoning/rationale and disposition/judgment (Putman 2013).
Students in the two-year program take only a handful of law courses in their first year (e.g., Corporations and Introduction to U.S. Legal Systems in the fall, and one or two electives14 in the spring), but their second year is devoted solely to legal study. As a consequence, they take courses with law professors, many of whom are well-versed in Socratic methodology and regularly use it in their classes. Recognizing that students ought to be familiarized with the practice, Professor Schultz and I decided to build reading and briefing legal cases, as well as participating in Socratic discussions, into the Legal Texts syllabus for both the fall and spring semesters. As explained in Section 3.2 above, because I select the cases to read and lead all of these discussions, in the first semester of data collection they were omitted; however, I included these discussions in data collection for the spring term.

Socratic-type class discussions on case law are an important site of socialization for the students because this is where they get to “act like” law students studying in the U.S. Their homework and class discussions mirror those that they will encounter in the second year of the program. In Chapter 4, I investigate how this classroom event—along with Professor Schultz’s classes on academic writing—function to organize the students’ learning experience as one involving both language learning and legal study.

3.4. DATA ANALYSIS PROCEDURES

I began this chapter with a quote from Ochs and Schieffelin (2012), in which the authors outline two necessary features of language socialization research. I have devoted the last several pages to discussing how I have adopted an “ethnographic sensibility” in the study of our students’ socialization (i.e., the second prong of Ochs and Schieffelin’s definition). I now turn to the first feature of language socialization research, namely, the “analytic focus on speech,

---

14 The number of electives that students can take depends on their TOEFL scores. Students who scored 100 or higher can take two classes for credit or audit; otherwise, students can only take one class for credit or audit.
writing, gesture, images, music, and other signs as primary means and endpoints of the socialization process” (11). In what follows, I explain the steps I have taken in analyzing speech (and to a lesser extent, writing, gesture, and images) to shed light on our students’ initiation into U.S. legal academic culture.

In line with interactional sociolinguistic analytic methods (see Schiffrin 1994, 1996b), the first step in my analysis involved transcribing portions of audio and/or videotapes of classroom interaction and interviews that I collected throughout the academic year. As I collected over 80 hours of interaction data, I knew that I would not be able to transcribe all of the recordings. Thus, I made my selections based on patterns I noted in my field journal that intrigued me and I felt warranted more in-depth analysis. For example, in the middle of the spring semester I recorded in my journal, on multiple occasions, that in the course of talking about academic writing, Professor Schultz frequently (1) uttered the word “reader” and (2) employed constructed dialogue. As I was interested in how these two patterns (and potentially others) contributed to our students’ socialization, I decided to transcribe at least half of the recordings of her class sessions—yielding approximately 12 hours of talk. The decision to limit the transcriptions to roughly half of the data available from the professor’s classes was due in large part to the labor-intensive nature of transcribing (Schiffrin 1996b, 321) cautions that, “transcription is a long and tedious process . . . [and] a single hour of interaction may take anywhere from 5 to 15 hours to transcribe”), as well as my belief that 12 hours of classroom interaction would suffice to answer my research questions. For other classroom events studied in this dissertation (i.e., class discussions on case law and the two students’ discussion facilitation), I transcribed all of the available recordings, as there was simply much less of this data. Regarding participant interviews, I transcribed all of the interviews conducted early in the fall semester, and about half
of the second and third set of interviews from the beginning and end of the spring term. I stopped transcribing these latter interviews when I realized that I would not be using most of them to interpret my data (as many of our discussions did not pertain to the research questions that I ask in this dissertation).

I have used a rather narrow or detailed transcription system, borrowing transcription conventions primarily from Schegloff (2007) and to a certain extent, Schiffrin (1994); I have also developed some of my own. See Appendix A for a full listing of transcription conventions. In the transcriptions I make an attempt to capture prosodic information (e.g., stress, pitch, etc.), and, if video was available, non-verbal information (e.g., eye gaze, gestures, etc.). In the absence of a video recording device, I occasionally noted interesting or highly unusual non-verbal information, and the timing of this information, in my field journal (see, e.g., Chapter 6, Example 6.5c)).

Once the data were transcribed, I identified and labeled phases of the interaction that illustrated the patterns I had initially recorded in my field journal. At the same time, I also made note of other interesting sequences and features for follow-up—such as footing shifts, Initiation-Response-Feedback (IRF) sequences, pronoun use, terms of address, negation, and so on—using my training in sociolinguistics and the analytic “toolkit” I have developed over time (see also Gee 2011). I identified patterns apart from those I had observed in my field notes because I did not want to put on analytical “blinders” and overlook interesting patterns of interaction that could also have a bearing on our students’ socialization.

After identifying and coding all phases, sequences, and features that appeared to be of some consequence, I selected the most salient patterns for analysis. In most, though not all, cases the most prominent patterns were also the most frequently occurring. However, in one case I
selected for analysis the intersection of two salient aspects of Professor Schultz’s classroom talk, wanting to determine how they interfaced and what potential socializing effect(s) this might have. This is the case in Chapter 5, where, as mentioned earlier, I examine how “reader” and “writer,” two characters that recur in the professor’s discourse on academic writing, are portrayed via constructed dialogue, another ubiquitous feature of her talk. Other noticeable patterns that emerged in the data include frame laminations (Chapter 4) and discourse-level features such as follow-up questions and reactive tokens like “mm” and “yeah” (Chapter 6).

As suggested by Ochs and Schieffelin’s (2012) definition, it is not only speech, but also “writing, gesture, images, music, and other signs” which may serve as the “primary means and endpoints of the socialization process.” While my analysis rests first and foremost on interaction data, I also use writing (e.g., student papers, feedback forms from professors) and images (e.g., Power Point slides) to supplement my analyses. As noted earlier, I occasionally examine Professor Schultz’s classroom slides to gain further insight into her own understandings of concepts or processes relevant to the students’ socialization. I use interviews with the professor in a similar way, in an effort to triangulate methods so as to produce more reliable interpretations of classroom interactions.

In conducting my analysis of classroom data, I use interactional sociolinguistics as a conceptual framework and draw on the constructs discussed in Chapter 2: contextualization cues, framing, footing and positioning, and conversational involvement. But while the interactional sociolinguistic approach to discourse frames much of my analysis, I borrow from two additional theoretical approaches to interpret the data—conversation analysis and membership categorization analysis. I now briefly describe these two perspectives to the study of interaction, as well as how they inform my analyses.
Conversation analysis is a branch of discourse analysis that deals with “how social action is brought about through the close organization of talk” (Antaki 2011, 1). It focuses primarily on sequential organization, and stems from the idea that the meaning of an utterance depends on its position within unfolding talk. Conversation analysis views interaction as organizational and procedural such that “when people talk with each other this is not seen as a series of individual acts, but rather as an emergent collectively organized event . . . [and] the analytic purpose is not explain why people act as they do, but rather to explicate how they do it” (ten Have 2007, 9). Thus, instead of taking an “unabashedly functional orientation” (Bailey 2008, 2317) as does interactional sociolinguistics, conversation analysis focuses on the local production and organization of talk, with its adherents seeking to uncover “the underlying machinery which enables interactants to achieve . . . organization and order” (Seedhouse 2004, 12). Contributions of conversation analysis to the field of discourse analysis include procedures for studying the interactional organization of adjacency pairs (e.g., question-answer), turn-taking, and repair (see Sacks, Schegloff, and Jefferson 1974; Schegloff, Jefferson and Sacks 1977; Schegloff 2007).

The concern with sequence organization will soon become evident in this dissertation as well. For example, I draw from the conversation analysis toolbox when analyzing the sequential organization of classroom talk, such as the IRF sequence (see, e.g., Chapters 4 and 6). Throughout my analyses I also refer to the notion of “transition relevance place” (Sacks, Schegloff, and Jefferson 1974), to examine when and how interlocutors “jump in” at various points while others produce their own turns at talk. However, I go significantly beyond a “pure” turn-by-turn conversation analytic approach.

A close “relative” of conversation analysis, membership categorization analysis was developed by Sacks (1972), who, along with Jefferson and Schegloff also pioneered work in
conversation analysis.\textsuperscript{15} The fundamental difference between the two methodologies is that while conversation analysis focuses on the sequence organization of talk-in-interaction, membership categorization analysis deals instead with “the organization of common-sense knowledge in terms of the categories members employ in accomplishing their activities in and through talk” (Francis and Hester 2004, 21). As a discipline, membership categorization analysis deals mostly with discursively constructed identities as produced through social interaction, and it usually begins “not by trying to find the relevance or sense of particular categories . . . but by identifying whichever identities are achieved and understood to be contextually relevant by members, and how they are achieved and understood to be relevant . . . without prejudice” (Garot and Berard 2011, 132).

One analytic tool employed by researchers working within the membership categorization analytic tradition is the notion of “standardized relational pair” (Hester and Eglin 1997), which refers to pairs of membership categories that are related (e.g., buyer-seller, lawyer-client, husband-wife) and involve particular rights and obligations. Using this concept, in Chapter 5 I identify a standardized relational pair that recurs in Professor Schultz’s talk: writer-reader. I show that she invokes these categories specifically to highlight the responsibilities of writers and readers (and writers toward readers)—two positions which the students will be increasingly expected to take up during their time in the U.S. As detailed in Section 2.3, however, elsewhere in the dissertation I prefer to use the apparatus of footing, positioning, and/or indexicality to explore how identities are produced through talk.

\textsuperscript{15} Lamenting the underdeveloped status of MCA vis-à-vis the more popular CA (under which it is now often subsumed), Stokoe (2012, 278) has also described the relationship between CA and MCA as follows: “CA is the ‘juggernaut’ to MCA’s ‘milk float’ . . . [and] the juggernaut may run the milk float off the road.” (A “milk float” is a British English term for a slow-moving vehicle that is used to deliver fresh milk.)
In this chapter I have outlined the ethnographic methods I employed to collect and analyze interaction data from one year of participant observation in the Legal Texts class. Although I observed and recorded several classroom events, I have selected for analysis three of these events, namely, lecture and discussions on academic writing, student-led discussion facilitation on assigned readings, and discussions on case law. As discussed, each of these events gives rise to important socializing processes in the classroom, and thus they form the foundation for my upcoming analyses. In what follows, I use the analytical framework of interactional sociolinguistics, coupled with other discourse analytic approaches (i.e., conversation analysis and membership categorization analysis), to determine how students in Legal Texts are socialized into academic discourse.
Chapter 4

FOCUS ON TEACHER-STUDENT TALK:
CONSTRUCTING A SPECIALIZED “LEGAL ENGLISH” CLASS THROUGH FRAME LAMINATION

4.1. INTRODUCTION

The Legal Texts class occupies a special place in the students’ initiation into the culture of U.S. law school. It is the only class in the two-year curriculum that is team-taught by an ESL professional and a lawyer/ESL professional, and it meets three times as often as any other class offered in the program, for six hours per week. Much of the students’ socialization to oral and written academic discourse takes place in this class, and the linguistic processes underlying this socialization is the very subject of this dissertation. But before delving into the specifics of how communicative practices are conveyed to students (the subject of Chapter 5) and how these practices are taken up and displayed by students (the subject of Chapter 6), here I consider how professors and students in the Legal Texts class jointly create a discursive space in which these practices can be conveyed, negotiated, and displayed in the first place.

A theoretical construct that guides this exploration is framing (Bateson 1972; Goffman 1986), or the idea that features of talk and other aspects of situational context provide speakers and hearers with a “sense of what activity is being engaged in” (Tannen and Wallat 1993, 60) or a “definition of a situation” (Goffman 1986, 10). An understanding of what activity is in progress gives rise to expectations about how individuals are to participate in an interaction, as well as how such interactions typically proceed (Kendall 2008). For example, during a middle school science lesson, the physical space of the classroom, the teacher’s seat at the front of the class, and the steady stream of questions that she asks work to establish a “class frame” wherein
participants understand, or learn to know, that the teacher has primary speaking rights and determines topics and allocates turns to others.

“Interactive frames” (Tannen and Wallat 1993) are created and negotiated by speakers and hearers moment by moment in talk, and are cued by an array of linguistic, paralinguistic, and nonverbal elements of communication such as lexical items, syntactic structures, stress, intonation, eye gaze, body position and movement, and so on. As talk unfolds, participants negotiate and create new frames as demanded by the speaking situation. In an early study on interactive framing, Tannen and Wallat show that as a pediatrician examines a child with cerebral palsy, interacts with the mother, and is video recorded for medical students, she juggles three frames. One of these frames is the “social encounter,” in which she entertains the child, establishes a relationship with the mother, and ignores the camera (and hence a future audience of medical students viewing the tape). The second frame is the “medical examination,” in which the pediatrician ignores the mother and examines the child, while providing a running commentary for the camera. Finally, the third frame is the “consultation,” in which she ignores the child and the camera, and talks to the mother. The doctor is able to effectuate “shifts” (Goodwin 1996) between these three frames during the speech event through her use of register and other linguistic and prosodic features.

Frames are often layered or “laminated” (Goffman 1986) during interaction (see, e.g., Hoyle 1993; Ribeiro 1993, Kendall 2008), meaning that they are either adjacent in talk, or established and sustained simultaneously (Gordon 2008). One type of frame lamination already mentioned involves frame “shifting,” or jumping from one frame to another, such as from medical examination to consultation. Frame shifting is typically co-accomplished by interactants and far from being haphazard, it fulfills specific interactional goals and reflects the evolving
nature and goals of communication (see, e.g., Kyratzis 2010). As Goodwin (1996, 71) explains, “shifting frame is not done capriciously, rupturing ongoing discourse; it occurs in orderly ways as practical solutions to interactional dilemmas, reshaping the speech event, or constructing distance from the tone of the activity in progress.”

Another form of frame lamination is “blending” (Gordon 2008, 231), which entails “two simultaneous definitions of what is taking place.” In a study of family interaction, Gordon found that parents often blend the frames of play and parenting by, for example, telling their child to finish lunch (parenting) while speaking as a pretend character such as a “fairy godmother” (play). Gordon argues that frame blending in the family environment is used as an intentional discourse strategy to make work seem like play. As with frame shifting, speakers may blend frames strategically to further their interactional goals and construct situations.

The examples on shifting and blending frame show that frame lamination works in diverse ways to shape our realities. Continuing work in this vein, in this chapter I examine how the Legal Texts professors and students discursively construct the Legal Texts class by laminating interactive frames that organize the students’ learning experience. I show how through the course of seventeen class sessions focused on case law or academic writing, the professors and students layer frames in two ways. First, in classes on case law, class participants shift between the frames of “law class” and “ESL class,” as cued by linguistic and paralinguistic features within the ongoing discourse. Second, during lecture and discussions on academic writing, the frame of “law class” is infused within the language-learning situation (i.e., the frame of “ESL class”) via written discourse, namely, the legal texts that students read for homework and analyze during class. As detailed below, I use the term “frame infusion” to refer to a situation where one frame becomes implicated in an activity through a semiotic mode other than
speech (e.g., written text, images, objects, kinesthetic action, and/or body position), while the speech event continues to operate under an entirely different frame.

Interviews and student course evaluations suggest that frame lamination may play a significant role in constructing a class that meets the academic needs of students in the two-year program, who seek to learn not “just” English or “just” law, but rather English that will help them succeed in their law classes. Because students are all lawyers in their home countries, they wish to improve their English side by side with legal study. Therefore, I argue that it may be pedagogically valuable for instructors in such specialized English or English for Academic Purposes (EAP) programs to become familiar with the subject matter underlying relevant frames (e.g., law class, writing class, etc.) and, as appropriate, layer these frames through shifting or infusion.

4.2. The Two Frames: Law Class and ESL Class

The Legal Texts class, like most “communicative situations” (Hymes 1972), is discursively constructed from myriad frames that change moment by moment as talk unfolds. In this chapter, however, I limit my investigation to two major frames that have emerged as both prominent in the data and significant from an emic perspective: the “law class” and “ESL class.” The law class frame is characterized by a variety of features, including a focus on legal topics, Initiation-Response-Feedback (IRF) sequences emphasizing particular elements of a legal case, specialized legal terminology, and a close analysis of legal texts such as judicial opinions, law review articles, and trial motions. In contrast, the ESL class frame is signaled by a focus on language learning and involves a wide variety of language-centered activities ranging from pronunciation practice through drilling to textual analysis of various sections of a document. Discourse and paralinguistic features that cue the ESL class frame include the use of lexical
items which signal commentary on language-learning (e.g., “verb,” “stress,” “syllable,” etc.), repetition (e.g., through drilling), a slowed rate of speech coupled with drawn out words and syllables, and emphatic stress on particular words or syllables. In the sections to follow, I demonstrate through microanalyses of classroom interactions that these frames are cued and sustained by particular configurations of linguistic and paralinguistic features.

In addition to signaling frames, features of communication also help to create discursive “positions” (Davies and Harré 1990; Harré and van Langenhove 1992) and alignments or “footings” (Goffman 1981) amongst interlocutors. Positioning refers to the notion that our identities are fluid and constructed through talk, while footing is the term Goffman (1981, 128) uses to refer to “the alignment we take up to ourselves and the others present as expressed in the way we manage the production or reception of an utterance.” The way speakers and hearers discursively position themselves (“self-positioning”) and others (“other-positioning), as well as how they align with each other (e.g., as student-teacher, lawyer-client, or parent-child) works to establish frames for events. In the frame of law class, discursive positions and alignments include “law professor” vis-à-vis “law student”; in the frame of ESL class, they are “English professor” and “language learner” or “ESL student.” While these labels certainly essentialize the complex, multifaceted identities of course participants, I nevertheless use them in my analysis as a shorthand to describe the identities that tend to be constructed and privileged in the moment-by-moment framing of classroom events.

15 I use the term “law professor” somewhat loosely here to refer to an instructor (in this case, me) who (1) has formal legal training and teaches law, and (2) discursively positions herself as a law professor. While I am technically not a professor, during discussions on case law I make a deliberate attempt to “sound” like one. In the beginning of the fall semester I informed the students that in our case law discussions I would try to mirror their law classes as much as I possibly can, with the understanding that this is only an approximation and I am merely “playing” law professor for their benefit. Section 4.3 develops the notion of play and simulation in greater detail.
The specific events I have selected for in-depth analysis include discussions on case law (led by me), and lecture and discussions on academic writing (led by Professor Schultz). My reasons for analyzing these events are twofold. First, they received the most favorable reviews from students on both mid-year and end-of-year course evaluations, suggesting that students highly valued these events and presumably learned a great deal from them. Therefore, I was initially interested in ascertaining what it was about these events that appealed so much to students.

Second, these classroom events seemingly represent opposite ends of the spectrum in terms of the type of activities to which they give rise: law-focused (i.e., “law class”) or language-focused (i.e., “ESL class”). Indeed, the frame of law class is the “outermost” frame (Pennington 1999) or “rim” (Goffman 1986) around which discussions on case law are organized, whereas the ESL class frame guides much of the lectures and discussions on academic writing. But while discussions on case law foreground legal study, and lectures and discussions on academic writing are more language-oriented, as I endeavor to show in this chapter, this distinction is not quite so straightforward. Both law and language learning are always present in these two classroom events in some form, and, as I will argue, this is what makes these events—and the Legal Texts class as a whole—a success.

The Legal Texts class is a “hybrid” language/law construction. This is borne out not only by the interactions that I will examine in this chapter, but also by course evaluations and interviews with students and Professor Schultz. Interviews indicate that students view the course as a “Legal English” class in which the emphasis is both English and, as one student puts it, “a little part” of the “real” classes that they will take in the second year of the program—in other words, law. In response to the question, “What has been the most helpful to you?” on a mid-year
course evaluation, another student notes: “I think the most helpful thing is *legal English*. The course helps me prepare to learn the real law courses in America” (emphasis mine). Thus, while the Legal Texts class focuses primarily on developing students’ language proficiency, it has the feel of a hybrid English/law (or “Legal English”) class. In the following sections I detail how course participants discursively construct this class by laminating the frames of law class and ESL class during two key classroom events: discussions on case law (Section 4.3) and lecture and discussions on academic writing (Section 4.4).

4.3. **Frame shifting during discussions on case law**

As reflected in course evaluations administered at the end of the fall semester, the majority of students viewed class discussions on case law as a particularly helpful aspect of the Legal Texts course. Accordingly, in the spring semester I audio recorded and transcribed four class sessions focusing on case law, yielding nearly three hours of talk. My hope was to determine how the discourse in this classroom event is organized to promote our students’ socialization to key communicative practices. One pattern that emerged was a frequency of shifts from the predominantly law-focused activity of discussing legal cases to more language-centric activities, such as grammar or pronunciation feedback and practice. Although I did not expect to find this trend, it is not wholly surprising given that I have over a decade of ESL teaching experience, and likely cannot “switch off” this aspect of my professional identity, nor my desire to help students improve their language proficiency.

Because discussions on case law center quite precisely and almost exclusively on law, the outermost frame of this classroom event is the law class. However, as I am not a “real” law professor and the class is not a “real” law class, course participants understand that during discussions on case law, we merely simulate a law class while I “play” law professor for their
benefit. Goffman (1986, 59) would call this kind of mimicking a “utilitarian make-believe” or “practicing” that merely copies the original, or “primary” frame of law class. Practicings are one type of a “key” employed in society, where key refers to “the set of conventions by which a given activity, one already meaningful in terms of some primary framework, is transformed into something patterned on this activity but seen by the participants to be something quite else” (44). Goffman explains that the function of practicing is “to give the neophyte experience in performing under conditions in which (it is felt) no actual engagement in the world is allowed” (59), and cites an example of simulation in medical education, where manikins are used to teach novice physicians how to provide medical care (for a detailed analysis of medical simulations using frame theory, see, e.g., Dieckmann, Gaba, and Rall 2007). Similarly, discussions on case law do not truly operate under the frame of law class; rather, they closely replicate the frame for the purposes of scaffolding student learning and preparing students for the law classes they will take in the second year of the extended LL.M. program.

As course participants we try to mimic a “real” law class during our discussions of case law, but the discussions are nonetheless a copy of a real law class. This is partially evidenced by non-interactional phenomena and the situational context. For example, the Legal Texts class focuses primarily on students’ language development, and not on substantive law, such as an actual law class on torts, criminal procedure, or international law would. In fact, we only discuss legal cases a few times per semester, unlike a law class in which professor and students dissect cases in every class session. Further, although I give a law school exam at the end of the

---

17 A “primary framework” is Goffman’s (1986, 21) term for the “schemata of interpretation” that people use to make sense of a situation. He uses the term “primary” to indicate that this frame is “seen by those who apply it as not depending on or harking back to some prior or ‘original’ interpretation.” Thus, a primary frame(work) refers to an “original” frame, while a keying (such as a practicing) is a “copy” or “reworking” of the original, primary frame.

18 A traditional law school exam—and the one that I teach students to take—is comprised of a hypothetical or “fact pattern” (that is, a narrative of events). In their exam answer, students are tasked with identifying potential legal issues in the fact pattern and analyzing how these issues should be resolved.
semester, this has no bearing on the students’ final grade. Course participants view these discussions of case law, as well as the exams based on the cases, as merely preparation for the “real thing,” as suggested also by the title of the exam students are given at the end of the term: a “fact pattern exercise” (with the word “exercise” signaling practice).

Another indication that discussions of case law are keyed as a practicing and hence only copy a real law class is the presence of what I am calling shifts to the frame of ESL class. Goffman remarks that, “[a]n interesting feature of practicing is that instructor and student are likely to find it useful to focus conscious attention on an aspect of the practiced task with which competent performers no longer concern themselves” (64) (emphasis mine). As an illustration, he describes how children who are taught to read aloud may focus their attention (or have their attention focused) on word pronunciation, thereby temporarily suspending their orientation toward the written text. During discussions of case law, we similarly shift our focus toward linguistic aspects of the practiced task (i.e., the case law discussion). This allows students to practice how to communicate appropriately in such law-focused interactions before their foray into the real law class. Although Goffman does not characterize these changes in attention as frame shifts, I argue that in the context of case law discussions, the shifts in focus of attention do indeed amount to frame transformations, as evinced by the deployment of particular contextualization cues (Gumperz 1982). However, as suggested by the preceding discussion, any reference that I make to the “frame of law class” in this section is merely a quick way of referring to the “practice” frame that is in fact only a close copy of an actual law class.

Since Professor Schultz and I explicitly tell students that this classroom event is designed to simulate what they would do in a real U.S. law class, the frame of law class is imposed on the activity rather overtly. Prior to case law discussions, students are assigned to read a couple of
legal cases, write case briefs summarizing the cases, and then upload their briefs to the Legal Texts course website. During the discussions, individual students are called on to tell class various aspects of the case, including the facts, the legal issue(s), the holding (the judge’s decision in the case), and the rationale behind the judge’s decision. This classroom event is similar to a U.S. law class in which the professor and students use discussion of legal cases to uncover the legal principles underlying and shaping judicial opinions. Like in a real law class, these discussions are designed to foster the students’ socialization to a range of oral and written practices, knowledge of which is integral to membership in U.S. legal academia. These practices include articulating the key elements of a case as mentioned above, as well as evaluating arguments put forth by judges, applying the holding of a case to a hypothetical scenario (“hypos”), and analogizing one case to another or distinguishing one case from another. As the professor leading these discussions, I often craft questions in advance that I feel will help to develop students’ proficiency in these practices.

Example 4.1 is from a spring semester Section 2 class and it provides a snapshot of how discussions on case law usually proceed. It also demonstrates that the frame of law class is signaled by a variety of contextualization cues, including: (1) a legal topic; (2) focused Initiation-Response-Feedback (IRF) sequences by which the elements of a legal case become revealed; and (3) a legal register loaded with specialized legal terminology. Register is a “key element in framing” and consists of “conventionalized lexical, syntactic and prosodic choices deemed appropriate for the setting and audience” (Tannen and Wallat 1987, 208). As the example below
shows, in the frame of law class, legal register is realized primarily through lexical choices such as the words “court,” “plaintiff,” “defendant,” “criminal,” “arson,” and so on.\textsuperscript{19}

The excerpt is from a class session focusing on the third element of negligence that a plaintiff must prove in order to prevail on a claim of negligence: “causation” (the first two elements are “duty” and “breach”). For homework, the students were assigned two cases related to this third element—specifically, whether or not the plaintiff can establish causation. At this point in the conversation, a couple of students have narrated the facts of \textit{Addis v. Steele}, the first case discussed in class. In brief, \textit{Addis} was brought by guests against a hotel after they were injured in a fire there. Because the hotel did not provide proper lighting in the hallways or a way to exit (the doors were locked), the plaintiffs jumped out the window and sustained serious physical injuries. In the extract below, I am asking the students to articulate the issue that the \textit{Addis} court had to decide. The “corporation” refers to the owners of the inn, defendants in the case. (See Appendix A for transcription conventions.)

\textit{Example 4.1: Class 1/14/2015-Section 2; 44:55}

\begin{verbatim}
 01 Prof. B: So we know there was a duty,
 02 There was a breach,
 03 → So what’s- what’s the issue here.
 04 Sandra: Is- is the corporation \textit{liable} for:: uh the-
 05 his- the guests’ injuries caused by a third
 06 party’s \textit{criminal act}.
 07 Prof. B: Exactly.
 08 So here- I mean things are a little bit more
 09 complex.
 10 Right?
 11 So there was this FIRE,
 12 That was set by someone ELSE.
\end{verbatim}

\textsuperscript{19} Other linguistic features including syntactic and prosodic choices may work to signal that our case law discussions replicate the “real” law class frame and what we are engaged in is a practicing. For instance, in an actual law class the professor may use flat intonation with few rises and falls, while a professor in an ESL class may exhibit varied and perhaps exaggerated intonation. However, in the absence of a comparative analysis of these two types of interactive occasions, I can only speculate as to what differentiates the original, “real” law class from the “practice” law class. What I can and do focus on, however, is how contextualization cues that signal a “real” law class are drawn upon in the practicing that we undertake (e.g., through the use of a legal register realized by technical, legal terms).
Okay?
Specifically by this arsonist.
So it’s set by this inter- this criminal.
Um so is the corporation LIABLE to the plaintiffs,
Um if there’s this intervening criminal act.
And what does the court say.
Corey: Yes,
Audrey: Yes,
X: Yes.
Prof. B: Yes.
And,
Prof. B: Exactly.
So can you sort of flesh that out a little bit,
What do you mean- foreseeability.
Huan-Yue: hhh
So that means,
The corporation should have foreseen,
Someone will set fire,
In that building.
And to:-- to lessen the injuries?
Of this guests?
And the corporation should have done (.). those things.
Hh
Yeah hh
Prof. B: Okay,
Good.
And you hit the nail on the head.
So I mean the issue is foreseeability.
Right?
So the court is saying,
That the defendant SHOULD have foreseen,
Um that something like this would happen.
If you don't provide um adequate lighting,
Or a means of exit,
You know if there’s a fire,
It doesn’t matter WHO it’s caused by,
If there’s a fire,
You know,
People are gonna get injured.
They should’ve foreseen that.
So this whole intervening criminal action,
It doesn’t matter.
It really doesn’t matter who set it.

As mentioned above, several features signal the frame of law class in this interaction. First, the topic itself cues the frame of legal study, because the discussion revolves around the legal notion

20 “X” stands for the entire class. Additional transcription conventions may be found in Appendix A.
of “foreseeability” and the integral role that it plays in establishing liability. It is typically in a law class that the issue of a defendant’s liability is examined in such depth, not classes in English or language study.

Second, the frame of law class is signaled by the sorts of questions asked, and the responses provided by the students. Initially, I solicit from the students an issue statement (line 03: so what’s the issue here) as well as the court’s opinion or holding as to whether a third party’s criminal act, in this case arson, insulates the defendant from liability (lines 16-19: Um so is the corporation LIABLE to the plaintiffs, um if there’s this intervening criminal act. And what does the court say). Questions about legal “issues” and “holdings” (although I do not explicitly use this term here) cue the frame of law class, because law classes are by and large devoted to deconstructing legal opinions and extracting legal principles or holdings from them. After Huan-Yue has supplied a brief answer to my second question (line: 26 Because foreseeability), I urge her to “flesh out” what she means by her statement (line 28). Such requests for more information are also typical of law classes, as professors often push students to provide reasons for what they say instead of making so-called “conclusory statements.” Conclusory statements are assertions made without any underlying legal analysis or rationale, and law professors often caution against them, in legal writing as well as in spoken interactions in the classroom (see, e.g., Ramsfield 1997). By using the term “flesh out,” I signal to Huan-Yue that she needs to supply reasons for her contribution, not only an abbreviated pronouncement.21

Third, the frame of law class is indexed by a legal register realized through specific lexical items (bolded in the transcript above). These include words and phrases such as “liable,” “arsonist,” “court,” “plaintiff,” and “defendant.” Rarely do such specialized terms, especially

---

21 I should mention that the term “flesh out” certainly signals the frame of law class for me, as one of my first-year law professors always asked us to “flesh out” our arguments during class. This probably accounts for why I used it in this exchange.
when used in concert, make an appearance outside of the legal setting; they tend to signal that a legal discussion is under way. The word “arsonist,” for instance, evokes the frame of law by virtue of its association with arson, the technical term used to denote the crime of setting a fire. “Court,” “plaintiff,” and “defendant” similarly trigger associations with the legal process, and function to situate course participants within the law class frame because in law classes students typically learn about legal concepts (such as liability) by reading and discussing real disputes involving plaintiffs and defendants that litigate in court.

It is in the context of such interactions that shifts to a frame of language learning are most salient, because they ostensibly “break” or “suspend” the activity in progress, the case law discussion. A focus on law momentarily shifts to a focus on some aspect of English, such as word use, pronunciation, or grammar. Significantly, these “diversions,” or changes in “the definition of a situation,” are co-accomplished in ways that would be highly marked or at least somewhat unusual in the law class genre. In my experience as a former law student, it seems almost inconceivable that a law professor would explicitly correct a student’s grammar or pronunciation during a law class. Yet this is commonplace and even expected in the ESL context.

The frame of ESL class comes in four varieties. When the class shifts to an ESL class frame, the focus of the class discussion becomes one (or more) of the following areas of English: non-legal word meaning, correct or common non-legal word usage, pronunciation, or grammar. I use the term “non-legal word” to refer to a lexical item that is not technical, legal jargon. Examples 4.2 and 4.6 below show how the meaning of two such non-legal words—“contravene” and “overhear”—are negotiated in the frame of ESL class. The following examples, drawn from
discussions of several different cases, illustrate the form that shifts to these different varieties of the ESL class frame take.

• Non-legal word meaning

   **Example 4.2: Class 3/18/2015-Section 1; 41:15**

   01 → Prof. B:  What does it mean to <contravene clear
   02   instructions.>
   03  Mei:       You don’t follow the instructions.
   04  Maria:     Make the opposite.
   05  Prof. B:   To do the opposite.
   06  To go against something.
   07  So he didn’t follow the instructions.

• Correct or common non-legal word usage

   **Example 4.3: Class 2/11/2015-Section 2; 14:00**

   01  Prof. B:  How much is that.
   02  Mona- like money wise.
   03  Bella:    Four thousand nine hundred dollars.
   04  ...     
   05  Prof. B:  Four thousand nine hundred.
   06 →        Or you can say forty nine hundred.

• Pronunciation

   **Example 4.4: Class 4/8/2015-Section 1; 10:23**

   01  Fatima:   Eh I mean the interrogate- interrogation?
   02  Must stop until- if- if the suspect asks for a
   03  lawyer to uh present him?
   04  All interrogation must kees? ((pronounced kis))
   05 → Prof. B:  Ceas.e. ((pronounced sis))
   06  Fatima:   Cease.
   07  Prof. B:  Cease.
   08  Fatima:   Cease yeah.
   09  Until the lawyer is present.

• Grammar

   **Example 4.5: Class 2/11/2015-Section 2; 34:56**

   01  Prof. B:  It’s some kind of conveyor belt,
   02  And it moves around in weird ways,
   03  And I mean the point of the whole thing-
   04  Bella:    Is to fell.
   05 → Prof. B:  Is to fall.
   06  Bella:    Fall.
Table 4.1 contains a frequency count of shifts to the frame of ESL class during four discussions on case law (173 minutes in total).

**Table 4.1: Frequency of shifts from the law class frame to different varieties of the ESL class frame during discussions on case law**

<table>
<thead>
<tr>
<th>Focus of ESL class frame</th>
<th>Number of instances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-legal word meaning</td>
<td>18</td>
</tr>
<tr>
<td>Non-legal word usage</td>
<td>6</td>
</tr>
<tr>
<td>Pronunciation</td>
<td>8</td>
</tr>
<tr>
<td>Grammar</td>
<td>3</td>
</tr>
<tr>
<td><strong>TOTAL frame shifts</strong></td>
<td><strong>35</strong></td>
</tr>
</tbody>
</table>

The next three examples illustrate in greater depth how class participants (me and the students) employ contextualization cues to jointly produce, negotiate, and manage shifts to the frame of ESL class, and then back to the frame of law class. The first extract is an example of a single shift to the ESL class, whereas the second extract illustrates brief, successive shifts between the law class and ESL class frames. The extracts are instances of more or less “clean” shifts in that explicit “boundary markers” (Goffman 1986, 251) set off the language learning activity from an otherwise law-focused event. However, the final extract is an example of an overall gradual shift. At frame boundaries the frames of law class and ESL class “bleed” together, making the precise location of shifts more difficult to identify.

4.3.1. **Single shift to the ESL class frame**

The Section 1 class has just begun discussing *Rhode Island v. Innis*, a case in which the Supreme Court defines “interrogation” of a suspect while he is in police custody. The general rule is that if the suspect has invoked his right to counsel, interrogation is not permitted. At this
point in the class, a few students have related some of the key facts in the case, which are, in a nutshell: the defendant, Innis, was arrested and read his Miranda rights;\textsuperscript{22} Innis invoked his right to counsel by asking for an attorney; and Innis was put in a police car with three police officers as they drove down to the station together. The issue in the case is whether a conversation between the officers that Innis overheard and responded to was “interrogation,” which, again, is unlawful once a suspect has invoked his right to an attorney. But before reaching this issue in the class discussion, I first attempt to elicit from the students whether the officers actually addressed Innis directly while they rode in the police car.

\textit{Example 4.6: Class 4/8/2015-Section 1; 18:37 (ECF: ESL class frame; LCF: Law class frame)}

\begin{verbatim}
Shift to ECF
     01 Prof. B: Did they -- did they adDRESS Innis?
     02 Did they say anything to Innis.
     03 X: No.
     04 Prof. B: No.
     05 They didn’t say anything to Innis,
     06 They only talked to themselves,
     07 But Innis could-
     08 → What’s [the verb,]
     09 ??: [“Hear,”]
     10 Prof. B: Hear,
     11 OVERhear.
     12 OVERhear.
     13 Right?
     14 So when >two people are having a conversation,
     15 And you can hear it,<
     16 The verb we use is,
     17 They OVERhear,
     18 Somebody OVERhears that conversation,
     19 So Innis could clearly overhear the
     20 conversation,
     21 Because they’re in a small car.
     22 Right?
     23 Um- okay.
Shift to LCF
     24 → Uh so what happen::ed--
     25 Um thank you.
     26 Mei,
\end{verbatim}

\textsuperscript{22}“Miranda rights” refer to the bundle of rights that an individual must be advised of when he is taken into police custody following an arrest. Before being questioned, the individual must be told by the arresting officer that (1) he has the right to remain silent, (2) anything he says can and will be used against him in a court of law, (3) he has the right to an attorney, and (4) if he cannot afford an attorney, one will be appointed to him. This warning was established in the landmark case, \textit{Miranda v. Arizona}, hence the name, “Miranda rights.”
In the course of asking about the conversation between the police officers and explaining Innis’s role in the interaction, the word “overhear” naturally comes up. Yet instead of telling the students outright that Innis “overheard” the conversation, I self-repair (line 07: *But Innis could-*) and pursue a different conversational strategy by asking a “display question” (Long and Sato 1983), *what’s the verb* (line 08). Display questions are those to which instructors know the answer in advance, and they are ubiquitous in the ESL classroom (see, e.g., Pica and Long 1986). Through this question the situation is transformed, as an explicit focus on a “verb” now signals language learning as opposed to a law-focused activity. Terms like “verb,” “adjective,” “noun,” and other references to part of speech comprise grammar terminology that is typically the domain of the ESL classroom (see, e.g., Johnson 1995), not the law classroom. Further, “overhear” is not so much a legal term as it is a general English one. In asking about the meaning of this word, students are positioned as English language learners engaged in the activity of learning a new word, rather than law students discussing a legal case. A frame shift to the ESL class has been initiated, and with it our footing also changes: what was a case law discussion between a law professor and her law students is now language practice between an ESL professor and language learners or ESL students.

After the question (line 08: *what’s the verb*) is both asked and responded to, I indirectly correct a student’s answer, *hear* (line 9) by repeating it, and then stating the correct term once and then another time with emphatic stress on the prefix “over.” This continues to cue the frame of ESL class, as instructor self-repetition (e.g., of vocabulary words, grammatical structures, etc.) is a common feature of the ESL classroom (Early 1985, cited in Chaudron 1988). This repetition
is then followed up by a definition of the word “overhear” (lines 14-17: *So when two people are having a conversation, and you can hear it, < the verb we use is OVERhear*) and two sample sentences that clarify its meaning and use, again with emphasis on the prefix “over” (lines 18-21: *Somebody OVERhears that conversation, so Innis could clearly overhear the conversation, because they’re in a small car*). These discursive segments—elicitation, repetition, definition, and the offering of example sentences—are indicative of vocabulary instruction (Yee and Wagner, 1984, cited in Chaudron 1988). They, along with stress on the prefix “over,” are contextualization cues that work to position students, at least in the moment, as language learners engaged in the activity of learning a new word.

The frame of law class begins to bleed into the ESL class frame when I insert the target word “overhear” into the sentence about Innis (lines 19-21: *So Innis could clearly overhear the conversation, because they’re in a small car*). At this juncture, the focus of the class becomes language learning and legal study at the same time. The frame of ESL class continues because I plug “overhear” into a sample sentence. In doing so, I further illustrate the meaning of the word through the use of an example; this is a type of modeling that is quite common in the language classroom. However, the sentence content also signals a resumption of the legal discussion because the sentence serves to clarify the facts of the *Innis* case. This sentence is thus a bridge between the two frames and works to promote language learning and legal study at the same time.

The frame of ESL class comes to a full close when I say *okay* (line 23), a “pre-closing” device (Schegloff and Sacks 1973; Schiffrin 1987) that functions to reinstate a prior topic—in this case, the case law discussion. I thank Mei for her earlier contribution, because prior to the shift to the ESL class frame, Mei had recited some of the facts of *Innis* (lines 25 and 26: *Um
thank you, Mei). I then initiate a shift back to the frame of law class, when I ask so what happened- and so what happened at trial court, level (lines 24 and 27-28) and call on Fatima to continue telling the facts of the case.

4.3.2. BRIEF, SUCCESSIVE SHIFTS TO THE ESL CLASS FRAME

The Section 1 class is still discussing Rhode Island v. Innis. Lifen has now picked up the baton from Fatima, called on at the end of the previous example, and continues to recite the facts and “procedural history” of Innis. Having a student narrate the facts of a case is a common practice in law classes in the course of case law discussions (see, e.g., Mertz 2007), and I always elicit the facts from students as opposed to telling them. Lifen has volunteered to continue the discussion, but soon runs into trouble in pronouncing several key words: “invoke,” “Miranda,” and “interrogate.”

**Example 4.7: Class 4/8/2015-Section 1; 22:35 (ECF: ESL class frame; LCF: Law class frame)**

<table>
<thead>
<tr>
<th>Line</th>
<th>Role</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>Prof. B:</td>
<td>So uh the court set aside &lt;Innis’s conviction?&gt;</td>
</tr>
<tr>
<td>02</td>
<td>Prof. B:</td>
<td>Why.</td>
</tr>
<tr>
<td>03</td>
<td>Prof. B:</td>
<td>(2.6)</td>
</tr>
<tr>
<td>04</td>
<td>Lifen:</td>
<td>Mm because the court concluded that,</td>
</tr>
<tr>
<td>05</td>
<td>Lifen:</td>
<td>The respondent,</td>
</tr>
<tr>
<td>06</td>
<td>Lifen:</td>
<td>Uh- had invokied his-</td>
</tr>
<tr>
<td>07</td>
<td>Prof. B:</td>
<td>&lt;Invoked.&gt;</td>
</tr>
<tr>
<td>08</td>
<td>Lifen:</td>
<td>Evoked his Myra-</td>
</tr>
<tr>
<td>09</td>
<td>Prof. B:</td>
<td>&lt;MiRANda.&gt;</td>
</tr>
<tr>
<td>10</td>
<td>Lifen:</td>
<td>Miranda right to counsel.</td>
</tr>
<tr>
<td>11</td>
<td>Lifen:</td>
<td>But,</td>
</tr>
<tr>
<td>12</td>
<td>Lifen:</td>
<td>The police still uh,</td>
</tr>
<tr>
<td>13</td>
<td>Lifen:</td>
<td>Eh,</td>
</tr>
<tr>
<td>15</td>
<td>Prof. B:</td>
<td>InTERrogate[d.</td>
</tr>
<tr>
<td>16</td>
<td>Lifen:</td>
<td>[Sorry.</td>
</tr>
<tr>
<td>17</td>
<td>Prof. B:</td>
<td>Inter- inTERrogate=</td>
</tr>
<tr>
<td>18</td>
<td>Prof. B:</td>
<td>=Can we say this?</td>
</tr>
<tr>
<td>19</td>
<td>Prof. B:</td>
<td>InTERrogate.</td>
</tr>
<tr>
<td>20</td>
<td>X:</td>
<td>InTERrogate.</td>
</tr>
<tr>
<td>21</td>
<td>Prof. B:</td>
<td>InTERrogate.</td>
</tr>
<tr>
<td>22</td>
<td>X:</td>
<td>InTERrogate.</td>
</tr>
<tr>
<td>23</td>
<td>Prof. B:</td>
<td>Yeah.</td>
</tr>
<tr>
<td>24</td>
<td>Prof. B:</td>
<td>So second syllable has the st[ress.</td>
</tr>
</tbody>
</table>
Lifen: [Yes, Shift to LCF]

Emma: “InTErrogate.”

Lifen: In order to solicit the missing gun.

Prof. B: Okay good.

So um they set aside the conviction,

Because they said,

“Innis invoked his right to counsel,

And despite this,

The police officers interrogated him.”

Okay.

So now we get to the Supreme Court of the United States,

As she attempts to articulate her reply to my question (lines 01-02: So um the court set aside <Innis’s conviction,> Why), in lines 7, 9, and 15 I “interrupt” Lifen to correct her pronunciation errors. Such corrective feedback renders Lifen’s communication rather difficult to follow, and she becomes seemingly embarrassed and even frustrated, as indicated by her apology (line 16), and quickness to resume her line of thought (lines 26 and 28: To- in order to solicit the missing gun). Notably, however, the class makes brief, successive shifts to the ESL class frame each time that Lifen makes these pronunciation errors and I provide corrective feedback. These frame shifts initially consist of a single turn containing one drawn-out word: invoked (line 07) and Miranda (line 09).

Though a subject specialist/law professor may similarly correct a student’s errors, pronunciation feedback tends to be within the province of English or ESL instructors. These brief, one-word turns therefore function to momentarily transform the activity in progress from legal study to language learning. At the same time, they position Lifen as an English learner who requires language support in the form of pronunciation feedback. Lifen readily takes up this position and sustains the shift to the ESL class frame by repeating each word after me, but then shifts back to the frame of the law class by continuing her train of thought (line 08: Evoked his Myra--; line 10: Miranda right to counsel).
The first two shifts to the ESL class frame are brief—they function merely to remedy Lifen’s pronunciation mistakes—but beginning in line 15, the case law discussion is more substantially transformed. An ESL frame is first cued by my explicit focus on and correction of Lifen’s mispronunciation of the verb “interrogate.” The interaction continues in this vein as signaled by my question, *Can we say this?* (line 18). This question is characteristic of ESL instruction in part because it contains a “directive” (Searle 1969, 1979) couched in a polite request, a common feature the language classroom (Ramirez et al. 1986, cited in Chaudron 1988). When issuing a directive, I often use a modal construction (e.g., “can”) coupled with the pronoun “we” to downgrade the force of the utterance (e.g., *Look up* often becomes, *Can we all look up?*). Data from this classroom event reveals that I also frequently employ “we” for “you,” likely as an involvement strategy and to signal solidarity with students (Rounds 1987). These “framing devices” (Bauman 2004) help to establish a frame of language learning, because in the language classroom students are often explicitly “directed” to do things via suggestions, requests, and commands (all “directives” under Searle’s classification of speech acts). For example, I often ask students to repeat a word, look up after finishing an exercise, or discuss a question in pairs. Language teachers develop a repertoire for issuing such requests in a non-threatening way to invite students to enthusiastically participate in a classroom event.

The question *Can we say this?* is thus designed to invite students to engage in choral repetition of the word “interrogate” (lines 19-22). Such “drilling” is a distinctive and ritualistic feature of the ESL and language-learning speech genre, as the practice is widely used to teach pronunciation and grammar structures. The students follow my lead and in turn contribute to the framing of this event, because it is through their participation and willingness to engage in the
drilling exercise that the language learning activity really takes shape. By repeating the word after me, students self-position as language learners practicing their pronunciation skills.

My metalinguistic commentary on stress (line 24: *So the second syllable has the stress*) is the final remark pertaining to pronunciation and closes the frame of ESL class—though Emma continues to practice the pronunciation of the word quietly, to herself (line 26: *InTERrogate*).

Lifen seems eager to return to the legal discussion, and finishes telling the facts of the case (lines 26 and 28: *To- in order to solicit the missing gun*). I follow suit by ratifying the content of her contribution and subsequently “recasting” (Lyster and Ranta 1997) or “revoicing” (O’Connor and Michaels 1993) it, constructing the court’s dialogue in the process (lines 28-33: *Okay good. So um they set aside the conviction, because they said, “Innis invoked his right to counsel, and despite this, the police officers interrogated him”*).

As this example shows, shifts to the frame of ESL class can be as brief as one turn (line 07: *<Invoked>*; line 09: *<MiRANda>* and successive. Further, both students and I contribute to the production and management of frame transformations. While I begin the shift from a law-focused to a language-focused activity, the students follow my lead and hence co-accomplish the frame and footing shifts (i.e., law professor vis-à-vis law students to ESL professor vis-à-vis language learners) by engaging in the drilling exercise themselves. Lifen is responsible for returning to the case law discussion, however, as she alone initiates the shift back to the frame of law class in order to finish reciting the relevant facts of *Innis*.

4.3.3. **Gradual shifts between the ESL class and law class frames**

The final extract, from a Section 2 class early in the spring semester, shows that frame shifts may be somewhat gradual or gradated. The focus of this class session is the law pertaining to defenses based on the plaintiff’s conduct; as is customary in U.S. law classes, I introduce this
to students via cases illustrating how the law is applied to real disputes. For this class, the students were assigned to read *Fritts v. McKinne* for homework.

*Fritts* is a medical malpractice case involving a widow whose husband got into a car accident while driving under the influence of alcohol. During surgery to repair his broken facial bones, the husband needed a tracheostomy to help him breathe, but due to severe complications during the tracheostomy procedure, he died. At trial, the plaintiff alleged that the defendant doctor performed the tracheostomy below the standard of care. Meanwhile, the doctor raised the defense of comparative negligence, arguing that the plaintiff was responsible for his own death because he was drunk at the time of the car accident. The defendant prevailed at the trial court on a jury verdict, and the wife appealed, arguing that the trial judge never should have allowed the jury to consider comparative negligence as a defense.

Below, Bella attempts to articulate the legal issue before the *Fritts* appellate court after I have just rejected another student’s formulation for being too vague.

**Example 4.8: Class 2/11/2015-Section 2; 24:46 (ECF: ESL class frame; LCF: Law class frame)**

```
01 Prof. B: What is this appellate court deciding.
02 Bella: Like they shouldn’t admit,
03 The evidence th[at (   )
04 Prof. B: [Who’s they.
05 Bella: Like the- in the trial court?
06 Prof. B: Okay so who’s they?
07 ???: hhh
08 Bella: The jury?
09 The [judge-
10 Prof. B: [The jur- well is the jury admitting
11 evidence?
12 Bella: No no no the judge.=
13 Sayeed: =The judge.*=
14 Prof. B: =The judge.
15 So- or in other words,
16 The trial court,
17 Bella: The trial court.=
18 Prof. B: =Yeah.
19 Bella: Mhm like shouldn’t admit the evidence regarding
20 the substance it might (cause the death) of the
```
husband.

Exactly.

So that’s— that’s kind of what I’m looking for,

And the way we often s- frame that is,

Shou- or did the trial court-

What’s the verb we use.

Err. ((pronounced aw))

Err, (E::rr:) ((pronounced E1))

Err,

E-R-R

Right?

Did the trial court err,

In allowing that evidence about substance- the

substance abuse history to come in?

That was one,

And a related issue was also um,

Did the trial court err in sort of instructing

the jury on this notion of comparative

negligence.

Um and yeah,

There was a separate issue,

So there was something-

I mean the defendant was also making an

argument,

Because he wasn’t pleased,

With um,

What was his problem.

The frame borders are not quite as straightforward here as in Examples 4.6 and 4.7 above.

As Bella begins to formulate the issue, I nitpick over her imprecise use of language (line 04: Who’s they; line 06: Okay so who’s they?), pushing her to use a more concrete term than the

pronoun “they.” It turns out splitting hairs is not in vain, as Bella initially misstates who admits

evidence at trial (line 08: The jury?), which I correct by way of a question designed to reveal her

mistake (line 10: The jur- well is the jury admitting evidence?). She soon amends her prior reply,

stating twice that the judge admits evidence (line 09 and line 12); however, I continue to revise

her word choice, saying, Or in other words, the trial court (lines 15-16). Bella proceeds to use

the suggested term “trial court” in her new formulation of the issue, but fails to phrase the issue

as a question, even though the class has been instructed on numerous occasions to do precisely
this (and, as is evident from the sample issue statements I provide later in the exchange, this is exactly what I am looking for). Bella instead phrases the issue as a declarative sentence, asserting that, *The trial court . . . like shouldn’t admit the evidence regarding the substance it might (cause the death) of the husband* (lines 17 and 19-21). While I ratify this formulation (lines 23-24: *Exactly. So that’s kind of what I’m looking for*), I soon articulate the issue in more precise, and grammatically appropriate terms, that is, *yes/no* questions (lines 35-37: *Did the trial court err, in allowing that evidence about substance- the substance abuse history to come in?*; lines 40-42: *Did the trial court err in sort of instructing the jury on this notion of comparative negligence*).

I begin these “model” issue formulations with the preface, *And the way we often . . . frame that is* (line 25), employing an inclusive “we” (this time, for “me” plus “you”) to position students as members of the community of U.S. law students who know how to speak about cases. I continue by saying, *Shou- or did the trial court-* (line 26), but fail to complete the sentence and strategically pause instead. This utterance constitutes an “incomplete turn constructional unit” (Lerner 1995) or “elicit completion” move (Lyster and Ranta 1997) whose function is to allow students to “fill in the blank.” As indicated by the brief pause, there are no initial volunteers, but my question, *What’s the verb we use* (line 28) (again, with inclusive “we”), prompts one student to supply what I was looking for, the verb *err* (line 29). In this interaction, the elicit completion (and subsequent prompt regarding verb use) serves a two-fold function: it is an involvement strategy that invites students to participate in the class; at the same time, it also signals a more robust shift toward a language-focused activity.

Once a student furnishes the appropriate verb using “nonstandard” pronunciation (əɹ), I correct her by repeating the verb using the more standard, American English pronunciation (ɛɹ).
Following this, the students repeat the word after me. Because this class was audio, and not video recorded, it is unclear why the students echo my utterance. Perhaps I invite them to do so using particular hand or body gestures (e.g., a beckoning sign, of sorts). Or, perhaps the explicit corrective feedback I provide, coupled with my slow, enunciated version of the word (line 30: <E::rr::>) somehow suggests to students that they should. In any case, the students and I treat this as a mini drilling exercise, thereby framing the interaction as a language-focused activity.

As suggested by the students’ choral repetition of the verb “err” (line 31), it seems that most, if not all, participants understand that language learning is now under way. However, it is difficult to pinpoint with precision where this transformation actually begins. Does it begin when I encourage the students to complete the question prompt (lines 25-26: And the way we often s-frame that is, shou- or did the trial court-)? Or when I directly ask the students to supply a verb (line 28: What’s the verb we use)? Or, does the shift occur when I provide corrective feedback to the student’s pronunciation of the target word (line 30: <E::rr::>)? It seems that each of these turns, in succession, contribute to a gradual shift toward language-learning. This makes the frame transformation in this extract slightly more gradated than in Examples 4.6 and 4.7.

After repeating the word one more time and spelling it aloud (lines 33-34: Err. E-R-R), I insert the word into two “model” sentences, one for each issue in the case (lines 35-37: Did the trial court err, in allowing that evidence about substance- the substance abuse history to come in?; lines 40-42: Did the trial court err in sort of instructing the jury on this notion of comparative negligence). Using the target word in the two sample sentences now signals a shift back toward the frame of law class, because the word which the class has just reviewed is put into a legal context, namely, as part of the conversation about the Fritts case. This again creates a bleeding together of the frames of ESL and law class, as two simultaneous activities take place: a
language-focused one (as the target word “err” is plugged into sample sentences) and a law-focused one (as the issues in the case are articulated). This makes for a more gradual transition from the ESL class frame back to the law class frame. A similar phenomenon can be observed in Example 4.6, where I insert the word “overhear” into a sentence about the Innis case (So Innis could clearly overhear the conversation, because they’re in a small car). The class makes a complete shift back to the law class frame when I elicit from the students a third issue centering on the defendant doctor (lines 43-49: Um and yea, there was a separate issue . . . ).

The foregoing examples illustrate how frame shifting in the class organizes the students’ interactions during discussions on case law. In this classroom event, the students and I jointly construct a hybrid law/English (or “Legal English”) class that combines both law and language-focused activities. We co-accomplish this through frame shifts that both shape the activity in progress (i.e., legal study, language learning) and position the students (i.e., law student, language learner) and me (law professor, ESL professor)—and hence alter our footing or alignments. Next, I turn to how frames are layered in Professor Schultz’s classes on academic writing.

4.4.   Frame Infusion During Lectures and Discussions on Academic Writing

In Professor Schultz’s classes on academic writing, there is little or no frame shifting between the frames of law class and ESL class. This may be in large part because Professor Schultz has many years of ESL teaching experience, but lacks the legal training and know-how to teach substantive law. Instead, Professor Schultz leads class sessions on academic writing (among other things), where she focuses on “general principles of inquiry and rhetoric” (Spack 1988) as applied to a legal context. These general principles, or what I call “practices” (defined in Chapter 2), include culturally accepted ways of using written language to accomplish a variety
of actions, such as stating a thesis, making transitions, supporting a claim, and appealing to authority.

Professor Schultz socializes students to written practices primarily through text analysis, because in her view, they serve as “models” from which students can “transfer the discourse structure . . . to their own scholarly writing.” Because academic texts from various academic disciplines exemplify the written practices which Professor Schultz seeks to teach, early in the program’s history she used a general freshman composition textbook (Axelrod, Cooper, and Warriner 2007) with texts drawn from a diversity of disciplines (e.g., biology, linguistics, and psychology). Professor Schultz soon discovered, however, that two-year students did not respond well to working with texts that did not have a legal focus. In her words:

The class as I first created it, not knowing anything about law, was a general graduate academic English class. I taught basically the same concepts I teach now and the class has the same components . . . as [Working with Legal Texts] now. . . . But the materials I used were more for general English classes. . . . The students liked the course and saw improvement in their English, especially their writing, but they often complained about the readings.

In an effort to better tailor course materials to students, a couple of years into teaching in the program, Professor Schultz made a conscious decision to modify her syllabus by using authentic legal texts instead of documents written for a more general audience. These texts include law review articles written by legal academics, and court documents such as motions for summary judgment, written by legal practitioners.

In this section, I show how Professor Schultz’s decision to use such authentic legal texts has generated highly laminated talk during her classes on academic writing. These classes
generally operate under the frame of a second language (L2) writing class (a type of ESL class), as Professor Schultz and the students negotiate the “general principles” of U.S. academic writing that students must acquire to develop communicative competence and achieve academic success. However, the frame of law class becomes “infused” within the language-learning situation via the written modality. Specifically, the legal documents that the class dissects give an impression that this is a specialized, law-focused L2 writing class. Because the students read and analyze legal documents to guide their own writing, they learn not only about academic reading and writing in general, but also “interact” with the law on some level. In fact, a byproduct of the students’ engagement with these legal documents is that they incidentally learn about certain areas of law such as copyright, immigration, or marijuana legalization—in other words, the subject matter of the texts. Importantly, however, the frame never actually shifts from language study to legal study during Professor Schultz’s class sessions on academic writing. Although the class “works with” legal texts (hence the title of the course), the classroom event nevertheless focuses exclusively on increasing students’ written competence. The notion of frame “shift” therefore does not adequately capture what goes on in Professor Schultz’s classes; instead, the frame of law class—by way of written legal texts—becomes merely “infused” within the language-learning event.

I use the term frame infusion to refer to a situation where one frame somehow becomes implicated in an activity through a semiotic mode other than speech (e.g., written text, images, objects, kinesthetic action and/or body position), although the speech event does not actually operate under that frame. One familiar example might be a situation where four friends go to a restaurant for a dinner but due to space constraints end up in a seating configuration in which three of the friends are seated directly opposite the fourth friend. While the frame guiding this
interaction is likely that of “friendly dinner conversation,” the frame of “interview” may become activated and thereby infused within speaking situation by virtue of the awkward seating arrangement (i.e., three “interviewers” vis-à-vis one “interviewee”). This may even prompt the one friend to remark, “I feel like I’m at an interview,” even though nothing in the friends’ verbal interaction would otherwise signal or in any way establish an interview frame. The legal documents which Professor Schultz and the students use to learn academic writing similarly influence the interaction. The legal documents create the impression that the class is engaged in legal study, while what they are really doing is talking and learning about academic writing, as is well understood by course participants.23

The next extract illustrates what frame infusion looks like in Professor Schultz’s class. The excerpt is from the last class of a series of class sessions in which Professor Schultz and the students analyze three documents submitted to a U.S. District Court as part of a plaintiff’s motion for summary judgment. Summary judgment is a procedural device that allows a party to avoid a trial by arguing, in a pretrial motion, that there are no genuine issues of material fact and therefore no point in going to trial because the moving party is entitled to judgment as a matter of

23 Although Goffman discusses the “vulnerabilities of experience” and ambiguities in framing, he does not address whether/how one frame may color our experience in another frame through a semiotic channel other than speech. Goffman (1986, 83) does discuss a “transformational vulnerability” that he calls “fabrication,” by which he means “the intentional effort of one or more individuals to manage activity so that a party of one or more others will be induced to have a false belief about what it is that is going on.” However, the phenomenon of frame infusion that I discuss here does not appear to be a fabrication, which entails an element of deceit on the part of the “fabricators.” Class participants appear to be “in on” the fabrication (if it can even be called that) because they understand that the class is engaged in learning about writing and not legal study. Again, the legal documents that the class examines provide only a “feel” of a law class. Evidence for this understanding can be drawn from course evaluations, in which some students explicitly identify the purpose behind the text analysis in class: to learn about writing (e.g., one student says, “the [law review] articles are great and good to teach us how to identify coherence and organization in our writings”).
The plaintiff and defendant both write lengthy documents arguing for or against summary judgment, and after reading the arguments for both sides, a trial judge either grants or denies the motion. The class is reading these summary judgment documents from a lawsuit brought by Cambridge University Press against Georgia State University, involving a claim of copyright infringement. Over the course of about a month and a half, Professor Schultz asks the students to read the three documents as examples of argumentative writing. Two are written by the plaintiff, Cambridge University Press, and one is written by the defendant, Georgia State University. The documents, written and read in the class in chronological order, build on and respond to one another, such that the plaintiff wrote the first “memorandum in support of the motion for summary judgment,” the defendant responded with a “reply brief,” and finally the plaintiff countered with another “reply brief.” Class discussions during this month-and-a-half period include both talking about the content of the documents as well as examining the texts for important aspects of academic and legal writing (e.g., how to state a thesis, how to support an argument, how to appeal to authority, etc.).

Professor Schultz often instructs individual students to prepare brief, informal “presentations” on various sections of the legal documents that students read for her class. Her rationale behind these presentations is not only that they ensure everyone speaks in class, but they also prepare students for the kinds of conversations they will have with their professors and colleagues in a seminar class. Extract 4.9 is an example of one of these presentations. Professor Schultz has just given pairs of students ten minutes to analyze every paragraph in the documents.

---

24 In U.S. trials, juries are “fact finders” tasked with resolving issues of fact, while judges instruct juries on what law(s) to apply in making their determination. So in a slip-and-fall case, after hearing testimony from both sides (plaintiff and defendant), it is up to a jury to decide whether the defendant supermarket failed to inspect the aisles in a reasonable manner, thereby causing the plaintiff to fall and injure himself. The judge merely instructs the jury as to which law to apply in these circumstances (e.g., the standard of care by which to evaluate the defendant’s conduct).
“preliminary statement” or introduction of the plaintiff’s reply brief (a total of 9 paragraphs), leaving them with three guiding questions on a Power Point slide, as depicted in Figure 4.1.

Examine the Preliminary Statement:

- What do you notice about the way every paragraph begins?
- What is the topic and purpose of each paragraph? State the topic/argument in ten words or fewer
- What is the overall “effect” of this PS?

**Figure 4.1**: Partial content of a Power Point Slide used in Professor Schultz’s class sessions on academic writing

With the ten minutes up, Professor Schultz asks Huan-Yue and Audrey (the first group) to summarize the topic and argument in the first paragraph of the preliminary statement. The conversation proceeds as follows:

**Example 4.9: Class 3/23/2015-Section 2; 32:07**

01 Prof. S: So Huan-Yue,
02  If you look at the first paragraph,
03  “Defendant’s opposition brief,
04  <clin::gs tenaciously to the FICtion.>
05  That they bear no legal responsibility.”
06  Okay?
07 Huan-Yue: Mhm,
08 → Prof. S: So what is the argument that- the plaintiffs are putting forth in that- um,
09  in that paragraph.
11 Huan-Yue: Uhh Audrey and I concluded that this is something like general idea of why defendants infringed plaintiff’s copyright.
14 Prof. S: Okay,
15  It’s a general idea,
16  Okay,
17 Huan-Yue: Yes,
18 Prof. S: Toward the end,
19 → They do- um put forth a claim.
20  They say “suffice it to say,”
21  Means,
22  Basically that it’s sufficient to say,
23  “That BOTH,
The common law doctrine, of respondeat superior, and the defendants’ official capacity responsibility for impinging conduct they indisputably have the authority to stop, clearly provide grounds for holding defendants liable.

So what are they saying in that sentence. What’s the respondeat superior.

The slide that Professor Schultz puts up to guide the students’ ten-minute discussions is designed to get them thinking about paragraphing on both a local and global level. That is, she asks the students to consider the topic and purpose of each paragraph in a longer stretch of discourse (What is the topic and purpose of each paragraph? State the topic/argument in ten words of fewer), but she also asks them to reflect on how, taken together, the paragraphs cohere (What is the overall “effect” of this PS?). Paragraphing is a skill that Professor Schultz and I both spend a great deal of time discussing and working on with the students, and by asking them to analyze the preliminary statement with these questions in mind, Professor Schultz reinforces the idea that paragraphs should each contain a topic and they should “hang together” to create an overall effect. At this stage in the class (i.e., late spring semester), Professor Schultz rarely devotes class
time to lecturing about these ideas or talking about them in the abstract. Rather, she asks 
questions that push students to think about how paragraphing is used by authors to shape course 
texts. In going around the room and requesting each group to “present,” this time she asks, So 
what is the argument that- that the plaintiffs are putting forth in that- um, in that paragraph 
(lines 08-10).

Huan-Yue provides a somewhat vague response to Professor Schultz’s question, saying, 
this is something like general idea of why defendants infringed plaintiff’s copyright (lines 11-13). Professor Schultz pushes Huan-Yue to give a slightly more precise answer, and in particular, to 
unpack the “claim” or argument advanced by the authors near the end of the paragraph (lines 18- 
19: And toward the end, they do- um put forth a claim). Professor Schultz focuses on “claims” 
and “arguments” (slide: State the topic/argument in ten words or fewer; line 8: So what is the 
argument; line 19: they do- um put for a claim) because she has selected these three summary 
judgment documents as part of a unit on argumentative writing. She hopes to get across the point 
that in each paragraph the authors—in this case, lawyers for the plaintiff, Cambridge University 
Press—make arguments that contribute to their overall claim that the defendants infringed 
Cambridge University Press’s copyright and summary judgment is appropriate.

Professor Schultz reads from the paragraph, “Suffice it to say . . . that both the common 
law doctrine, of respondeat superior, and the defendants’ official capacity responsibility for imp-
fringing conduct they indisputably have the authority to stop, clearly provide grounds for 
holding defendants liable.” Presumably, she reads from the text to indicate to the class that this 
sentence, along with the topic sentence she reads in the beginning (lines 03-05: “Defendant’s 
opposition brief, <clin::gs tenaciously to the FICtion.> That they bear no legal responsibility”), 
represent the crux of the paragraph that Huan-Yue and Audrey were asked to present. The
“claim” put forth by the authors is that the defendants have a “responsibility” to stop their “infringing” conduct.

A focus on this claim quickly gives way to a discussion of relevant law, however, when Professor Schultz asks, What’s the respondeat superior (line 32). This question appears, on the surface, to cue a shift from the ESL or writing class frame to that of the (“practiced”) law class. Respondeat superior is a common law concept and legal term of art frequently taught in first-year law school classes. Nevertheless, for the reasons set forth below, I classify this question and the ensuing discussion not as signaling a shift to the frame of legal study, but rather providing evidence of frame infusion instead.

First, a playback interview with Professor Schultz indicates that she does not view the brief exchange about the meaning of respondeat superior (lines 32-54) as a law-focused activity. In the interview, she stated that in going through these paragraphs with the students, she was “trying to help students locate main ideas in the text” and “teaching them how to read so that they can then . . . write similar arguments.” Regarding the interaction about respondeat superior, Professor Schultz explained that it was an extension of her initial question to Huan-Yue about the topic and argument of the paragraph. However, as she was concerned about students being “thrown” by an unfamiliar term, she decided to discuss the meaning of respondeat superior to make sure students could follow the author’s line of thought. As explained by Professor Schultz:

When I’m trying to get them to figure out what the main ideas are . . . I think respondeat superior can be like a tripping point for them? That they see like the Latin and they don’t get it and it throws them? So I’m trying to in a sense normalize it for them, and take the anxiety down a level, and say, “this is just like other things that you read. It’s just, you
know, if we look at these sentences, and we see how they’re put together, you can figure out what this text is saying.”

One of the most striking aspects of the professor’s interpretation of this exchange is that she refers to *respondeat superior* not as a specialized legal term, but rather a Latin expression. This may be because Professor Schultz reads these legal documents through a non-legal lens. For her, *respondeat superior* does not index a particular situational context (such as a law class) or speech activity (such as a discussion of case law). Indeed, later in the interview Professor Schultz confessed that she was not familiar with this term and had to look it up in a legal dictionary while reading this document. (For me, on the other hand, the phrase *respondeat superior* conjures up images of sitting in torts class during my first year of law school, studying in the law library, and taking a law school exam.) Notably, Professor Schultz’s rationale for discussing the term stems from her desire to “normalize” it and ease the language-learning process, not to explicate a legal concept.

Second, this interaction does not exhibit a shift to the frame of law class because the language-learning activity is not truly transformed. Although Professor Schultz negotiates with the students the meaning of a technical legal term, this is done in the service of teaching writing and moving the discussion about main ideas along. Again, Professor Schultz herself states that she seeks to “normalize” the term and “take the anxiety down a level” so that students can continue reading the text in order to analyze it for features that will help them to create their own documents. Her objective is to teach writing, not law or legal reasoning.

This example illustrates how the frame of law class is infused overtly through a “trace” (Porter 1986) from the legal texts: the term *respondeat superior*. However, frame infusion usually occurs more subtly and indirectly. Professor Schultz and the students typically do not
negotiate the meanings of technical legal concepts as they do in Example 4.9—although they certainly do engage in such discussions, as this extract shows. Rather, the frame of law class is more often infused within the language-learning situation by virtue of the legal nature of the texts which the class analyzes. In other words, the motion for summary judgment that the class discusses allows them to “interact” with legal topics and texts. Nevertheless, the activity itself remains a language-focused one because even a conversation about *respondeat superior* is meant to advance writing instruction and convey to students key written practices as exemplified by the texts. Therefore, the overall frame of language learning or “ESL class” does not shift to that of the law class; it is instead imbued with legal ideas derived from the documents analyzed in class. As Bakhtin (1981, 294) might argue, the language-learning situation is “populated . . . with the intentions” of a law class while still remaining what it is: an L2 writing class.

Unlike frame shifting in classes on case law, the occurrence of frame infusion in classes on academic writing cannot be quantified with any precision. This is because infusion, by definition, refers to a dispersion or “flavoring” of sorts. While it may be feasible to tally the frequency with which legal traces such as *respondeat superior* are discussed and negotiated in class, this would provide an incomplete picture of the role of frame infusion because it frequently occurs in more covert ways (i.e., via the written modality). It is virtually impossible to quantify how the legal texts which the class reads and discusses “inject” a flavor of law class into an otherwise language-focused activity. It appears that the legal study frame subtly permeates nearly *every* class on academic writing in which Professor Schultz and the students work with legal documents. Thus, frame infusion is pervasive in this classroom event.
4.5. **Pedagogical Implications**

In many of the first interviews I held with students during the fall semester, students expressed the view that in the first year of the two-year program they were looking for something more than a general English or EAP curriculum could provide. Students shared this opinion with me almost every time I asked them to explain why they chose the two-year program. While they undoubtedly came to enhance their English proficiency, many students indicated that (1) they have already learned general English and therefore were looking for something more specialized; and/or (2) they would not spend so much money on a program if it did not offer something “extra.”

Endorsing this view, one of the students in Section 2, Audrey, explained that this something “extra” is a clear focus on law: “we’re still improving our English, but that’s like also improving our- also helping improve us as professional lawyers, because we’re talking about cases and all this stuff. . . . When we talk about the case briefs . . . all that specific topics are regarding about law.”

Course evaluations also support the notion that students are looking to do more in the two-year LL.M. program than merely improve their general academic English. Students rated and spoke very highly of classroom activities in which the focus was a combination of language and law, with the highest praises going to discussions on case law and lectures and discussions on academic writing, that is, the classroom events examined in this chapter. In contrast, they were more critical of activities which focused only on language learning. For example, in response to the question, “what has been the least helpful to you?” on a mid-year course evaluation, many students indicated that they did not like the structured pronunciation practice, and corresponding pronunciation book, which was a feature of the Legal Texts course in the fall

---

25 Without a doubt, participant bias—that is, where participants feel compelled to say what they believe the researcher (and in this case, also their professor!) wants to hear—may have inspired at least some of these latter responses.
semester. In the words of one student: “the pronunciation activity was the least helpful to me. Honestly, I feel I am here in the law school to learn materials that increase my legal knowledge, and I can improve my pronunciation by myself outside of the class.” This, along with Professor Schultz’s previous experience using non-legal texts to teach academic writing, seems to suggest that two-year students tend to resist classroom activities that are geared toward only enhancing language proficiency and hence potentially position students exclusively as language learners instead of law students.  

It appears that students wish to cultivate identities—or “imagined identities” (Norton 2001) or “possible selves” (Markus and Nurius 1986)—that rightfully belong in the law school community in the U.S., and activities that promote these identities (e.g., law student) may well increase students’ investment in educational tasks (see also Kanno and Norton 2003; Pavlenko and Norton 2007).

One question I asked students in early interviews was whether they identified more as “English learners” or “law students.” Although the question is somewhat reductionist and significantly constrained the students’ options for identity exploration, it nevertheless gave them the opportunity to verbally express their alignment with the two discursive positions I identified as most salient in the Legal Texts classroom (and more generally, in the two-year program). In addition, the students’ replies cast some light on their stance toward class materials, tasks, and events. One of the students in Section 1, Maria, answered the question as follows:

In my case I feel a law student. Because . . . the readings that I am doing, they are not like general. You know, all of the books that I am reading, they are law- they are all constitutional law. . . . Even in legal wri- Working with Legal Texts that is like more

---

26 Due to the volume of complaints about the pronunciation practice and book, we actually removed this part of the course from the spring semester classes, opting instead for individual pronunciation “tutoring” outside of class.

27 For these early interviews, only 12 students (out of a total of 22) were asked this question, because not all two-year students signed up for each interview that I held over the course of the academic year.
English? We are not reading about the weather. . . . That is what we learn in an English class. . . . So I feel . . . a law student with a focus in English. . . . I think it’s cheaper going to an English school, if that was my goal. I should rather go to an English school that would be cheaper. Rather than coming here. No, I feel like I dunno, like sixty five percent law student and the other like English.

Maria’s justification for identifying more as a law student is the readings that she is doing in her classes, which focus primarily on law—not, as she humorously describes it, “the weather.” Her emphasis on legal readings is a nod to the texts that Professor Schultz and I use in our classes, namely, law review articles, court documents, and judicial opinions. Her comment supports my earlier contention that in using legal texts to teach writing, Professor Schultz invokes the “feeling” of a law class despite the focus of the Legal Texts course being “more English.” Significantly, Maria was not exceptional in feeling more like a law student: nine out of twelve of her colleagues who were asked the question echoed a similar sentiment.

As suggested by student interviews and course evaluations, then, two-year students wish to strike a balance between law and English-focused activities, and frame lamination (whether shifting or infusion) appears to help the Legal Texts professors and students do just that. As I have shown in this chapter, the type of co-accomplished frame shifting that occurs in classes on case law permits students to engage in two activities in the course of one class: legal study and language learning. While the default frame under which most of these class sessions operate is the law class, this activity is periodically suspended to make room for language instruction and feedback. Such feedback is likely absent from the students’ “real” law classes, where the focus of attention is chiefly law, with a perhaps intermittent focus on legal language use. In contrast, in

28 Although note that when she initially discusses her “readings,” Maria makes a blanket statement and refers to readings not only in the Legal Texts course, but also in the two-year program in general.
classes on case law in the Legal Texts course, students learn law and legal reasoning while also focusing on their English (e.g., pronunciation, grammar, etc.) at critical points. As evidenced by the students’ willingness to participate in language-learning activities (e.g., short drilling exercises), they co-accomplish and help to sustain these brief shifts to the ESL class frame.

In class sessions on academic writing led by Professor Schultz, the default frame is the ESL class, and more specifically, the L2 writing class. One prominent feature of these sessions is an infusion of the frame of law class through written legal texts. The law class frame is infused within the language-learning situation by virtue of the legal documents that Professor Schultz uses to teach academic writing to the students. Although such infusion does not wholly transform or redefine the activity in progress—which remains language learning throughout the classroom event—the legal texts which Professor Schultz and the students read and analyze do create the impression that students are not merely in a “general” English class. This is important for students, who, as suggested by course evaluations and interviews, want to learn more than English, but desire in some way to interact with the law as well.

These findings support the claim that EAP instruction ought to focus on developing students’ subject-specific communicative practices (see e.g., Hyland 2002, 2006; Hyland and Hamp-Lyons 2002), not merely a “common core” (Dudley-Evans and St John 1998) set of skills that apply to all disciplines (a view most vehemently advanced by Spack 1988). Professor Schultz and I agree that our role is, in part, to promote our students’ socialization to specific disciplinary practices. This is one reason why I instruct the students using authentic legal documents, and assign homework assignments and create classroom tasks they can expect to encounter in a U.S. law class—even in a course that is decidedly “more English.” In doing so, I help the students develop discipline-specific communicative practices, such as reading and
extracting the key elements of a legal case, evaluating a court’s reasoning when called on in class, and making a persuasive argument on a law school exam. At the same time, I address any language issues that might arise, which subject specialists such as law professors “generally have neither the expertise nor the desire” (Hyland 2006, 11) to tackle.

Professor Schultz and I also believe that there are generic skills and practices that are useful across different disciplines and must be incorporated into the Legal Texts syllabus as well. Accordingly, she teaches the students the “general principles of inquiry and rhetoric” which shape academic writing in all disciplines—such as the idea that a writer must state a thesis and state it at the outset of a piece, the notion that a writer must use examples to support a claim, and so on. Professor Schultz conveys these ideas in the context of legal study and under the guise of instructing the students in “academic and legal” writing. Indeed, classroom data collected from early in the fall semester reveal that Professor Schultz often frames the writing which the students are working with, and are themselves tasked with producing, as not only academic, but also “legal.” For example, in one class, she repeatedly employs the couplet “academic and/or legal” to describe the writing to which the students should aspire:

**Example 4.10: Class 9/29/2014-Section 2; 57:40**

01 → Prof. S: In academic and legal writing,
02 you can’t really imply things.
03 You have to spell every little thing out.

The two-year students have expressed the view that they are in the program to learn both English and law, not only English and not only law. This strongly suggests that English instructors working within such extended LL.M. programs, and perhaps other specialized EAP programs (e.g., in nursing, engineering, or business), must be familiar with at least some subject-specific content and become proficient in relevant disciplinary communicative practices. Hyland
(2002, 393) argues that EAP classes ought to teach students a range of subject-specific language skills and practices because

[expertise in a subject means being able to use its discourses in the specific ways that one’s readers [and hearing audience] are likely to find effective and persuasive. . . . Students do not learn in a cultural vacuum: their disciplinary activities are a central part of their engagement with others in their disciplines and they communicate effectively only by using its particular conventions appropriately.

It is only through familiarity with disciplinary communicative practices that instructors in similar extended LL.M. or other EAP programs can equip their students with the communicative know-how to succeed in the academic disciplines of their choice. Professor Hallman subscribes to this view; this is why he implemented a team-teaching approach in the Legal Texts class. Through collaboration between an ESL professional and subject specialist (i.e., me and Professor Schultz), we can help students to improve their English proficiency as related to discipline-specific tasks.

So where and how does frame lamination figure into all of this? In the two classroom events examined in this chapter, the layering of frames appears to be both pervasive and successful. The “success” of this discourse feature can be gleaned from three sources: the students’ willingness to create and sustain frame shifts during discussions of case law; the students’ eagerness to read and analyze legal documents during lecture and discussions on academic writing (and on the flip side, prior cohorts’ lack of enthusiasm for more “general academic” readings); and the students’ evaluation of these two classroom events in positive terms. The prevalence and apparent success of frame layering during these key classroom events indicates that instructors in similar classes or programs should also become adept at framing
classroom activities in ways that both reflect and shape the hybrid, specialized nature of the
students’ learning experience. Students enrolled in EAP programs must learn both general
academic and subject-specific (e.g., legal, business, medical) communicative practices, and
classroom events should be framed accordingly. This means, potentially, that instructors teaching
these students should learn (1) how and when to shift to the language-learning frame during
classroom events focusing primarily on disciplinary content (e.g., as in discussions on case law),
and/or (2) how to infuse a discipline-focused frame within an otherwise language-focused
activity (e.g., as in lectures and discussions on academic writing). As the analyses in this chapter
demonstrate, exploiting relevant frames to organize the students’ learning as both English and
law-oriented satisfies, at least in part, the students’ desire to learn English as used in a U.S. law
school.

4.6. CONCLUSION

As intimated in the introduction to this chapter, frame layering helps to promote our
students’ socialization into written and oral academic discourse, the subject of the next two
chapters. By laminating frames, course participants organize the Legal Texts course, as well as
their own experience, as a combination of language learning and legal study because on some
level they engage in both. Framing the students’ learning experience in this way creates
favorable conditions for the their acquisition of communicative practices which are integral to
the U.S. law school context and a community in which the students seek to gain membership. In
the absence of such frame layering—for example, if the class were to focus on language learning
at the exclusion of legal study, or even the semblance of it (as with frame infusion)—students
may well contest and even reject the professors’ use of class materials or activities that could
nonetheless help them to develop certain key practices. In fact, this is the “lesson” Professor
Schultz learned when she used a general freshman composition text to teach general academic writing with earlier two-year cohorts, and what Professor Schultz and I both learned in the fall semester when doing structured pronunciation practice during class. By laminating the frames of ESL class and law class within key classroom events, course participants co-construct a specialized “Legal English” course in which students want to learn and participate. In other words, such frame layering helps to establish a discursive space that becomes conducive to the students’ socialization to relevant communicative practices.
Chapter 5

FOCUS ON TEACHER TALK: CONSTRUCTING DIALOGUE TO PROMOTE STUDENTS’ SOCIALIZATION INTO WRITTEN ACADEMIC DISCOURSE

5.1. INTRODUCTION

The previous chapter focused on how Legal Texts course participants jointly construct a discursive space in which the students may become inducted into the culture of U.S. law school (i.e., a “Legal English” class). Here, I zero in on how “teacher talk” (Ellis 1994) during the class promotes the two-year students’ socialization into written academic discourse. More specifically, I employ Bakhtin’s (1981) notion of “polyphony” and draw on Tannen’s (1989) concept of “constructed dialogue” or reported speech to examine how Professor Schultz fosters the students’ socialization by weaving multiple voices into her own classroom talk. I am particularly interested in how the professor constructs the speech of others because it is strikingly common in her classroom talk. Further, constructed dialogue serves important communicative functions that range from the evaluative (Chafe 1994; Galatolo 2007), to the evidential (Philips 1986; Clark and Gerrig 1990; Holt 1996; 1999; Buttny 1998), and to the moral (Drew 1998; Matoesian 2001) in contexts as varied as the courtroom, classroom, counseling, and ordinary conversation. It has also been found to create involvement (Tannen 1989, Baynham 1996) and help speakers to build their own and others’ identities (Hamilton 1998; Schiffrin 1996; De Fina 2003) in talk. My aim in this chapter is to contribute to this literature and describe the potential socializing function(s) of constructed dialogue in Professor Schultz’s classroom discourse about academic writing.

Using 12 hours of interaction data from thirteen class sessions on academic writing led by Professor Schultz, I focus on how she constructs the speech of “writers” and “readers” to frame writing as an intentional act of communication that is designed to stir a reader’s intellectual
curiosity and influence a reader to accept the writer’s arguments. I argue that this feature of the professor’s classroom talk works to convey to students the social dimension of writing, as well as the related notion that they must write for and engage with their reading audience—also referred to in the rhetoric and second language (L2) writing literature as “audience awareness” (see, e.g., Kroll 1978; Leki 1991).

5.2. **Polyphony, Voice, and Constructed Dialogue**

Bakhtin (1981, 331) posits that “our speech is overflowing with other people’s words” and resonates with multiple “voices” that are not necessarily a speaker’s own. Voice refers to the “speaking personality, the speaking consciousness” (Holquist and Emerson 1981, 343, cited in Wertsch 1991) and talk, according to Bakhtin, is an amalgamation of voices from various “personalities” to create what he calls “polyphony” or “multi-voicedness.”

Voice may manifest in speech in a variety of ways, both covertly and overtly. For example, it can be subtly signaled through register to create what (Agha 2005) calls an “enregistered voice,” which indexes stereotypical types of persons such as upper class, male, and lawyer. In Chapter 4, I provided a lengthy example of how discussions of case law typically proceed, and highlighted the lexical items signaling legal register (such as “court,” “plaintiff,” “defendant,” “arson,” and so on). I contrasted this with words more commonly used during the frame of ESL class, which include grammar terminology like references to part of speech (“verb”), word structure (“syllable”), and pronunciation (“stress”). In that chapter I argued that register, realized largely through words and phrases, is one of several features of language which cues the frames of law class versus ESL class. Further, I showed that through the use of register I am able to discursively position me as “law professor” or “ESL professor.” Significantly, in enacting these two discursive positions my talk exhibits a polyphonic quality because I invoke
two distinct “types” of people—I juggle two voices, so to speak—which are connected to the registers of law and ESL.

Voice can be cued more overtly as well through “direct reported speech” (see, e.g., Coulmas 1986), also referred to in the literature as “quotations” (Clark and Gerrig 1990) or “constructed dialogue” (Tannen 1989). These terms refer to situations where a speaker directly “reports” the speech or thought of another, as in the following example: And she said, “I’m taking a trip today.” Direct reported speech creates a “highly transparent voicing structure” (Agha 2005, 42) in large part because of the syntactic and deictic (person and tense) shift between the reporting and reported clauses (i.e., reporting clause: And she said; reported clause: I’m taking a trip today). In this chapter I am concerned with these more overt expressions of the speaking personality, where a speaker is “animated” (Goffman 1981) as if her words were reported verbatim.

However, in investigating these manifestations of voice, I prefer to employ the term “constructed dialogue” (Tannen 1989) instead of reported speech or quotations. As Tannen explains, “the term ‘reported speech’ is grossly misleading in suggesting that one can speak another’s words and have them remain primarily the other’s words” (101), because “when speech uttered in one context is repeated in another, it is fundamentally changed even if ‘reported’ accurately” (110). Tannen argues that “reporting” a stretch of talk transforms the original utterance because a speaker often appropriates another’s speech to communicate a message different from that originally intended. Further, most of what is presented as dialogue was never stated exactly as reported, if it was spoken at all. Professor Schultz, for example, often imputes speech to others that they likely never uttered. In one class, for instance, she sums up a copyright infringement lawsuit between Georgia State University and Cambridge University.
Press by saying: *But Georgia State University decided that . . . they didn’t wanna [pay a licensing fee]. So instead of just paying the fee, they said, “No, if you want this, you have to take us to court.”* It seems unlikely that this is how lawyers for the university expressed their refusal to pay a licensing fee (or that Professor Schultz was present when they did so, to later report their stance). Thus, because the notion of constructed dialogue more accurately captures the type of language that I examine in this chapter (i.e., creatively constructed speech), I prefer to employ this term.

5.3. **Characters in Professor Schultz’s classroom talk**

The data I analyze in this chapter include a small corpus of thirteen class sessions on academic writing led by Professor Schultz, totaling approximately 12 hours. In field notes taken while observing these classes, I noted that the social entities of “reader” and “writer” permeate Professor Schultz’s discourse; accordingly, I examined transcripts from this classroom event for how often reader, writer, as well as other characters are featured in the professor’s classroom talk. A count of human characters that recur in the data (totaling 743 tokens) revealed that reader is by far the most common, with 150 tokens, or 20% of all characters examined. The second most frequently occurring character, “writer,” showed up 98 times in the corpus (i.e., 13% of the total). This simple analysis of frequency counts confirmed a pattern that I had observed and recorded in my field journal: Professor Schultz places a great deal of emphasis on readers—and writing for readers—during her classes.

Figure 5.1 shows all of the characters for which I analyzed the corpus of class sessions on academic writing; as noted earlier, the analysis yielded 743 tokens in all. Others include, for example, “defendant,” “professor,” and “plaintiff,” with 89, 83, and 67 tokens respectively.
My decision to examine Professor Schultz’s classes for the characters listed in Figure 5.1 stemmed from my “naked eye” observations that these characters recurred in the data, coupled with my desire to investigate how often she voiced characters who are, or may be, relevant to the students’ U.S. academic experience and socialization (e.g., classmate). I did not, however, undertake a systematic analysis of every human character that appears in the corpus.

As a next step, I was interested in determining how readers, writers, and other characters or entities were represented in Professor Schultz’s discourse, and to what overall effect. As mentioned earlier, I was curious as to how she voiced or addressed these characters through constructed dialogue in particular, not only because constructed dialogue is common in the professor’s talk—with 331 episodes—but also because such dialogue has been found to fulfill a wide range of important communicative functions, and I wanted to examine what purpose(s) constructed dialogue may serve in the context of the professor’s classes on academic writing.

---

**Figure 5.1:** Frequency counts of human characters in Professor Schultz’s discourse during class sessions focused on academic writing

---

29 Note that “one of the authors” refers to the last names of five authors who wrote the law review articles and other texts which the students read over the course of the year: Almog, Pham, Samuelson, Catton, and Vitiello.

30 I prefer to use the term “episode” to describe instances of constructed dialogue because there are situations in which constructed speech is “interrupted” by a discourse marker or other particle, but the disjointed utterances go together semantically or belong to same represented speech act.
After studying each of the 331 episodes of constructed dialogue in the professor’s speech, I determined that that she enacts several social entities through such fabricated dialogue—including, for example, students, law professors, judges, and librarians. I was most intrigued, however, by how she represented “writers” and “readers,” the two most frequently occurring characters in her classroom talk (see again Figure 5.1). 31

As illustrated by the following short extracts, readers and writers are either voiced through or directly addressed within dialogue constructed by Professor Schultz. In the first example, the professor animates or “takes on the voice” (Tannen 2009) of an unnamed reader by constructing her speech (or in this specific case, her thoughts):

**Example 5.1: Class 3/23/2015-Section 2; 1:29:18**

01 → Prof. S: So the **reader** will read these and thinks,
02 “Oh my goodness yes, ((singsong voice))
03 that’s infringement.”

In the next example, however, Professor Schultz addresses a reader within the constructed speech by animating someone else, that is, “Catton,” the writer of one of the course texts.

**Example 5.2: Class 1/20/2015-Section 1; 54:21**

01 Prof. S: What Catton is saying in this sentence,
02 → is “**reader,**
03 I’m going to continue to show you,
04 that Grant was different from Lee.”

Because the characters of writer and reader are so conspicuous in the professor’s talk in general, I decided to analyze in detail such episodes, where Professor Schultz voices and/or addresses via

---

31 Because it is well beyond the scope of this chapter, I do not provide a taxonomy of constructed dialogue episodes here. Instead, I focus only on how constructed dialogue interfaces with the two most conspicuous characters in the professor’s talk: writer and reader.
constructed dialogue an individual who is *explicitly* labeled as “writer” or “reader” (hereafter referred to as “writer/reader constructed dialogue”).

While the professor often voices and addresses other characters as they are engaged in the act of writing or reading (e.g., students, law professors), if she does not *overtly* position them as writers or readers either via voicing or addressing (or both) as in Examples 5.1 and 5.2 above, I have left the constructed dialogue episode out of the present analysis. For instance, I do not include in the present study the following exchange, because neither “writer” nor “reader” is explicitly stated in the lead-up to the constructed dialogue or within the dialogue itself. Here, the professor references “somebody” instead:

**Example 5.3: Class 1/28/2015-Section 2; 9:49**

01 → Prof. S: OR somebody might finish reading your paper and say,
02
03 ↑“Oh yeah, ((exaggerated excitement))
04 that’s right.
05 X: hhhhh
06 Prof. S: That’s brilliant.”
07 “I never thought of that before.”

Although this example is quite similar to episodes where the professor gives voice to a “reader’s” thoughts (as discussed in Section 5.4.3 below), I still excluded episodes like it from my analysis because neither “reader” nor “writer” is explicitly voiced or addressed. This chapter therefore does not account for the myriad instances where characters such as students are voiced as writers and/or readers more implicitly, even though constructing their speech in this way likely plays a role in the students’ socialization as well. I have purposely limited my analysis to a narrow subset of constructed dialogue episodes in order to uncover how “writer” and “reader,” two characters who figure prominently in the professor’s discourse, are represented in and through constructed speech, another salient feature of the professor’s classroom talk.
5.4. **Voicing or Addressing a “Writer” and “Reader” via Constructed Dialogue**

My claim here is that Professor Schultz employs constructed dialogue to voice or address a writer and reader—or rather, someone she overtly positions as “writer” or “reader”—as a strategy for framing writing as social interaction with a reader. Here I unpack this subset of constructed dialogue in the professor’s classroom discourse by analyzing how writers and readers figure in the her use of constructed speech, and describe the functions of this feature of her talk.

There are 25 episodes of writer/reader constructed dialogue in the corpus of Professor Schultz’s classes on academic writing (see Table 5.1 below). In other words, of the 248 instances of “reader” (150) and “writer” (98) in the professor’s talk (see again Figure 5.1), roughly 10% are represented through creatively constructed speech. While 25 episodes does not seem particularly high for 12 hours of interaction data, it is significant when the following is taken into account. First, writer/reader constructed dialogue appears a great deal more often in certain class sessions than in others, as there are some classes in which the professor does not reference “writer” or “reader” in her constructed speech at all. Specifically, it appears that writer/reader constructed dialogue occurs most often in classes when the professor and the students analyze course texts and not, for example, when they discuss writing in the abstract. Second, while there are 12 hours of data, there are entire sessions in which Professor Schultz rarely speaks because students present on sections of texts that have been assigned to them. This produces little teacher talk to analyze in those particular sessions. Finally, due to the strict inclusion criteria—again, I do not include episodes about writing and reading if “writer” and/or “reader” are not overtly referenced—I do not analyze several instances of constructed speech that in fact look very similar to writer/reader constructed dialogue (see again Example 5.3).
The 25 episodes be further broken down into four categories, based on the source or “author” (Goffman 1981) of the dialogue (i.e., a writer or reader) and the nature of the dialogue: “internal” or “external.” By internal dialogue I mean “inner speech” (Tannen 1989), “direct thought” (Chafe 1994), or “reported mental state” (Vásquez and Urzúa 2009), terms which refer to language “passed through the represented speaker’s mind” (Chafe 1994, 221) at some earlier point in time. Such “speech” is typically introduced with the verb “think” (e.g., *And I thought, “what a beautiful day.”*). In contrast, I use the term external dialogue to refer to what we typically think of as actual, uttered speech, which is often integrated into a sentence with the reporting verb “say” (e.g., *And I said, “what a beautiful day.”*) Table 5.1 shows frequency counts attached to the four possible types of dialogue. Writer-internal (3 episodes), writer-external (13 episodes), and reader-internal (9 episodes) each occurs in the data set, while there are no episodes of reader-external dialogue.

<table>
<thead>
<tr>
<th></th>
<th>Internal dialogue</th>
<th>External dialogue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Writer</td>
<td>3</td>
<td>13</td>
</tr>
<tr>
<td>Reader</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>12</td>
<td>13</td>
</tr>
</tbody>
</table>

Table 5.1: Writer/reader constructed dialogue in Professor Schultz’s class sessions focused on academic writing

In identifying and cataloguing Professor Schultz’s use of constructed dialogue to voice or address a writer and reader, I noticed a striking pattern: through the dialogue that she enacts, the professor portrays writing and reading as a process that includes three major steps. First, a writer *thinks* about what to put in writing and how to say it; second, a writer *communicates* with a reader via the written text; and third, a reader *reacts* to the written text. The remainder of this section will address the functions of this feature of the professor’s talk.
The three-step pattern underlying Professor Schultz’s constructed speech is somewhat predictable, as she partially subscribes to what is known as a “process approach” to writing (see, e.g., Zamel 1983; Spack 1984; Krapels 1990; Raimes 1991). The process approach is a perspective that seeks to “prepare students to write through invention and other prewriting activities . . . , encourage several drafts of a paper, require paper revision at the macro levels . . . , and delay the student fixation with and correction of sentence-level errors until the final editing stage” (1990, 26). In short, adherents of this approach view writing as a multi-step process.

Professor Schultz often describes writing as a lengthy, recursive process that includes many stages. To illustrate, Figure 5.2 shows a slide the professor shares with the students early in the spring semester, which depicts the steps she views as important in the writing process: brainstorming, drafting (outline and prose), revision, rewriting, editing, and the final product.

![Figure 5.2: Power Point slide used in Professor Schultz’s class sessions focused on academic writing](image)

But while the professor identifies with the process approach, she never actually describes the process of writing using the three phases that I have identified in her discourse: (writer) thinking, (writer) communicating, (reader) reacting. Nevertheless, I argue that by giving voice to a writer’s and reader’s internal or external speech, she implicitly conveys to students these major phases or
“macro processes” of writing/reading, two mutually dependent acts that represent one larger academic enterprise. Further, because the professor represents both a writer and reader through constructed speech—and most often, the writer communicating with the reader through the written text—she sends the message that writing is not an abstract and internal process but a social, interactive one instead (as discussed in detail below, this is a point the professor makes explicit as well). The pervasiveness of the “reader” in Professor Schultz’s discourse during her classes on academic writing (150 tokens, as illustrated in Figure 5.1) lends further support for this idea. As suggested by the professor, writing is not an individualistic, self-directed exercise but one that must take into account the intended audience—that is, the “reader”—of a text.

Figure 5.3 below depicts how the three types of writer/reader constructed dialogue identified in the professor’s talk (i.e., writer-internal, writer-external, and reader-internal) map onto the three phases of writing invoked by the professor’s constructed speech.

<table>
<thead>
<tr>
<th>Phase 1:</th>
<th>Writer <em>thinks</em> about what to put in writing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><em>(writer-internal dialogue)</em></td>
</tr>
<tr>
<td></td>
<td>↓</td>
</tr>
<tr>
<td>Phase 2:</td>
<td>Writer <em>communicates</em> with reader via writing</td>
</tr>
<tr>
<td></td>
<td><em>(writer-external dialogue)</em></td>
</tr>
<tr>
<td></td>
<td>↓</td>
</tr>
<tr>
<td>Phase 3:</td>
<td>Reader <em>reacts</em> to writing</td>
</tr>
<tr>
<td></td>
<td><em>(reader-internal dialogue)</em></td>
</tr>
</tbody>
</table>

*Figure 5.3*: *Relationship between the phases of writing and types of writer/reader constructed dialogue in Professor Schultz’s class sessions focused on academic writing*

To depict phase (1), Professor Schultz gives voice to the inner thoughts of the writer as she thinks through, plans, and revises her written piece. As mentioned, there are only three episodes
of writer-internal dialogue, but each is introduced with the verb “think.” To portray phase (2), Professor Schultz also constructs the speech of the writer, but this time she frames this speech as an explicit communication with a reader, or in other words, writer-external dialogue. As shown in Table 5.1, this is the most common type of writer/reader constructed dialogue in the professor’s discourse, with 13 episodes in all. Professor Schultz signals much of this “communication” by directly addressing the reader within the speech that she enacts (e.g., The writer is saying “Hey reader notice this”). Finally, because phase (3) is reader-centered, Professor Schultz represents this stage of writing by animating the reader (as opposed to the writer) through constructed speech. This speech represents the reader’s inner thoughts as she is engaging with a piece of written text.

In the following sections I provide examples and corresponding analyses of the following three types of constructed dialogue: writer-internal (Section 5.4.1), writer-external (Section 5.4.2), and reader-internal (5.4.3). In each instance, I first show a sample of the professor’s talk in which she conveys to students the importance of the three phases of writing—that is, (writer) thinking, (writer) communicating, and (reading) reacting. These excerpts do not contain any examples of reader/writer constructed dialogue; I provide them merely to support the claim that the professor first describes these concepts in explicit detail. I then offer examples of how Professor Schultz also conveys or “demonstrates” (Clark and Gerrig 1990) these ideas more implicitly, by fabricating the speech of a reader or writer.

5.4.1. Voicing a Writer’s Inner Speech (Phase 1: Thinking)

Professor Schultz often informs the students that writing is a long process that requires constant reflection, planning, and amendment. She spends a good portion of class time discussing revision, or what she calls “probably the most important part of writing.” In fact, the
professor’s strong belief in the importance of revision is one reason why we hold writing conferences with students after they have turned in their first drafts of their papers, and we go over “revision strategies” to help the students improve the readability of their papers. The following classroom exchange illustrates how much stock Professor Schultz puts in revision as a writing strategy, as well as the cognitive or thinking element inherent in writing. Here the professor explains to students what she believes the notion of revision entails.

**Example 5.4: Class 2/19/2015-Section 1; 1:41:46**

```
01 Prof. S: What is revision. ((Reading from slides))
02 If you look- about revision,
03 → It’s thinking about how a writer- a reader,
04 Will understand what I’m saying.
05 It’s thinking about where my main point is,
06 Or where my main points are.
07 It’s thinking about my support.
08 Is it clear,
09 And it is specific.
10 → It’s thinking about MY support.
11 Will the reader understand it?
12 Will the reader understand the context,
13 The point I want the reader to see in it- will
14 the reader understand the point,
15 Why I chose this specific piece of support.
16 → So what’s the key word in revision here.
17 Ulug: Thinking.
18 Prof. S: Think.
19 Think think think.
20 → And that’s what revision is all about.
22 YOU have to engage with the material.
23 And YOU have to think it through,
24 And YOU have to analyze exactly what it is,
25 That you’re doing,
26 And what it is you’ve done.
```

There are no fewer than 10 instances of the verb “think” in this short extract, presumably because Professor Schultz wishes to underline the importance of thinking during the writing process. Another word that appears frequently in this example is the “reader” (5 instances)

---

32 As stated in the Legal Texts syllabus, “[b]etween the submission of the rough draft and final copy there will be individual student conferences to discuss the student’s writing and revision strategies” (emphasis mine).
whose comprehension the professor is quite concerned with, as signaled by her repeated use of the verbs “understand” and close synonym “see” with this grammatical subject (lines 03-04: It’s thinking about how...a reader will understand what I’m saying; lines 10-14: It’s thinking about MY support. Will the reader understand it? Will the reader understand the context, the point I want the reader to see in it- will the reader understand the point). Without a doubt, the message that Professor Schultz appears to be getting across to the students is that a writer must think about what to put in her writing so as to facilitate reader comprehension.

Professor Schultz asks the students to identify the “key word” in her definition of revision, to which Ulug aptly responds, “thinking” (lines 16-17: Prof. S: So what’s the key word in revision here; Ulug: Thinking). She then reiterates the word four times before concluding, and that’s what revision is all about (line 20). Professor Schultz often conveys key concepts in such an explicit way, leaving nothing to the imagination. This explicitness is in large part what makes her such an effective L2 writing instructor. However, she reinforces these ideas—in this case, the notion that a writer must actively think about what she writes—by voicing the inner thoughts of that writer as she is both creating and amending a piece of writing. While there are only three occurrences of such writer-internal dialogue, they are predictably each introduced with the reporting verb “think.”

The following example demonstrates how Professor Schultz conveys to students the mechanics of revision using constructed dialogue. The extract is from an early fall semester class when Professor Schultz has just begun to introduce the students to the notion of revision. At this juncture the students have turned in the first draft of their very first writing assignment, and the professor is instructing the students in how to revise their written piece for the second, “final” draft. The professor has just asked the students to consider what to do in the following scenario:
“you set out this beautiful thesis, and then you write your paper, and at the end of your paper, you didn’t really follow your thesis.” Two students volunteer to say that in this case a writer can change the thesis. Professor Schultz ratifies these contributions and then adds:

**Example 5.5: Class 9/29/2015-Section 2; 1:25:46**

01 Prof. S: There are many different places you can revise,
02 and if you get to the end,
03 and it’s- you haven’t quite followed your
04 thesis,
05 → well then as a writer,
06 you have to think to yourself,
07 → “well,
08 is this really what I want to say,
09 if it is,
10 then I’m gonna go back and redo my thesis.”
11 → OR:;,
12 have you kind of veered off on a tangent,
13 and you need to maybe:,
14 cut a paragraph or two,
15 and go back and follow your thesis.
16 Okay?

Professor Schultz frequently labels the students as “writers” and “readers.” Here, she overtly positions the students as “writers” (line 05: *Well then as a writer*), who have to “think” and grapple with the content and logical ordering of their papers (line 06: *You have to think to yourself*) to improve the readability of their texts. Such labeling does significant identity work because the professor positions the students as members of a salient “membership category” (Antaki and Widdicombe 1998; Stokoe 2012) within the U.S. law school setting: individuals (e.g., students) who write for others (e.g., professors).

Many relations within academia are founded on the “standardized relational pair” (Sacks 1972; Hester and Eglin 1997) of writer vis-à-vis reader.34 For instance, student-professor and

---

33 Note that this example is from an early fall semester class (September 29th), several months prior to the exchange reproduced in Example 5.4. Although Professor Schultz had spent some time discussing revision in the weeks leading up to this fall semester class, she had not done any significant work with the students on this concept (in fact, the students had not yet turned in their very first final paper yet). Thus, the professor was not so much reinforcing an idea the class had already discussed at length, but rather introducing the class to the idea of revision.
scholar-editor are specific relations that instantiate the writer-reader relationship which is at the heart of all U.S. academia. In the U.S., formal student assessments and academic scholarship are transmitted predominantly through the written modality, as in written exams, term papers, academic articles, books, and so on. The primacy of this relationship within U.S. academia, and Professor Schultz’s desire to convey this to students, likely accounts for why “reader” and “writer” are the most frequently occurring social category labels in the small corpus of her classroom talk (see again Figure 5.1).

Sacks (1972, 37) argues that relational pairs constitute “a locus for a set of rights and obligations.” For a writer, this obligation entails a cohesion, coherence, and clarity of writing so that a reader can follow and engage with the written text. The professor’s use of the verb “think” (lines 05-06: Well then as a writer, you have to think to yourself) is a category-tied action that underscores this obligation. Writers must always think about how to best communicate their ideas to a reader, and this is the message that Professor Schultz tries to get across to the students both explicitly (e.g., Example 5.4: You have to think it through) and more covertly by enacting the writer’s thoughts.

Following the positioning of the students as “writers” who have to “think,” Professor Schultz gives voice to the writer’s thoughts using constructed dialogue. She says: “Well, is this really what I want to say . . . If it is, Then I’m gonna go back and redo my thesis” (lines 07-10). Such dialogue serves as a “demonstration” (Clark and Gerrig 1990) of, and suggestion for, future

34 See Chapter 3 for a more detailed discussion of the standardized relationship construct, drawn from membership categorization analysis.

35 The reader-writer relationship is also integral to legal practice in the U.S., not only academia. Thus, besides becoming advocates for their clients, lawyers are also readers and writers of numerous court documents. Professor Schultz is likely aware of the importance of reading and writing in the legal profession. However, her decision to foreground these two activities (i.e., reading and writing) and positions (i.e., reader and writer) probably stems from her desire to socialize students to these identities, with its corresponding rights and obligations, within the U.S. law school community, and not necessarily within the U.S. legal profession. This is because although Professor Schultz is well versed in the practices of U.S. academia (and, having spent eight years teaching in a law school, U.S. legal academia), she has much less familiarity with the legal profession as it is practiced in the U.S.
action. Using the first person pronouns “I” and “my,” Professor Schultz enacts the inner speech that a student ought to have when revising her written piece (though note that she employs the deontic quasi-modal “have to” to introduce these thoughts, suggesting something closer to necessity: You have to think to yourself). Professor Schultz “ventriloquizes” (Tannen 2003) the students in this way to establish a specific academic persona for them (i.e., “writer”), as well as to demonstrate a key characteristic typically associated with this persona: thinking. The subtext is that writers reflect on their writing by engaging in such self-dialogue, and this is what the students ought to do, too.

The polyphonic nature of the professor’s discourse is exemplified by the marked syntactic and deictic shift back to her “own” voice beginning in line 11. Here she provides the students with an alternative revision strategy, saying: Or, have you kind of veered off on a tangent, And you need to maybe, cut a paragraph or two, and go back and follow your thesis (lines 11-15). The professor thus offers two different suggestions for revision: (1) go back and redo the thesis or (2) cut a paragraph or two and go back and follow the thesis. She conveys these alternate strategies using two different voices, namely, the voice of a “writer” (line 10: “I’m gonna go back and redo my thesis”) and that of an instructor (lines 13-15: You need to maybe, cut a paragraph or two, and go back and follow your thesis). The latter is Professor Schultz’s own “classroom voice,” in which she issues directives and offers suggestions in a relatively straightforward manner. This voice is characterized by a frequent use of the imperative form, as when she says, cut a paragraph (line 14) and go back and follow (line 15). The professor often uses this “default” voice in her teaching; however, as I will continue to show in this chapter, she sporadically takes on other voices such as those of writer and reader to illustrate and reinforce key concepts like the importance of writer reflection.
5.4.2. **Voicing a Writer as If Directly Communicating with a Reader (Phase 2: Communicating)**

Although Professor Schultz occasionally constructs the inner speech of a writer, she more often animates the writer as if she were directly speaking to a reader. The professor likely privileges the reader in her talk because she self-identifies with a “socio-rhetorical approach” to writing. This perspective “take[s] into account the socio-cultural situation in which writing occurs, the social function of the written product, [and] the relationship between writer and reader” (back cover, Chandrasegaran and Schaetzel 2004) (emphasis mine). It views writing as a social act because through writing, “the student-writer and the reader (the tutor, lecturer, or examiner) interact with each other for a social purpose” (32). In an interview, Professor Schultz informally summed up the approach as meaning the following to her: “understand[ing] your audience, and . . . understand[ing] your topic, and know[ing] what your audience knows about your topic and what your audience doesn’t know about your topic.” Simply put, then, those who adhere to the socio-rhetorical approach view writing as communication with a reader, and as a result place great emphasis on reader understanding.

Early in the spring semester, Professor Schultz used a textbook on academic writing which she co-authored to teach students the notion that writing is a form of social interaction.\(^{36}\) In going over exercises she assigned from the textbook, she informs the students:

**Example 5.6: Class 1/20/2015-Section 1; 24:30**

01 Prof. S: So when you’re writing,
02 you’re DOING things as part of communication.

---

\(^{36}\) Not coincidentally, the title of this book is *Think your way to effective writing*, a nod to the thinking entailed in the writing process, as discussed in Section 5.4.1.
Again, Professor Schultz is a successful writing instructor because she makes her instructional goals and student-learning objectives so clear and overt. As I show in this section, however, the professor often employs constructed dialogue to show rather than tell (Bauman 1986) how this social communication plays out in writing. She enacts this communication by taking on the voice of the writer as if speaking to a reader (i.e., writer-external dialogue).

This “external” communication is usually accompanied by a direct reference to the reader, as in the following examples:

**Example 5.7: Class 9/29/2014-Section 2; 1:09:46**

01 Prof. S: A colon means,
02 → “reader, I’m following this by more of an
03 explanation,
04 or a definition.”

**Example 5.8: Class 10/6/2014-Section 1; 1:15:08**

01 Prof. S: But then she goes on to say,
02 “fair use is however,” ((reading from text))
03 okay?
04 → “I’m changing reader,
05 I’m giving you the opposite.
06 It’s a problem.”

Such reader-addressing foregrounds the dialogic, communicative aspect of writing because Professor Schultz voices the writer as if she were directly calling out to the reader. Of the 13 episodes of writer-external dialogue in the corpus of the professor’s classroom talk, 10 exhibit such reader addressing.

The next extract is from the same class as Example 5.5 above, but it occurs roughly five minutes prior to the exchange shown there. Professor Schultz is introducing the students to the importance of providing a clear thesis statement in their paper introductions to guide the reader.
As is her practice, she is walking the students through a sample text—in this case, a student, Ishaq’s, introduction to a draft paper he wrote for the class—in order to illustrate the practices which she wishes the students to take up. After reading over the full introduction, she focuses the students’ attention on the thesis statement, which reads as follows:

Maria found out that in order to study abroad, she must have three elements: proficiency in English, strong background in law, which is her field of study, and financial support, are the three elements that Maria need to fulfill her dream. Addressing the interesting journey of Maria’s is the task that is going to be addressed in this essay.

Professor Schultz explains that choosing “three things” to focus on in a paper is a great way to “organize information for a reader.” She then reiterates a point that she makes throughout the term, which is that an introduction should gradually narrow in scope from general statements on a topic to one or two quite specific statements about what the paper will be about—what is commonly called the “thesis statement.” She then wraps up the conversation about the student’s introduction with the following point:

**Example 5.9: Class 9/29/2014-Section 2; 1:21:32**

<table>
<thead>
<tr>
<th>Line</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>Prof. S: And then if you look at the- the second part</td>
</tr>
<tr>
<td>02</td>
<td>down here,</td>
</tr>
<tr>
<td>03</td>
<td>you can kind of see,</td>
</tr>
<tr>
<td>04</td>
<td>that- the first part is very broad?</td>
</tr>
<tr>
<td>05</td>
<td>And it narrows very nicely to “the three things</td>
</tr>
<tr>
<td>06</td>
<td>that I’m going to tell you reader,</td>
</tr>
<tr>
<td>07</td>
<td>about in this paper.”</td>
</tr>
<tr>
<td>08</td>
<td>Okay?</td>
</tr>
</tbody>
</table>

With the aid of the voicing contrast in lines 05-07 (*And it narrows very nicely to “the three things that I’m going to tell your reader, about in this paper”*), Professor Schultz reinforces the point that through writing, the student seeks to communicate with a reader. This is because as enacted by the professor, the writer literally calls out and speaks to the reader.
Professor Schultz employs this kind of writer-external dialogue as a resource to more effectively convey and “demonstrate” (Clark and Gerrig 1990) to students the idea that writing constitutes a form of social communication. As Tannen (1989, 110) explains, “casting ideas as dialogue rather than statements is a discourse strategy for framing information in a way that communicates effectively and creates involvement.” Likewise, in a study of constructed dialogue in the mathematics classroom, Baynham (1996, 78) finds that this discourse feature “dramatiz[es] the process of maths reasoning as a way of maintaining involvement.” Professor Schultz’s enactment of the writer’s dialogue with a reader similarly dramatizes the writing process in order to engage students and communicate her point more effectively.

But in this case, the idea that Professor Schultz wishes to convey is that writing is dialogue. Thus, constructed dialogue does double duty here. It communicates effectively and creates involvement by virtue of its constructed form. At the same time, however, the enacted speech also instantiates the very communication that is central to the professor’s philosophy of writing and which she wishes to teach to students. The writer, as animated by the professor, literally speaks to the reader, in much the same way as a piece of writing should “speak” to the reader as well.

5.4.3. Voicing a Reader’s Internal Dialogue (Phase 3: Reacting)

Because Professor Schultz identifies with a socio-rhetorical approach to writing, she places great emphasis on writing as interaction. However, through her use of constructed dialogue this communication is depicted as somewhat one-sided: although she tends to voice the writer as if speaking to the reader, the reader never actually “responds” through enacted speech. Instead, the reader is portrayed as thinking about what she has read, specifically via reader-internal dialogue.
The professor spends a great deal of class time expressing to students the notion that as writers, they will want to “put ideas” in their readers’ minds. In the following extract, she has just negotiated with students the meaning of the word “rhetoric,” which she ultimately defines as “a good way of saying something.” She then introduces the notion of a “rhetorical goal,” by which she refers to “the aim the writer has for the text being written” (Chandrasegaran and Schaetzel 2004, 45), or as she tells the students, what they “want to achieve” by writing their papers. The professor advises the students to think about their goals in terms of how it will influence a reader, and what the reader will leave the paper thinking about. In the following example, she connects these ideas to the students’ writing assignments.

**Example 5.10: Class 1/20/2015-Section 1; 25:48**

01 Prof. S: So when you approach a writing assignment,
02 you- to- to think about it in a <good way,>
03 you want to think about what your goal is as a writer.
05 What’s your rhetorical goal.
06 So what do you want to achieve in this paper,
08 and what do you want your reader to leave the piece thinking about and considering.
10 When the reader finishes reading your paper,
12 What do you want them to remember.
13 Yes,
14 granted they’re not gonna remember your paper for the rest of your life- of their lives,
16 but,
17 at- when they put that down,
18 what will they think.
19 What thoughts will be in their head.
20 So that’s what you want to think about.

This brief extract is saturated with mental process verbs and associated nouns. The words “think,” “consider,” “remember,” “thoughts,” “head,” and “mind”—which, as bolded in the example, are now associated with the reader—function to foreground the cognitive work that a piece of writing demands from her. Professor Schultz opines that writers must carefully think
about (lines 03 and 20) what to write so that the writing will in turn make the reader think particular thoughts as well (e.g., lines 08-09: *And what do you want your reader to leave the piece thinking about and considering*). A rhetorical goal, as suggested by the professor here, ought to revolve around the reader and the impression that a writer wishes to leave upon her. As this example shows, Professor Schultz makes this point quite explicit. However, the following extracts demonstrate that she also subtly reinforces this notion by using constructed dialogue to voice a reader’s inner thoughts.

When Professor Schultz gives voice to the inner speech of a reader, she typically introduces it with the verb “think,” as in the next examples:

**Example 5.11: Class 1/28/2015-Section 2; 6:07**

01  Prof. S:  You want your reader to **think**,
02 →  “oh these two things are similar.”
03 →  Or “oh these two things are different.”

**Example 5.12: Class 10/6/2014-Section 1; 11:10**

01  Prof. S:  One of her purposes I think . . .
02  Is to kind of get us on board as readers,
03  And we all kind of **think** that “oh well yeah,
04  I’ve seen this.
05  I have experience with this.
06  I’ve heard of this before.

**Example 5.13: Class 3/23/2015-Section 2; 1:29:18**

01  Prof. S:  So the reader will read these and **thinks**,  
02 →  “oh my goodness yes, ((singsong voice))
03  that's infringement.”

To underscore the voicing contrast, Professor Schultz produces deictic shifts. In Example 5.13, she moves from the perspective of the professor or writer, as she contemplates how the writer will react (line 01: *the reader will read these and thinks*) to that of the reader, as she actually reacts (line 02: “oh my goodness yes”). The shift in perspective is often also accompanied by a
change in tense; again in Example 5.13, the dialogue moves from the future (line 01: *the reader will read*) to a present tense (line 03: “*that is infringement*”). A shift to the present tense within constructed talk lends this speech a more dramatic and immediate quality, thereby making it more interesting and accessible to listeners.

Professor Schultz tends to “set off” the constructed inner speech from the ongoing discourse in two additional ways. First, she often cues the reader’s inner speech prosodically by raising her pitch and speaking in an exaggerated, singsong voice, as in Example 5.13 immediately above, and Example 5.14 below. Second, the professor always uses the “discourse marker” (Schiffrin 1987) “oh” (Examples 5.11-5.13) or “well” to preface the enacted dialogue. Table 5.2 below shows that 8 out of 9 times, the first word to signal the constructed speech is “oh.”

*Table 5.2: Reader-internal dialogue prefacing discourse markers*

<table>
<thead>
<tr>
<th></th>
<th>“oh”</th>
<th>“well”</th>
<th>φ</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8</td>
<td>1</td>
<td>0</td>
<td>9</td>
</tr>
</tbody>
</table>

Trester (2009) argues that one function of constructed dialogue prefacing “oh” is that it makes voicing boundaries more noticeable and marks a “footing” (Goffman, 1981) shift—where footing refers to the (often changing) relationship between a speaker and the ongoing talk. In this case, “oh” helps to mark a shift from the perspective of the students (e.g., Example 5.11, line 01: *You want your reader to think*) to the perspective of the animated reader (e.g., Example 5.10, line 02: “*Oh these two things are similar*”). Significantly, “oh” is also a mental change-of-state marker that signals a change in the speaker’s thinking. As Heritage (1984, 307) explains, “‘oh’ functions as an information receipt that is regularly used as a means of proposing that the talk to which it responds is, or has been, informative to recipient.” In this case, the professor probably
employs “oh” to suggest a change in the reader’s knowledge and state of mind, which is directly brought on by the text that she has read.

By animating the inner thoughts of a reader, Professor Schultz foregrounds the effect that a piece of writing has on her, which she then further amplifies through her use of pitch and/or the discourse marker “oh” or “well.” The constructed inner speech subtly suggests to students that they are responsible to their readers and must work to make their meaning clear, coherent, and relevant. In fact, the professor occasionally positions the students as readers perhaps in a bid to make them more aware of and sympathetic to their readers.

The following example of reader-internal dialogue is from a class in the spring semester when Professor Schultz introduces the students to the notion of “hedging” and its importance in argumentative and persuasive writing. Using a list of common hedges from a textbook on writing style, the professor explains that hedges temper a writer’s certainty and are necessary to “avoid a rigid commitment” so that a writer can “protect the truth value” of her statements. She reminds the students that they are “writing for the university community” and as a result, want to sound like “reasonable, logical people” who do not want to say something is “one hundred percent of the time”—because nothing, according to Professor Schultz, is usually so clear-cut. After introducing this idea, Professor Schultz has the students examine the conclusion of a law review article (which the class had read and more fully analyzed in the fall semester) for hedges. Together, the students and the professor identify several instances of hedging realized through the modal verbs “may” and “can.” Professor Schultz then suggests that the writer’s decision to hedge her statements was a deliberate writing strategy aimed at influencing the reader of her article to accept her arguments:
Example 5.14: Class 2/23/2015-Section 2; 1:03:20

01 Prof. S: So this is your conclusion is where you make your strongest argument?
02 But she’s making her strongest argument—she’s not saying they do things.
03 They do this or they don’t do this.
04 She’s saying “based on what I’ve shown you they MAY provide.
05 They MAY influence.
06 They MAY lead.
07 They MAY cause.
08 And these are what we would call <reasonable statements.>
09 Alright?
10 So we would— as READERS, of an academic piece, we would be reading this, and in our minds we would be thinking,
11 ↑“oh yeah. ((sing-song voice))
12 Oh yeah.
13 I [think that’s right.”
14 ??: [hh
15 Prof. S: “You know?
16 She’s got a point.”
17 ↓Okay? ((back to original pitch))

Initially Professor Schultz voices the writer using writer-external dialogue, leading off with:

She’s saying “based on what I’ve shown you reader...” (lines 06-07). After listing a few examples of hedges pulled from the article (lines 08-12: They MAY provide; They MAY influence; They MAY lead; They MAY cause; They CAN lead), she explains to the class that these are “reasonable statements” because they are hedged and not presented as “one hundred percent.” By pointing out these examples to the class, the professor suggests that these hedged forms (e.g., verbs coupled with “may” and “can”) more successfully persuade a reader to accept a writer’s points. The professor then proceeds to show instead of tell how hedging works to create persuasiveness by constructing the inner speech of the reader. So in lines 20-26,
positioning herself and the class as the readers, she states: “Oh yeah. Oh yeah. I think that’s right. You know? She’s got a point.”

In this example, as in many others, Professor Schultz explicitly labels the students and herself as the reader, as suggested by her use of inclusive “we”: So we would-as READERS, of an academic piece, we would be reading this, and in our minds we would be thinking (lines 16-19). As mentioned, such positioning is likely aimed at evoking sympathy for a reader, to whom a writer has an obligation to write clearly and coherently. Both Professor Schultz and I make this point overtly throughout the year—in class, during writing conferences, and in comments on the students’ papers.

My claim here, however, is that Professor Schultz conveys to students the idea that writers have an obligation to their reading audience more indirectly as well. She does so by constructing the inner speech of the reader as she reads and internally reacts to a written piece. Because the professor makes overt the thoughts that run through a reader’s mind upon reading, she makes both readers, as well as their engagement with the text more visible to students. Interviews with students reveal that many of them hail from educational cultures where verbal forms of expression and assessment are privileged over written work. Indeed, in many law schools around the world, students are assessed predominantly through oral exams. Focus groups that I held with students suggest that even when our students were assigned longer capstone papers in their home countries (e.g., a master’s thesis), these assignments were only minimally evaluated for content, and students received very little or no feedback on their writing (e.g., on clarity, cohesion, coherence, relevance, or persuasiveness). As a consequence, many of our students lack experience with academic writing and have not been socialized to the importance of audience. By animating the reader’s thoughts, however, Professor Schultz literally acts out
how readers respond to and grapple with written texts. She uses constructed dialogue as a resource to dramatize the process of reading and hence more vividly foreground the reader.

One noticeable feature of Professor Schultz’s animation of the reader’s inner speech in Example 5.14 is how paralinguistically exaggerated it is. Beginning in lines 20 and 21, when she begins to voice the reader’s thoughts (*Oh yeah; Oh yeah*), the professor dramatically raises her pitch and, in a singsong voice, proceeds to enact the reader’s thoughts (note that the upward and downward arrows, as used in lines 20 and 26, mark sharp pitch rises and falls; see Appendix A). The animated speech is so marked, in fact, that it even elicits a small chuckle from one or two students (line 23: *hh*). Professor Schultz does not always cue the reader’s constructed thoughts in such a dramatic fashion, though, as mentioned, she does tend to “set off” the reader’s (and writer’s) inner speech from the surrounding discourse in some way (e.g., through pitch shifts or the discourse markers “oh” and/or “well”). In this case, the professor likely employs such a marked voicing contrast to act out and demonstrate the reader’s mental processes even more convincingly.

In each of the examples of reader/writer constructed dialogue provided above, the professor “depict[s] rather than describe[s]” (Clark and Gerrig 1990, 766) what the three macro phases of writing and reading—that is, (writer) thinking, (writer) communicating, (reader) reacting—looks, sounds, and feels like. Clark and Gerrig argue that constructed speech, as a class of demonstrations, “work by enabling others to experience what it is like to perceive the things depicted” (765). Professor Schultz helps the students to better understand the three phases of writing and reading by allowing them to experience first-hand, through dramatized dialogue, how these steps play out.
5.5. **Pedagogical Implications**

Professor Schultz believes that when our students arrive at the law school, their understanding of and orientation toward writing (and reading) must change. This is partly because our students, at least on their early written assignments, write from an “egocentric” point of view (Kroll 1978) and show very little concern for the reader of their texts. Not unlike novice writers in a freshman composition course, our students’ papers display “an innocent lack of consideration for what their readers know and do not know and for what they are and are not interested in” (Maimon 1979, 364). Students tend to take for granted what readers know and often fail to spell out key steps in their thought process, creating what has been referred to as “writer-based” prose (Flower 1979) that can be hard for a reader (who, in most cases, is a professor) to understand.

To illustrate, one two-year student who turned in a first draft of her “concept paper” on the Alsura Assembly, a legislative department in Saudi Arabia, wrote a section of her paper on the Assembly’s responsibilities, including how it cooperates with other legislative bodies. The first portion of this paragraph, along with the comments that the student received from the professor (in this case, me) is shown in Figure 5.4 below:

![Figure 5.4: A student’s first draft of the concept paper with feedback in the margins](image)

37 The concept paper is the second paper in the academic year.
As suggested by my two comments in the right margin of the paper, I am unfamiliar with the Council of Ministers because the student had not discussed it prior to this mention in this paragraph, and I am not acquainted with the Saudi legislature at all. Yet the student’s point regarding the limitations on the Al-Sura Assembly’s powers depends on understanding precisely who or what the Council of Ministers is, and what its own powers are. Without this knowledge, the reader will fail to appreciate the relationship between the two legislative departments and the relative toothlessness of the Assembly. On a high stakes assessment such as a seminar paper or law school exam, this could result in a low grade, even though the student’s writing is devoid of grammatical and mechanical errors and otherwise reads quite well.

Passages like the one depicted in Figure 5.4 abound in the early writing of students in the two-year program. However, such egocentricity in writing is not wholly unexpected. Novice writers often fail to see the social dimension of writing, or the idea that they are “conversing, in a very real sense, with another human being . . . even though that person . . . may be hours, or days, or even years away from [them] in time” (Trimble 2010, 4). As Kroll (1984, 180) explains, [b]ecause the process of writing is typically a solitary enterprise, because writing tasks can often be perceived as mere exercises, and because written products are often seen only by a teacher/judge, the essentially social nature of writing may easily elude our students, some of whom appear to view writing as a mechanical task with no more social implications than completing a set of arithmetic problems.

As evidenced by their early papers, students in the two-year program similarly wrestle with the notion that writing is not an individualistic, “solitary enterprise” but rather a conversation with a reader (or professor).
Although all of the two-year students have completed at least a bachelor’s degree in law at their home institutions, they are in many ways beginning writers because, as already mentioned, they come from educational cultures where writing often takes a backseat to oral assessments. As suggested by interviews with several two-year students, many do not have much experience in academic writing even in their native language. Compounding this problem is that students write about topics that are familiar to them but, as Professor Schultz points out, “they’ve never had to tell somebody from a different culture or a different language background or a different country about those topics.” According to the professor, this is because most of them have never lived in another culture, and so they don’t understand that a person they’re speaking to, or a person they’re writing to, doesn’t bring the same cultural background or understanding of the world or viewpoint that they have. And I think that our whole year, they need to- get a better idea of who their audience is, and what they need to say and tell that audience.

Professor Schultz and I help students to appreciate “who their audience is,” and thereby foster their understanding of the writer-reader relationship upon which writing is built, in a variety of ways. We ask students to write rough drafts of all of their papers, on which one of the two us comment in the margins (see again Figure 5.4 for an example) and then conference with them. These comments and conferences are designed to expose and remedy gaps in the students’ presentation of information and holes in the logical sequencing of their ideas, which may work to impede reader understanding (see, e.g., Leki (1990) for a discussion of the pedagogic rationale behind commenting, and Weissberg (2006) for a similar discussion regarding conferencing). During writing conferences, Professor Schultz and I try to help students “undo [their] egocentricity” (Moffett and Wagner 1976, 34, cited in Kroll 1984) by asking questions that
reveal the gaps in their writing and by telling students to elaborate on their ideas and provide more detail where relevant. These conversations enable students to appreciate the social nature of writing because Professor Schultz and I are a “live audience” and real “participant[s] in the writing process” (Keh 1990) who negotiate with students in real time the meanings that they wish to get across to their reading audience.

Professor Schultz has also invented humorous “little ideas” that will “enter [the students’] brains when they’re writing.” One of these ideas, which she recycles over and over again, is to “write to the stupidest person you know.” This saying, which I have found myself employing as well, is a reminder to students that they are writing to, and hence interacting with, others who do not have access to the same information that resides within their heads. This, in turn, also helps the students to appreciate the inherently social nature of writing.

Finally, during class sessions on academic writing, Professor Schultz makes rather explicit three points that I highlighted earlier in this chapter. These are as follows: a writer should think carefully about what and how to write (see again Example 5.4); a writer should view writing as communication with a reader (see again Example 5.8); and a writer should think about what thoughts and ideas she wants her reader to walk away with after having read her piece (see again Example 5.10). Professor Schultz repeats these ideas throughout the semester to promote the students’ awareness of their audience.

These three aspects of our teaching all convey to students the notion that writing is social engagement with a reading audience, and therefore facilitate our students’ induction into U.S. academic discourse. As I have shown in this chapter, however, Professor Schultz also communicates the social dimension of writing more covertly and creatively, by voicing or addressing writers and readers as they are engaged in the mutually dependent acts of writing and
reading. In doing so, Professor Schultz further raises the students’ awareness of writing as a social, interactive activity and enhances their sensitivity toward their readers. Indeed, constructing the dialogue or thoughts of writers and readers has two related functions that work in concert to facilitate the students’ acculturation to written academic discourse. First, such constructed dialogue *dramatizes* the writing and reading process. As mentioned earlier, framing talk as dialogue creates involvement (Tannen 1989; Baynham 1996). By acting out the writer as she thinks through her written piece and speaks to the reader, or the reader as she contemplates the writer’s message, the writing/reading process comes alive and thereby becomes more “real” and accessible to the students. Second, the professor’s use of constructed dialogue also demonstrates and hence *reinforces* ideas made explicit in class and conferences, namely, the socio-cognitive nature of writing (i.e., students should think about what they write) and the significance of audience (i.e., students should think about what they write because they are writing for a reader). Fabricating the speech of writers and readers “complements the explicit socialization” (Hamilton 1998, 54) carried out in class and writing conferences by illustrating and amplifying the messages transmitted there.

L2 writing instructors could enhance their pedagogy by drawing on subtle interactional resources such as constructed dialogue to convey and reinforce key information to students. While explicitness is the gold standard in the teaching of ESL and L2 writing, animating characters who play a role in the students’ socialization (including the students themselves) may nicely complement the more overt aspects of the students’ acculturation. Constructed dialogue has long been recognized for its evidential function in regular conversation and the courtroom in particular (see, e.g., Philips 1986; Drew 1992; Matoesian 2001; Galatolo 2007), and it may play a similar role in the L2 writing classroom: enacting the speech or thoughts of writers and readers
allows Professor Schultz to support the explicit claims she makes about the social nature of writing. It may be beneficial for L2 writing instructors to reflect on and become more conscious of their own teaching practices and consider whether constructed dialogue, or other forms of polyphonic speech (e.g., employing relevant enregistered voices), is a valuable resource to use in conjunction with more overt means for socializing students into academic discourse practices.

5.6. Conclusion

As Trimble (2010, 5) points out, “all writing is communication . . . [b]ut most writing hopes to go further. It hopes to make the reader react in certain ways—with pleased smiles, nods of assent, stabs of pathos, or whatever. . . . So we can say, generally, that writing is the art of creating desired effects” (emphasis in original). This chapter has shown one subtle way that Professor Schultz conveys this very information to our students: by representing writers and readers through constructed speech as they are engaged in the process of writing and reading. As intimated throughout this chapter, the professor is an excellent writing instructor because she dovetails explicit pedagogy (e.g., commenting on papers in oral and written form) with more covert interactional resources like constructed dialogue to effectively relay this information to students. In the next chapter, I turn to how students take up the information that Professor Schultz and I share in the classroom and our feedback, and how they draw on and exploit this information in an oral assessment.
Chapter 6

FOCUS ON STUDENT TALK:
DEVELOPING LANGUAGE FOR FACILITATING ACADEMIC DISCUSSIONS

6.1. INTRODUCTION

As mentioned in Chapter 2, indexicality—that is, the assignment of situational meanings to linguistic forms—is integral to language development. Ochs (1992, 1996, 2002) reasons that the acquisition of communicative competence entails, in large part, developing a “repertoire of linguistic forms” to index actions and stances that function to constitute culturally relevant activities and identities. As an illustration, one can imagine a formal dinner party. In preparation for such gatherings, young language users in educated, middle-class American families are often instructed to employ the modal auxiliary “may” or “would,” as well as rising intonation, and occasionally the tag “please,” to make a polite request (e.g., “would you mind passing the salt, please?”). Children who effectively draw on these linguistic resources to make requests successfully enact the identity of a courteous, well-mannered dinner guest, while the request itself—along with the many other actions being performed by the dinner hosts and other guests—helps to actually construct the activity of a formal dinner. As Ochs and others point out, there is no one-to-one relationship between linguistic form and the social acts which they perform. Gaining communicative competence therefore involves learning the wide range of social meanings that linguistic forms have, and deploying these forms appropriately to shape contexts.

In this chapter I undertake an indexical analysis of interaction data from student-led...
academic discussions,\textsuperscript{39} examining how students use language to perform actions that are associated with the activity of discussion facilitation and the identity of discussion facilitator. I center my analysis on two focal students: Lifen, who has not yet mastered how to perform these actions,\textsuperscript{40} and Sayeed, who has successfully done so. I gauge “success” by positive versus negative feedback from both me and Professor Schultz, as reflected in our feedback to the students (see Appendix B for feedback forms used by professors to assess students on their discussion facilitation), and other students, as conveyed primarily through their willingness to participate in the discussion, as well as their deployment of nonverbal cues such as body posture, eye gaze, and facial expression (which were noted in my field journal).\textsuperscript{41}

I analyze excerpts from both Lifen’s and Sayeed’s facilitated discussions (24 and 23 minutes respectively) to demonstrate that Sayeed uses his turns at talk to perform the following three actions which are associated with, and constitutive of, facilitated group discussions: (1) asking follow-up questions, (2) “revoicing” (O’Connor and Michaels 1993, 1996) his classmates’ prior statements, and (3) supplying “reactive tokens” (Clancy et al. 1991) such as “yeah” and “mm.” Lifen performs these actions to a much lesser extent, and as a result, in her discussion a palpable conversational discord ensues. Using the two students’ facilitated discussions as support, I go on to argue that English for Academic Purposes (EAP) instructors teaching oral communication—e.g., peer-led small group discussions, teacher-fronted whole class discussions, and formal oral presentations—ought to make explicit the more “hidden” and culturally specific classroom participation practices that constitute key classroom activities and

\textsuperscript{39} See description of this classroom event in Chapter 3, as well as in Section 6.3 below.

\textsuperscript{40} Consistent with Ochs’s terminology, I employ the word “actions” throughout this chapter; however, for the purposes of the analyses presented here, I view actions and “practices,” as discussed in Chapter 2, as virtually synonymous. As a consequence, I also refer to practices, particularly in the pedagogical implications discussed in Section 6.5.

\textsuperscript{41} Note that students did not provide any written or oral feedback on their classmates’ facilitations. Therefore, I rely on the students’ immediate actions and participation to determine their implicit “evaluation” of their classmates’ facilitated discussions.
identities. To do so, I propose employing a “student-as-discourse-analyst” approach.

6.2. INDEXICALITY AND COMMUNICATIVE COMPETENCE

As noted above, indexicality refers to the idea that “linguistic expressions . . . are connected to or point in the direction of aspects of the sociocultural context” (Duranti 2010, 18). A linguistic index is a structure (e.g., a modal auxiliary, rising intonation, or the tag “please”) “that is used variably from one situation to another and becomes conventionally associated with particular situational dimensions such that when that structure is used the form invokes those situational dimensions” (Ochs 1996, 411). Situational dimensions, according to Ochs (2002, 113), include actions (e.g., greeting, complimenting), stances (e.g., feeling certain, feeling content), activities (e.g., giving advice, telling a story), and identities (e.g., teacher, friend). Socialized members of a community draw from a vast “repertoire of linguistic forms” to portray these dimensions as the situation demands; indeed, by producing these forms, speakers themselves shape and transform contexts, which Erickson and Schultz (1997, 22) aptly refer to as “interactionally constituted environments.”

Ochs (1992, 1996, 2002) theorizes that the mapping of linguistic forms to the four situational dimensions is usually not straightforward or direct; rather, language directly indexes stances and actions, which then become associated with and constitutive of particular activities and identities. Thus, to use another example, subject-verb inversion coupled with rising intonation may index the act of asking a question, which in turn may constitute the activity of teaching (and the identity of teacher), cross-examining (and the identity of lawyer), patient interviewing (and the identity of doctor), and any number of other institutional activities and/or identities depending on other aspects of the situational context. However, linguistic forms (i.e., subject-verb inversion, rising intonation) do not directly index activities and identities. These
activities and identities are instead mediated by actions and stances, which are invoked through particular linguistic forms—and often, combinations of forms.

Communicative competence requires learning to recognize and use markers of indexicality, or in other words, understanding and exploiting the “indexical potential” (Ochs 1996, 414) of linguistic expressions. Ochs (2002) argues that gaining such competence happens in two interrelated, sequential steps. First, a novice must learn how to use language appropriately to index community-relevant actions and stances. Second, she must learn how to deploy language forms that denote actions and stances to encode desired social activities and identities. One goal of classroom activity is the socialization of students to the repertoire of linguistic forms which constitute socially relevant activities and identities. My aim in this chapter is to investigate how Legal Texts students display mastery of these forms.

In the sections to follow, I show how Sayeed, but not Lifen, repeatedly performs three key actions—asking follow-up questions, revoicing students’ prior contributions, and supplying reactive tokens—which function to promote his classmates’ ongoing participation and signal his listenership, and hence construct the activity of academic discussion facilitation and his identity as a discussion facilitator. These actions are by no means the only ones that constitute the activity of academic discussion facilitation (see, e.g., Moschkovich 1999, finding that instructors facilitate discussion by, for example, using gestures to clarify meaning); however, they were perhaps the most salient and routinely performed actions during Sayeed’s facilitation, which also happened to be almost entirely absent from Lifen’s. Because Sayeed’s discussion was evaluated more positively overall, as indicated by professor feedback and his fellow classmates’ engagement in the discussion, I was interested in examining how Sayeed performed these actions, and to what overall effect. At the same time, I also wanted to investigate what Lifen was
doing instead. To this end, in what follows I undertake microanalyses of excerpts from both Sayeed’s and Lifen’s facilitated discussions. But first, I provide some necessary background on this classroom event.

6.3. **THE DISCUSSION FACILITATION ACTIVITY**

As first mentioned in Chapter 3, the discussion facilitation activity is based on Harvard Business School Professor C. Roland Christensen’s model of discussion-based teaching as well as the “Harkness discussions” that are a mainstay at Philips Exeter Academy (Mullgardt 2008). During this exercise, students both select topics for discussion and manage the discussion amongst themselves. In the meantime, Professor Schultz and I sit outside the discussion circle, merely observing the students and, on small notecards or feedback forms, providing comments on their language use. The rationale underlying our choice to include this activity in the Legal Texts syllabus is our awareness that students who take seminar classes not only have to actively participate in teacher-fronted classroom discussions, but may also have to lead an interactive presentation or discussion themselves. Consequently, our students must develop confidence in their oral language proficiency and be equipped linguistically to handle such tasks. In the next few pages I outline how the discussion facilitation activity is introduced to students; how it is organized and carried out; and finally, the kind of feedback students receive on their facilitated discussions as well as what this feedback reveals about what we feel constitutes a “successful” facilitation.

6.3.1. **INTRODUCING THE DISCUSSION FACILITATION ACTIVITY TO STUDENTS**

Professor Schultz presents the discussion facilitation activity to the students in two ways. First, she delivers a lecture about the role of discussion in U.S. academic discourse and raises
students’ awareness of discussion as a reflection of “cultural norms and language-specific speech patterns both in the American classroom and social setting.” She then illustrates the cultural specificity of discussion and dialogue by asking students to discuss the meaning of the following three proverbs: “we agree to disagree,” “everyone is entitled to his/her opinion,” and “if two people agree on everything, one of them isn’t necessary.” Using these sayings, the professor makes the point that the exchange of ideas is highly valued in U.S. academic discourse and students will engage in a great deal of discussion during their tenure at the law school. In this introductory lecture, Professor Schultz also sketches out the responsibilities of the two major players in the discussion: facilitator/leader and participant (see Figure 6.1 below, depicting the Power Point slide containing this information). Further, she provides the students with sample language to ask questions (both “question starters” and “follow-up questions”), disagree strongly, and disagree weakly or politely.

**Figure 6.1**: Power Point slide shown to students during introductory lecture on discussion facilitation

---

42 This language is pulled from one of the professor’s Power Point slides used during this lecture.
Following her lecture, Professor Schultz shows the students a 20-minute video from the Harvard University website, in which Professor Christensen models for graduate teaching assistants how to lead an interactive discussion. The video depicts the teaching assistants as they play students in a simulated class discussion which Professor Christensen leads. The video periodically cuts away to one-on-one interviews with participants in the simulated class: the teaching assistants (who reflect on the experience of participating in the simulated class), Professor Christensen (who explains the utility of the simulated activity), and the dean of Harvard Business School (who champions the professor’s teaching methodology). Professor Schultz shows the video to give students an idea of what an interactive discussion looks like in practice; as she explains in her own words, “without that visual . . . [the students] just don’t get it.” While watching the video, the students fill in a one-page handout, which contains questions about the specific language Professor Christensen uses to ask questions, promote student participation, and deal with potential challenges (see Appendix C).

In addition to listening to Professor Schultz’s lecture, viewing the Harvard University video, and filling in the handout, the students receive another four-page handout labeled “Questions for Class Discussions” to take home. This “resource document,” put together by the C. Roland Christensen Center for Teaching and Learning at Harvard Business School, contains sample language for “starting a discussion pasture,” “following up,” “transitioning,” and “handling special challenges.” Although no class time is devoted to going over this handout, students are expected to read it and use suggested language from the handout to formulate their own questions for discussion.
6.3.2. Carrying out the Discussion Facilitation Activity

There are four discussion facilitation “units” throughout the academic year, each lasting three or four weeks. Content for discussions comes from law-related books that students are assigned to read. These books, both fiction and non-fiction, include About the Author (Colapinto 2002), a mystery novel about a young man who uses his dead roommate’s manuscript and sells it as his own; The Buffalo Creek Disaster (Stern 2008), about a class action law suit against a mining company in West Virginia, from the perspective of the young lawyer who took the case; Unbillable Hours (Graham 2014), a memoir about a young lawyer’s quest to find justice for a man who was wrongly convicted of a crime; and Freedom for the Thought that We Hate: A History of the First Amendment (Lewis 2007), a chronicle of the First Amendment. Student facilitators are assigned portions of the books (e.g., Chapter 1) on which they must lead a 15 to 20-minute discussion, while other students (“discussion participants”) must have also read the same sections and be ready to answer the facilitator’s questions and engage in discussion. Each student facilitates a discussion at least once per unit, meaning that over the course of the academic year, students get to practice facilitating a discussion four times at minimum.

Discussions are spread across the three or four-week units such that on a discussion day, three students might lead a discussion on Chapters 1, 2, and 3 respectively. In total, one hour is allotted to discussion facilitation per week (but only during discussion facilitation units). As the year progresses, the discussion groups get progressively larger: during the first three units, students are in groups of between 3 to 4, during the third unit, the groups grow to between 5 and 6 students (i.e., half of the class), while in the last unit—from which data has been pulled in this chapter—the groups include the entire class (10 or 12 students).

43 Students also read One L (Turow 2010) during their winter vacation; this is a former law student’s account of his first year at Harvard Law. Although students do not discuss this last book in the classroom, their assignment during the break is to select passages that resonate with them and in writing, explain why.
6.3.3. Providing feedback on the students’ discussion facilitations

As mentioned, Professor Schultz and I play a rather passive role throughout the discussion facilitation activity. In looking through our feedback through the year, we tend to comment on the students’ facilitations with regard to their use of questions (question starters, follow-up questions, and closed-ended versus open-ended questions) and how they manage the discussion (e.g., whether the facilitator invites his classmates to participate, whether the facilitator talks too much, etc.). To a lesser extent, we also remark on the students’ grammar and pronunciation. For the first three discussion facilitation units, Professor Schultz and I provide feedback on small notecards, which we return to students at the end of class. For the final unit, which I draw on in this chapter, we use a two-page feedback form (see Appendix B) to give the semblance of a more “serious” or higher stakes assessment. This document was put together by Professor Schultz, and it contains criteria on which we evaluate students with respect to their (1) preparation for the final discussion facilitation and (2) the actual carrying out of the discussion facilitation activity. These criteria are expressed in the form of prompts—for example, “the student has prepared questions” or “the student invites participation from everyone in the group.” The form then leaves space for Professor Schultz and I to comment on how the students do in each area as expressed in the prompts, and both she and I fill out a form for each student.44

Because Professor Schultz wrote the feedback form and I also approved it, this form—along with the professor’s slides from the day she introduced the activity (see, e.g., Figure 6.1)—give an overall impression what we feel make for a “good” facilitation. The feedback document

---

44 As mentioned, I supplement my analyses with the feedback forms that Lifen and Sayeed received following their discussion facilitation. Unfortunately, I did not have access to Lifen’s feedback from Professor Schultz because it was returned to her before I could make a copy. Thus, in a separate interview with Professor Schultz, I replayed Lifen’s facilitation and asked her to fill out the feedback form again, recalling, if possible, what she included the first time. The resulting feedback is a close approximation of Professor Schultz’s original evaluation of Lifen’s facilitation; however, it should be borne in mind that her comments are nevertheless not wholly “authentic.”
itself is separated into two sections—namely, preparation and facilitation (see again Appendix B)—but in examining these prompts for common themes, I identified with three major criteria based on which students are evaluated. They are:

(1) **Preparation ahead of class** (“the student has read the material carefully”; “the student has prepared questions”);

(2) **Pacing and focus** (“the student keeps a good pace in the discussion”; “the student keeps the discussion focused on the text and the issues it raises (if the discussion veers off track, the student brings it back to the topic”));

(3) **Engaging and supporting students in the discussion** (e.g., “the student’s questions help the group examine and clarify issues the text raises”; “the student invites participation from everyone in the group”; “the student asks follow-up questions to help group members clarify their ideas”; “the student invites group members to respond to each other’s remarks”; the student asks follow-up questions to help group members clarify their ideas”; “the student maintains eye contact with group members”).

While the first and second criteria concern how student facilitators relate to the content of the book and pace their own talk, the third criterion—which comprises the bulk of the prompts on the feedback form—relates instead to how student facilitators engage and support their interlocutors. This suggests that by and large, Professor Schultz and I consider successful discussion facilitators students who (1) promote their classmates’ participation and (2) signal their attention and cooperation—two sides of the same engaging/supporting “coin.” To some extent this is reflected as well in the professor’s PowerPoint slide depicted in Figure 6.1 above, where a discussion facilitator is described as one who: “asks a question to start a discussion”;
“asks follow-up questions to keep the discussion going”; and “ensures that all group members participate in the discussion.”

As I endeavor to show in the next section, Sayeed uses his turns at talk to foster his classmates’ involvement in the discussion and showcase his listenership in ways sanctioned by the U.S. (legal) academic community. Lifen, however, does this to a lesser extent and is evaluated more negatively as a result.

6.4. FACILITATING GROUP DISCUSSIONS: LIFEN AND SAYEED

Before turning to how Lifen and Sayeed construct their respective discussions, a word about the two students is in order. Lifen is one of three Chinese females in Section 1, which is the smaller of the two sections, with 10 students total. Prior to coming to the U.S. to study law, she practiced law at a Chinese law firm in Shanghai for several years. Her motivation for pursuing the LL.M. was to “stand out from the crowd” of the many other qualified young Chinese lawyers looking to advance professionally. In the Legal Texts class, Lifen participates often and, as Professor Schultz and I have noted on numerous occasions, has devised strategic ways to hold the floor and her instructors’ attention—sometimes to the detriment of the class as a whole, which often stalls due to the sheer number and length of her questions and contributions (Lifen has stated that she views class as a “conversation” with her instructors). In terms of her language proficiency, she is roughly on par with her classmates, though her oral fluency, and particularly the pace at which she speaks, significantly lags behind that of the others. Overall, Lifen is quite eager to increase her language proficiency and she is highly motivated; over the year, she met with me several times outside of class to informally chat about ways that she can improve.
Sayeed is one of three Saudi males in the larger Section 2, which has 12 students. He graduated from law school one year before coming to the U.S. for his LL.M. degree, and has minimal legal experience other than helping out with his family business. Over the course of the year, Sayeed proved to be one of the strongest students in the two-year cohort with respect to both his written and oral work, and he seemingly enjoys the challenges of a U.S. law school (in fact, he claims to have come to the law school precisely for the competition). Like Lifen, Sayeed is also highly motivated to develop his English language proficiency, viewing the first year of the program as a time to “make mistakes” and a “chance to improve [him]self.”

In the middle of April, both Lifen and Sayeed facilitated a whole-class discussion of one chapter in the book, Freedom for the Thought that We Hate: A Biography of the First Amendment (though note that they facilitated two different chapters). Lifen’s facilitation was 24 minutes, while Sayeed’s took 23 minutes. Lifen’s group was smaller, with 10 students total (the total number of students in Section 1), and Sayeed’s group had 12 students (the total number of students in Section 2). As discussed above, both students had experience with the discussion facilitation activity, and had led at least three discussions of other books prior to their facilitation in April, though these earlier discussions included smaller groups of between 3 to 6 students. This was the first and only time that students facilitated a discussion involving the entire class.

During and after my observation of Lifen and Sayeed’s discussions, I was struck by a rather profound difference between the two. Although both students asked ample questions from their groups and seemingly followed the instructions and feedback that we had provided to them throughout the semester, Sayeed’s discussion progressed a great deal more “smoothly” than Lifen’s and Sayeed’s classmates appeared much more eager to participate.45 Further, both other

45 Note that the students in Section 2 were not, in general, more talkative than Section 1, though I have not tested this observation.
students and the professors (me and Professor Schultz) responded to it more positively. Therefore, I wanted to determine the linguistic basis for the discrepancy between their discussions, with the hope that it could inform our pedagogy of the discussion facilitation activity and potentially, other oral communication activities in our classroom and beyond.

But before sharing excerpts of the students’ facilitations, I would like provide a very rough sketch of the turn-taking dynamics in the two discussions, because much of the difference between the discussions is rooted in how Lifen and Sayeed manage the participants’ (including their own) turns. Specifically, three findings are worth mentioning. First, Sayeed takes more than four times as many turns total than Lifen (29 versus 121). Second, Sayeed takes almost three times as many turns per minute than Lifen, as indicated by average turns per minute: 5.26 versus 1.21. Third, Sayeed takes hold of the conversational floor more often during his facilitation: 40% of total turns belong to him, while only 25% of total turns belong to Lifen during her facilitated discussion (see Table 6.1 below for a summary of these differences). Sayeed therefore takes more turns overall, more turns per minute, and more turns relative to the other participants, suggesting that he simply talks more than Lifen.

Table 6.1: Turn-taking behavior of Lifen and Sayeed

<table>
<thead>
<tr>
<th></th>
<th>Total no. of turns</th>
<th>Average turns per minute</th>
<th>%-age of total turns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lifen</td>
<td>29</td>
<td>1.21</td>
<td>25%</td>
</tr>
<tr>
<td>Sayeed</td>
<td>121</td>
<td>5.26</td>
<td>40%</td>
</tr>
</tbody>
</table>

Professor Schultz and I often caution students not to dominate these discussions but rather “facilitate” them (i.e., open the floor for others to speak); interestingly, Sayeed received no such warnings on his feedback from either me or Professor Schultz, despite the fact that he took so
many turns during his facilitation. As I will soon show in analyses of both Lifen’s and Sayeed’s talk, this is because Sayeed expends considerable effort, and uses many turns at talk, to promote his classmates’ participation and signal his cooperation and attention. He accomplishes this, in large part, by using multiple, often quite brief turns at talk to perform one or more of the following actions: ask follow-up questions, revoice prior student contributions, and supply reactive tokens such as “yeah,” “mm,” and “exactly.” Sequentially, Sayeed performs each of these actions in the third or “feedback” turn of the Initiation-Response-Feedback (IRF) sequence, as proposed by Wells (1993) (the IRF framework is an alternative conceptualization of the Initiation-Response-Evaluation (IRE) sequence (Mehan 1979a, 1979b), as discussed in Chapter 2). As Rymes (2009, 113) points out, in the IRF formulation, the third turn does not conclude the sequence, but provides feedback for ongoing interaction, building another sequence into it. Through the use of this . . . third turn, a teacher does not simply supply a closed-ended evaluation, but scaffold for students’ ongoing participation (emphasis mine).

Thus, under the IRF conceptualization of teacher-student classroom discourse, the feedback move often functions as a “re-initiation” (Hoey 1991).

Sayeed, as the facilitator or “teacher” during his discussion takes full advantage of the interactional possibilities that the feedback “slot” affords. He expertly uses the third turn to provide generative feedback in the form of follow-up requests, revoicing moves, and reactive tokens—while Lifen produces fewer feedback turns. Crucially, these three actions help to constitute the activity of a facilitated group discussion and Sayeed’s identity as a discussion facilitator, because they are performed in the service of (1) promoting further student participation and (2) signaling his engagement and listenership. As mentioned, ethnographic
data—namely, the discussion facilitation feedback form and Professor Schultz’s Power Point slides—suggest that a successful facilitation functions to advance these two goals.

In what follows, I compare how Sayeed and Lifen use language to index the three actions of asking follow-up questions, revoicing prior contributions, and furnishing reactive tokens. I then offer two extended examples from the students’ respective discussions to demonstrate that Sayeed performs these actions more often, which helps him to construct the discussion facilitation activity and his identity as a facilitator. Drawing on feedback forms and observation data from field notes, I show that Lifen is somewhat negatively evaluated by her professors and classmates at least in part because she fails to promote her classmates’ participation and show listenership in similar ways.

6.4.1. ASKING FOLLOW-UP QUESTIONS

Although Sayeed produces more turns in his discussion than Lifen, as intimated above, the students’ turns look quite different when they are compared. This is particularly the case for questions, which I have coded as utterances that are (1) lexically and syntactically marked as questions (e.g., “Do you agree with the ruling?”); (2) produced with rising intonation (e.g., “Anyone has more opinions?”); and/or (3) not cued as questions lexically, syntactically, or prosodically, but nevertheless function as requests for subsequent participation (e.g., “Say what you think about privacy in your life”). This last category includes utterances that are not questions on the surface, but they have a directive or “interrogative” illocutionary force or effect (Searle 1969, 1979).

Lifen and Sayeed ask a similar number of questions in total (19 versus 25, respectively); however, Lifen asks more than three times as many questions relative to her number of turns, with 0.65 questions per turn compared to Sayeed’s 0.21 questions per turn (see Table 6.2 below).
Table 6.2: Questioning behavior of Lifen and Sayeed

<table>
<thead>
<tr>
<th></th>
<th>Total no. of questions</th>
<th>Questions per turn</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lifen</td>
<td>19</td>
<td>0.65</td>
</tr>
<tr>
<td>Sayeed</td>
<td>25</td>
<td>0.21</td>
</tr>
</tbody>
</table>

This difference suggests that Lifen views her role primarily as a questioner, whose task is to get the “ball rolling” in the discussion. Once she has initiated discussion on a particular topic, Lifen often sits back and allows her classmates to converse amongst themselves, while offering minimal or no verbal feedback herself (see Example 6.5 below for an extended example of this).

Indeed, a close inspection of the two students’ questions reveals that a much higher proportion of Sayeed’s questions are of a “follow-up” or “contingent” nature (see, e.g., Heritage and Sorjonen 1994; Boyd and Rubin 2006), which I define as questions that (1) are located in the feedback, as opposed to the initiation slot within the IRF sequence; (2) orient and respond to some facet of another student’s immediately preceding turn; and (3) do not initiate a new topic of discussion.

While only 1 out of 19 (or 5%) of Lifen’s questions fall into the category of “follow-up,” 13 out of 25 (or 52%) of Sayeed’s questions qualify as such (see Table 6.3 below, which provides quantitative information regarding the three actions analyzed in this chapter: follow-up questions, revoicing moves, and reactive tokens, as used by Lifen and Sayeed).

Table 6.3: Actions performed by Lifen and Sayeed during their facilitated discussions

<table>
<thead>
<tr>
<th></th>
<th>Follow-up questions freq. count (%-age of total questions)</th>
<th>Revoicing moves freq. count (%-age of total turns)</th>
<th>Reactive tokens freq. count (%-age of total turns)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lifen</td>
<td>1 of 19 questions (5%)</td>
<td>0 in 29 turns (0%)</td>
<td>2 in 29 turns (7%)</td>
</tr>
<tr>
<td>Sayeed</td>
<td>13 of 25 questions (52%)</td>
<td>6 in 121 turns (5%)</td>
<td>43 in 121 turns (36%)</td>
</tr>
</tbody>
</table>
The following brief excerpts, pulled from Sayeed’s discussion, illustrate the sequential location and form of follow-up questions during this classroom event. In the first example, Sayeed has just asked each class member to briefly explain what the notion of privacy means to him or her. He gives the students about one minute to think about this in the context of a quote about privacy in the *Freedom for the Thought that We Hate* book. He then goes around the classroom calling on students to state what they “think about privacy in [their] life.” Erica and Huan-Yue start off, and then Sophie begins to formulate her reply. As she does so, Sayeed interjects in line 11 to make a follow-up request. Note that the transcript is marked for Sayeed’s initial question (“initiation”), Sophie’s reply (“response”), and Sayeed’s feedback (“feedback/initiation”), which generates a new response (“response”).

*Example 6.1: Class 4/15/2015-Section 2; 42:24*

<table>
<thead>
<tr>
<th>Initiation</th>
<th>01 Sayeed:</th>
<th>What is privacy for you.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>02</td>
<td>(lines omitted; Sayeed goes around the classroom and Erica and Huan-Yue provide replies)</td>
</tr>
<tr>
<td></td>
<td>03</td>
<td>Sayeed: Sophie.</td>
</tr>
<tr>
<td>Response</td>
<td>04</td>
<td>Sophie: I think,</td>
</tr>
<tr>
<td></td>
<td>05</td>
<td>(2.0) Freedom is not an excuse that somebody could infringe others’ privacy.</td>
</tr>
<tr>
<td></td>
<td>06</td>
<td>That’s my opinion.</td>
</tr>
<tr>
<td>Feedback/Initiation</td>
<td>11 → Sayeed:</td>
<td>But what is privacy for you.</td>
</tr>
<tr>
<td>Response</td>
<td>12</td>
<td>Sophie: [You: r own secrets,</td>
</tr>
<tr>
<td></td>
<td>13</td>
<td>Your own personal life,</td>
</tr>
</tbody>
</table>

Sayeed prefaces his question in line 11 with the word “but” (*But what is privacy for you*), suggesting that Sophie has not fully answered his question. In fact, Sayeed probes by repeating his earlier question, in which he asked every member of the class to say in “ten seconds . . . what is privacy for you.” Follow-up questions often link up to a previous turn via the discourse.
connectives “but” and “and,” as in this example, or the discourse markers “so” and “now.” These words serve as a bridge between the two speakers’ turns and preface the second speaker’s forthcoming question.

Sayeed also uses the discourse marker “so” to mark a forthcoming follow-up question, as in the next example:

**Example 6.2: Class 4/15/2015-Section 2; 38:57**

01 (Lines omitted; Audrey takes a lengthy turn at talk to express her views on the right to privacy on social media such as Facebook)
02 Feedback/Initiation
03 Sayeed: So you think- you think the- eh: the- ten years
04 old boy,
05 or teenager is competent [to sign this=
06 Response
07 Audrey: [No,
08 Sayeed: =contract,
09 and put all [his picture on Facebook?
10 Response
11 Audrey: [No.
12 He is a min-
13 He or she is a minor.

Schiffrin (1987) argues that “so” is often employed to mark a warranted inference. Here, Sayeed infers from Audrey’s previous contributions—of which there are too many to show here—that she believes teenagers are competent to sign away their rights when posting pictures on Facebook. Or more precisely, Sayeed imposes this belief on her so that she will clarify her point. Audrey does so immediately without waiting for Sayeed to finish his turn, saying: *No. No. He or she is a minor* (lines 07 and 10-12), and thereby refuting his inference while attempting to better explain her stance.

Example 6.2 contains a quintessential follow-up question as it begs for a reply. As Schiffrin (1987, 215) explains, the user of “so” (in this case, Sayeed) “assigns to the initial speaker partial responsibility for the accuracy of his/her own inference,” and Sayeed’s turn serves to “return the floor to the speaker who first warranted the inference—so that the inference
may be confirmed,” or in this case denied. Sayeed is particularly adept at providing his classmates opportunities for participation by asking such probing follow-up questions, which virtually always necessitate a reply.

In asking follow-up questions, Sayeed both signals that he has heard his classmates and encourages their ongoing participation. This is significant because asking follow-up questions index the activity of a facilitated group discussion, wherein facilitators verbally react to and promote the exchange of ideas (see Boyd and Rubin 2006). As mentioned, Professor Schultz and I strongly encourage students to ask “follow-up” questions: the professor explicitly addresses it in her introductory lecture to the discussion facilitation activity and provides sample language students can use to ask follow-up questions; further, it is one of the items on which students are evaluated on their feedback form (see again Appendix B; the form states: “The student asks follow-up questions to help group members clarify their ideas”).

Sayeed, likely attuned to the importance of asking such questions to construct the discussion facilitation activity, allocates more than half of his questions toward following up on his classmates’ replies (see again Table 6.3). On the other hand, Lifen does not pose such questions and is criticized as a result. For example, in the space designated for follow-up questions on the feedback form, I wrote to Lifen: “You probably don’t ask enough of these. You tend to ask one question, elicit one or two responses, and then move on. So the discussion feels kind of mechanistic and unthinking/unfeeling.” It is noteworthy that I use the adjectives “mechanistic,” “unthinking,” and “unfeeling” to describe Lifen’s facilitation. As an observer to the discussion, apparently I felt that Lifen’s failure to ask any follow-up questions produced a somewhat stilted discussion, as if Lifen were simply “going through the motions” of facilitating the dialogue without a genuine concern for her classmates’ thoughts. While this likely is not the
case, beyond asking questions in her initiation turn (of the IRF sequence), it seems Lifen does not know how to probe further to encourage her classmates’ ongoing participation and display her involvement in their talk.

6.4.2. Revoicing classmates’ prior contributions

Another feature of Sayeed’s, but not Lifen’s, discussion facilitation is that he occasionally revoices his classmates’ prior contributions. Revoicing is a reformulation of student replies that also occurs in the third, or feedback turn of an IRF sequence. “Revoicing moves” (O’Connor and Michaels 1993) are prevalent in certain classrooms and they are deployed by instructors as a “supportive teaching strategy” (Moschkovich 1999, 11) to cast students’ contributions “in terms that would be more recognizable to the wider world” (O’Connor and Michaels 1993, 326). Importantly, as a salient feature of teacher talk (see, e.g., Forman et al. 1998; Moschkovich 1999; Enyedi et al. 2008) the act of revoicing also indexes a group discussion led by an instructor or facilitator. While there are 6 revoicing moves in Sayeed’s facilitation, this feature is missing entirely from Lifen’s discussion (see Table 6.3 above).

An example of revoicing from the discussion led by Sayeed is reproduced below. Sayeed has just asked one of the Chinese students, Corey, to express his opinion about parenting in China (“We have this presumption about China, that the parents usually pressure the child . . . what’s your opinion about that”). After Corey supplies an answer, Huan-Yue and Sophie, also Chinese, both join in. Soon, the discussion turns to child geniuses who are sent to university at a young age, and Sophie points out that these students might have “a very high IQ,” but they don’t have “a very high EQ.” The conversation then proceeds as follows:

---

46 As an interesting aside, and to further demonstrate Sayeed’s ability to draw in his classmates, I later found out that Sayeed asked Corey to talk about parenting in China because Corey had presented on this topic in the students’ oral presentation class one or two weeks before this discussion.
**Example 6.3: Class 4/15/2015-Section 2; 29:19**

| Response | Sophie: | They- they don’t know way how to communicate with other[s] |
| Feedback | Sayeed: | [They don’t have the social skill. |
| Response | Sophie: | Yes. |

In line 03, Sayeed reformulates Sophie’s explanation (*they don’t know how to communicate with the others*) in somewhat broader and more concise terms, using the concept of “social skills” to describe the bigger problem that child geniuses face (i.e., not knowing how to communicate with others is symptomatic of not possessing social skills). This is a classic revoicing move in which an instructor, or in this case, Sayeed the facilitator, conveys a student’s prior contribution in terms slightly “more recognizable to the wider world.”

Although Sayeed revoices his classmates’ previous turns on only six occasions, each of these instances contributes primarily to his self-positioning as a discussion facilitator or “teacher,” of sorts. This is because revoicing is an act that teachers, or those in a position of moral or intellectual authority (e.g., parents) typically undertake. Extract 6.6 below provides another example of how Sayeed rephrases one of his classmates’ contributions.

6.4.3. **Supplying Reactive Tokens**

Following Clancy et al. (1996), I use the term “reactive token” to describe the minimal listener response behaviors that often characterize multi-party dialogue, or the “short utterance[s] produced by an interlocutor who is playing a listener’s role during other interlocutor’s speakership” (356). Reactive tokens include “backchannels” (Yngve 1970; Gumperz 1982) and other short messages that are used by listeners to display acknowledgment of (Jefferson 1983), support for (Schegloff 1982; Orestrom 1983; Cutrone 2010), and assessment of (Goodwin 1986).
what a speaker has said. Simply put, reactive tokens signal a listener’s cooperation and attention during a speaker’s extended turn at talk. When used by an instructor in the classroom, they also appear in the third turn of the traditional IRF sequence, though they do not “disrupt” the speaking student’s discourse.

In identifying reactive tokens in Lifen’s and Sayeed’s speech, I employed the following criteria. I counted as reactive tokens only expressions that (1) are uttered at points of possible completion of the speaker’s turn, also known as a “transition relevance place” or TRP (Sacks, Schegloff, and Jefferson 1974); (2) do not call on the speaker to relinquish his turn to the listener after he/she has produced the token; and (3) contribute only passively to the ongoing discourse (e.g., they do not answer a student’s question or project some future action). Based on these criteria, I ascertained that Sayeed furnishes significantly more reactive tokens, and a greater variety of tokens, during his facilitation than Lifen (see again Table 6.3). Figure 6.2 below further breaks down how the two students employ these expressions during their respective discussions.

![Figure 6.2: Reactive tokens used in Lifen’s and Sayeed’s discussion facilitations](image)

**Figure 6.2:** Reactive tokens used in Lifen’s and Sayeed’s discussion facilitations
While Lifen produces only two “okays” during her facilitated discussion, Sayeed employs a wide range of reactive tokens: “okay,” “yeah,”47 “mm,” “exactly,” “ah,” and “oh.” The following example from Sayeed’s discussion about a legal case described in Freedom for the Thought that We Hate demonstrates how Sayeed uses the token “mm” to display his listenership while Audrey expresses her opinion of the case during an extended turn at talk.

**Example 6.4: Class 4/15/2015-Section 2; 35:35**

<table>
<thead>
<tr>
<th>Response</th>
<th>Audrey:</th>
<th>I think that— in this case particularly,</th>
</tr>
</thead>
<tbody>
<tr>
<td>02</td>
<td>Even though I felt for like the:— the wife in this case,</td>
<td></td>
</tr>
<tr>
<td>04</td>
<td>&gt;because—&lt;</td>
<td></td>
</tr>
<tr>
<td>Feedback</td>
<td>Sayeed:</td>
<td>Mm,</td>
</tr>
<tr>
<td>Response (cont’d)</td>
<td>Audrey:</td>
<td>At the end she killed herself?</td>
</tr>
<tr>
<td>06</td>
<td>I think it was like really horrifying what happened.</td>
<td></td>
</tr>
<tr>
<td>08</td>
<td>Like really,</td>
<td></td>
</tr>
<tr>
<td>09</td>
<td>Like devastating.</td>
<td></td>
</tr>
</tbody>
</table>

In line 04, Sayeed inserts an “mm” at a TRP (as cued by the end of a clause and continuing intonation) to signal his attention. Importantly, Audrey does not cede the floor to him following his brief utterance and continues on with her train of thought.

In the following sections I provide samples of both Lifen’s and Sayeed’s facilitations in order to show that the three actions discussed above—asking follow-up questions, revoicing student contributions, and furnishing reactive tokens—are largely absent from Lifen’s talk but figure quite prominently in Sayeed’s, thereby creating a “smoother” and more lively discussion.

### 6.4.4. Sample of Lifen’s Facilitation

The first extended extract is Lifen’s second question to the group during her discussion, and it occurs about three minutes into her facilitation. This conversation centers on Debs v.  

47 Included in this category is also doubled or repeated “yeah,” such as “yeah yeah.”
*United States*, an early 20th century case in which the Supreme Court upheld a lower court’s decision to send a socialist politician to prison for ten years for denouncing World War I and conscription. The author of the *Freedom for the Thought that We Hate* book provides this case as an example of how freedom of speech arguments received short shrift at this time in the history of the United States. I have separated the excerpt into three sections, roughly corresponding to three phases of the discussion: (a) the questions themselves, as posed by Lifen (the “initiation”); (b) the replies to the questions by Lifen’s classmates (the “responses”); and (c) the “closing remarks” offered by Lifen (the “feedback”) before moving on to her next question.

In the first phase of the discussion, Lifen seemingly has difficulty putting forth her question. She takes nearly two minutes and ends up formulating it in three different ways before her classmates supply any answers. There is a good deal of silence. Arrows mark each of Lifen’s questions and directives to the class.

**Example 6.5a: Class 4/8/2015-Section 1; 1:44:19**

<table>
<thead>
<tr>
<th>Line</th>
<th>Turn</th>
<th>Transcript</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>Lifen:</td>
<td>Um (. ) on page twenty-seven,</td>
</tr>
<tr>
<td>02</td>
<td></td>
<td>(1.0)</td>
</tr>
<tr>
<td>03</td>
<td>Initiation</td>
<td>An- please recall um some information about the Debs case,</td>
</tr>
<tr>
<td>04</td>
<td>Initiation</td>
<td>And eh say something you think is very valuable,</td>
</tr>
<tr>
<td>05</td>
<td>Initiation</td>
<td>from the Debs case.</td>
</tr>
<tr>
<td>06</td>
<td></td>
<td>(4.4)</td>
</tr>
<tr>
<td>07</td>
<td>Ishaq:</td>
<td>What was the question again,</td>
</tr>
<tr>
<td>08</td>
<td>Barry:</td>
<td>Yeah can you speak louder please?</td>
</tr>
<tr>
<td>09</td>
<td>Lifen:</td>
<td>Um on the- (. ) from the page twenty seven.</td>
</tr>
<tr>
<td>10</td>
<td>Barry:</td>
<td>Mhm,</td>
</tr>
<tr>
<td>11</td>
<td>Lifen:</td>
<td>There is uh Debs case introduced from here.</td>
</tr>
<tr>
<td>12</td>
<td>Lifen:</td>
<td>And it’s a very famous and meaningful case at that time.</td>
</tr>
<tr>
<td>13</td>
<td>Lifen:</td>
<td>So after reading this case,</td>
</tr>
<tr>
<td>14</td>
<td></td>
<td>(7.6)</td>
</tr>
</tbody>
</table>

Note that although I am labeling Lifen’s questions as “initiation,” in fact her entire turn, from lines 01 to 33, constitute the “initiation” per the IRF framework.
For example, at the beginning of this big paragraph, this case—
Made—(.). how far reaching punishment for speech could be.
Besides that,

Initiation

Which information in this case, you are very impressed— you are very impressive,

As the arrows indicate, Lifen asks questions in three discrete “chunks.” She initially issues a directive for her classmates to recall some information (line 03) and say something [they] think is very valuable from the Debs case (lines 05-07). This request is followed by a 4.4 second pause, suggesting that the students have trouble either understanding or hearing Lifen’s utterance. In fact, Ishaq indirectly asks Lifen to repeat what she said (line 09: What was the question again), while Barry asks her to speak up (line 10: Yeah can you speak louder please?). Lifen subsequently contextualizes her forthcoming request by offering some background to the case (lines 13-15: There is um Debs case introduced from here. And it’s a very famous and meaningful case at that time) and rephrases the question, this time asking, Do you have something you want to say (line 17). Perhaps recognizing that her formulation is somewhat vague, she immediately appends, You get- you got something- you learn something from this case? (lines 18-19). It appears that this question still stumps her classmates, as no one supplies a reply for nearly eight seconds. At this point, Lifen proffers an example of an acceptable reply, stating: for example, at the beginning of this paragraph, this case . . . made how far reaching punishment for speech could be (lines 21-26). She then asks the question one last time, saying: Which information in this case, you are very impressed- you are very impressive (lines 30-32).

49 Interestingly, this sample formulation is reproduced verbatim from the textbook, which states: “The Debs case made plain how far-reaching punishment for speech could be” (Lewis 2007, 27).
However, this formulation seemingly confounds the other students as well, and no one provides a reply for almost ten seconds (which, in the context of a classroom discussion, is a surprisingly long time).

Lifen often gets off to a shaky start when posing her opening questions or “initiation.” As suggested by the students’ prolonged “silent responses” (Kurzon 1998) in lines 08, 20, and 33, they may have trouble understanding Lifen’s requests. While this could be due to the grammatical imprecision of her formulations, other students exhibit similar inaccuracies and do not have much trouble being understood. Part of the problem may lie in how Lifen verbalizes her questions, which are not specific enough to produce immediate replies. For example, as bolded in Example 6.5a, Lifen’s requests contain a form of “some” (line 03: recall . . . *some* information; line 5: say *something you think is very valuable*; line 17: do you have *something* want to say; line 18: you got *something- you learn something from this case*). A defining feature of the word “some” is that it has no specific referent. As a consequence, students hearing Lifen’s questions have nothing concrete on which they can focus their consciousness (Chafe 1994, 97-100) and thus appear to have difficulty formulating instant responses. Similarly, a question like *which information in this case you are very impressed [by]* (lines 30-31) is not anchored in specific events or cases described in the book; rather, it calls on students to undertake the difficult task of “inventing,” on the fly, a suitable topic of discussion on their own. I implicitly picked up on this aspect of Lifen’s opening questions while I was observing her facilitation, and commented on her feedback form: “You tend to ask questions that are either too specific or too open-ended. You want to formulate questions so they are somewhere in the middle.” Professor Schultz, on the other hand, directly commented on the vagueness of Lifen’s questions, writing: “Some of your questions are too vague . . . and people had a hard time understanding what you
were referring to.” Perhaps the lack of specificity in Lifen’s questions accounts for the students’ failure to respond to them straight away or in some cases, at all.

After the lengthy pause in line 33, Barry volunteers to supply some details about the Debs case. Barry then invites a fellow Thai student (Emma) to help him explicate the Thai law on defamation (lines 69-72), and eventually a Saudi student, Ishaq, also chimes in (lines 87-95). Throughout, there is minimal feedback from Lifen (arrows and labels mark her minimal contributions).

**Example 6.5b: Class 4/8/2015-Section 1; 45:55**

34  Barry: Oh I think it’s about the case that um a politician?
35
34  Went to pay a visit to the: :-
36 (1.2)
37
38 (1.4)
39  To the- to the um (. ) three pri- prisoners I think?
40  Right?
41
42  In the prison?
43  And he:: was saying something about um (. )
44  <what- those guys were doing is right,>
45  And he actually- opposed the::: the draft?
46  Right?
47 (4.6)
48  Yeah the draft.
49  I th[ink he opposed-

Feedback
50  → Lifen: [(Think so,)]
51  Barry: He opposed um the sending people to- to the war
52  I think,
53 (2.2)
54  And for me I think,
55  Um,
56 (3.8)
57  Ten years for <just saying that is kinda a lot
58  for me,>
59  Ten year imprisonment,
60  For just saying some- some- maybe two
61  sentences?
62  Supporting his belief?
63  And (. ) he was convicted for ten years,

Feedback
64  → Lifen: Yes ten ye[ars.
65  Barry: [It’s like- it’s like eh:: liable act
66  in Thailand too,
67  When you say something bad about the king,
68  Hh and- and we would be convicted at least-
ten- to right?
Five?
Emma: Not sure,
But yeah in prison.
Barry: Five- yeah imprisonment for five years to- for just saying maybe “the king is bad.”
Fatima: Ooh,
Barry: Yeah.
Yeah right?
Emma: He’s con-
Yeah I don’t know.
Barry: Yeah condemn the king and- and we would be in prison for five years.
Right now if I’m saying this in Thailand, hh
Bye guys.
X: hhh
Ishaq: We say-
We say the king is stupid,
And nobody (does) anything in Saudi Arabia,
Barry: Not- not gonna happen in Thailand.
Ishaq: Yeah I mean-
That’s really surprising.
Emma: Yeah you cannot say [bad thing about king.
Ishaq: [Even though he’s not a (ruler) right?
Barry: Yeah.

What is most striking about this phase of the discussion is that Lifen keeps her feedback to a minimum as her classmates converse: she only produces two turns during this exchange, which lasts nearly four minutes—or almost one-fifth of the twenty-four minute discussion that she facilitates. In line 50, Lifen inserts what sounds like think so as Barry articulates the facts of the Debs case. Although this fragment may function as a token of support, Lifen supplies it somewhat late in the sense that Barry appears to be seeking confirmation or approval throughout his turn in lines 34 to 49, as suggested by his rising intonation as well as two separate utterances of right? (lines 41 and 46). In fact, Barry pauses for 4.6 seconds after his second production of right? (line 47), indicating that he is waiting for a token of acknowledgment from Lifen, such as “uh huh” or “right.”
The two instances of Barry’s right? likely serve as what Erickson (1979) calls “listening response-relevant moments” or LRRMs. At LRRMs, “a listener is obliged to show more active listening response than at other times while the speaker is speaking. Such responses seem to show that the listener is ‘really listening’ and understands what the speaker is saying” (Erickson 1979, 103-104). Erickson explains that LRRMs are signaled by contextualization cues in the speaker’s speech, such as rising intonation, and in this case, the question right?, which calls for a listener’s reply. However, Lifen does not supply any verbal token of her listenership, despite the fact that Barry leaves her ample time to do so. Lifen does, however, endorse the accuracy of Barry’s recounting by adding think so (line 50). While Lifen may produce this turn in order to show her listenership and encourage Barry to continue, it is nevertheless timed somewhat awkwardly, as it does not occur at a TRP but rather in the middle of Barry’s turn.

Cultural differences in performing listening behaviors have been found (see, e.g., Erickson 1979), and there is some evidence to suggest that reactive tokens in particular are not as common in Mandarin Chinese as in English (Tao and Thompson 1991; Clancy et al. 1996). Because Chinese is Lifen’s native language, “pragmatic transfer” (Kasper 1992) may account for the absence of reactive tokens in her speech during her facilitated discussion. It is certainly possible that Lifen seeks to show respect to her interlocutors by not “interrupting” with such tokens. In fact, it has been argued that in Chinese, “eschewing [reactive tokens] shows an appropriate respect for the primary speakers’ right to formulate and produce their talk undisturbed” (Clancy et al. 1996, 382). Alternatively, Lifen may not transmit these short messages because doing so would not suit her own personal “conversational style” (Tannen 1981).
In spite of Lifen’s failure to furnish many tokens of her listenership, Barry continues to speak about the case. Lifen confirms his assertion that the defendant in the case they are discussing was sentenced to ten years (line 63: *And he was convicted for ten years*), by repeating, *yes ten years* (line 64). This repetition likely functions as a backchannel cue to signal her involvement and support for what Barry has just said (Duncan and Fiske 1977; Tannen 1989).

However, Lifen then stays silent for the remainder of this discussion, as Barry, Emma, and Ishaq compare the penalties for defaming the Thai versus the Saudi king. After Barry responds to Ishaq’s question (lines 94-95: *Even though he’s not a (ruler) right?) in the positive (line 96: *Yeah*), Lifen interjects to take back the reins of the conversation and move on to her next topic.

The exchange continues as follows:

**Example 6.5c: Class 4/8/2015-Section 1; 1:48:01**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>97</td>
<td>Lifen:</td>
<td>UM,</td>
</tr>
<tr>
<td>98</td>
<td>Barry:</td>
<td>But-</td>
</tr>
<tr>
<td>Feedback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>99</td>
<td>Lifen:</td>
<td>In- in this case,</td>
</tr>
<tr>
<td>100</td>
<td>((Students exchange looks, some look at me))</td>
<td></td>
</tr>
<tr>
<td>101</td>
<td>Uh the defendant was co- was sentenced uh to</td>
<td></td>
</tr>
<tr>
<td>102</td>
<td>ten years,</td>
<td></td>
</tr>
<tr>
<td>103</td>
<td>in prison,</td>
<td></td>
</tr>
<tr>
<td>104</td>
<td>and also in this case,</td>
<td></td>
</tr>
<tr>
<td>105</td>
<td>Justice Holmes just gave little weight.</td>
<td></td>
</tr>
<tr>
<td>106</td>
<td>to freedom of speech.</td>
<td></td>
</tr>
<tr>
<td>107</td>
<td>But his attitude (.). will- would soon change a</td>
<td></td>
</tr>
<tr>
<td>108</td>
<td>lot in the later cases.</td>
<td></td>
</tr>
<tr>
<td>109</td>
<td>Barry:</td>
<td>Mhm,</td>
</tr>
<tr>
<td>Initiation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>110</td>
<td>Lifen:</td>
<td>So um:: my next question (.). mm,</td>
</tr>
<tr>
<td>111</td>
<td>Is on- on page twenty eight,</td>
<td></td>
</tr>
<tr>
<td>112</td>
<td>From the beginning of the page twenty eight.</td>
<td></td>
</tr>
<tr>
<td>113</td>
<td>You can see another case,</td>
<td></td>
</tr>
</tbody>
</table>

In line 97, Lifen signals her wish to reclaim the floor using a loud *UM* (Clark and Fox Tree 2002) and then proceeds to offer a brief summary of the case. Lifen provides this summary despite Barry’s bid for participation, as signaled by his use of *but* (line 98), and in effect cuts off Barry from any further input. Although I only audiotaped student discussions and therefore
cannot undertake a detailed semiotic analysis of body posture, facial expression, and eye gaze, not only do I remember this moment, but I also made notes in my field journal that at this point students exchanged looks with each other and me, as if to say, “can you believe what she just did, cutting him off like that?” Lifen subsequently gives her own assessment of the most important takeaway from the Debs case, stating: *In this case . . . Uh the defendant was co- was sentenced uh to ten years, in prison, and also in this case, Justice Holmes just gave little weight to freedom of speech. But his attitude will- would soon change a lot in the later cases* (lines 99-108). She then moves on to ask her next question, without any overt, verbal acknowledgment of her classmates’ previous contributions.

In addition to producing reactive tokens, another way that many speakers of U.S. English signal their cooperation and listenership is via sustained eye contact focused on the speaker (Erickson 1979). Not surprisingly, then, when Lifen repeatedly failed to make such eye contact during her facilitated discussion, she was censured on her feedback form from me: “Sometimes you look at the class, but often you were looking at your laptop! Make sure you look at your classmates, especially when they’re speaking” (emphasis in original). Seemingly, Lifen does not adhere to culturally prescribed norms for displaying involvement in what her classmates are saying—for example, by producing reactive tokens or making eye contact with a current speaker. As a result, during an activity where “doing” listening is vital, she is somewhat negatively evaluated by me, as well as her classmates, who signal their disapproval somewhat more
indirectly: by remaining silent after Lifen has asked a question and by giving each other and me “knowing” looks when she reclaims the floor in lines 97 and 98 (Um . . . in- in this case . . . ).

Although Lifen does insert two brief utterances to complement Barry’s lengthy contribution (think so in line 50, and yes ten years in line 64, seen in Example 6.5b), even these are somewhat awkwardly timed and executed. First, think so does not occur at a TRP and, as alluded to above, comes a bit too late in responding to Barry’s requests for confirmation or approval (e.g., in lines 41 and 46 when he says, Right?). Second, yes ten years confirms a factual claim but fails to respond to Barry’s incredulity regarding the length of the defendant’s sentence—though as mentioned, perhaps by repeating the length of the defendant’s sentence, Lifen is in fact echoing his sentiments and encouraging him to continue. Even Lifen’s lengthier contribution in lines 93 to 102 does not ratify, reject, or respond to her classmates’ previous discussion at all. Not only does Lifen cut off Barry as he seeks to continue the dialogue (line 98: But-), but she offers a short summary of the case that only she expected to hear as a response to her initial question. In fact, it appears that almost none of Lifen’s feedback turns function to actually promote her classmates’ participation.

As this example demonstrates, Lifen rarely exhibits culturally sanctioned listener response behaviors (e.g., reactive tokens) or other indicators that she has “heard” her classmates and wants them to participate—for example, via follow-up questions or revoicing moves. Figure 6.2 shows that Lifen does supply two reactive tokens in the form of “okay,” but interestingly, she employs these only when listening to one particular student’s contributions—a student named Maria. I have reason to believe that the students look up to Maria: she has a certain gravitas and

---

50 At this point, I should add a word of caution concerning my findings about Lifen’s listening behavior. Without video data it is virtually impossible to determine whether Lifen sends any non-verbal tokens of listenership such as a sustained eye gaze, a wink of her eyes, or a head nod. Indeed, it is possible that Lifen draws on subtle non-verbal signals of listening behavior that are not picked up by audio recorders and perhaps went unnoticed even by myself during my observation.
presence in the classroom, having been a law professor in Mexico herself. I am not sure whether this plays into Lifen’s deployment of the two “okay,” but perhaps she “strains” herself, or reaches outside of her communicative “comfort zone,” to indicate specifically to Maria that she is hearing her and really wants her to continue.

The absence of follow-up questions, revoicing moves, and reactive tokens in Lifen’s speech may be interpreted as a failure on her part to listen attentively to her classmates or a lack of care to address their comments. For example, Professor Schultz censures Lifen in this regard, writing on her feedback form: “I’m not sure you always listened carefully to people’s responses, so you could not ask follow-up questions. Try to listen more carefully to what people say.” It is plausible, however, that Lifen does not yet know how to signal her active listenership and her desire to promote her classmates’ participation in terms that Professor Schultz and I (and maybe some of Lifen’s classmates) understand and expect. Lifen does not draw on discursive practices that would help her construct the discussion facilitation activity or her identity as a discussion facilitator, perhaps because she is not aware of what these practices are. I now provide a short excerpt of Sayeed’s facilitation, which played out quite differently.

6.4.5. Sample of Sayeed’s Facilitation

The next extract is pulled from the very beginning of Sayeed’s discussion facilitation and it begins with the first question Sayeed puts to the group. Because the complete discussion of this question is rather lengthy, I do not provide it in full here. Nevertheless, I have separated the excerpt into two sections corresponding to: (a) the initial question posed by Sayeed (the “initiation”) and (b) a partial discussion of the question by Sayeed’s classmates (with “response” and “feedback” turns scattered throughout).
The discussion revolves around *Sidis v. F-R Publishing Corporation*, a case about William James Sidis, a child prodigy who was paraded around by his father at a young age for his intellectual accomplishments—he learned to read the newspaper at eighteen months and entered Harvard at eleven—and who sought out obscurity later in life. Sidis sued *The New Yorker* for violation of his privacy, after it published a piece with the headline “Where Are They Now?” that ridiculed Sidis for his “curious laugh,” unusual hobbies, and lifestyle. Sayeed uses the *Sidis* case as a jumping off point for his discussion:

*Example 6.6a: Class 4/15/2015-Section 2; 25:01*

<table>
<thead>
<tr>
<th></th>
<th>Sayeed:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>So let <strong>us</strong> start with uh:::— uh the first case</td>
<td></td>
<td></td>
</tr>
<tr>
<td>02</td>
<td>that the author brought?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>03</td>
<td>Which is Sidis?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initiation</td>
<td>04</td>
<td>Can someone tell <strong>us</strong> who’s Sidis?</td>
<td></td>
</tr>
<tr>
<td>05</td>
<td>(1.4)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>06</td>
<td>It’s in the first page,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>07</td>
<td>Uh fifty nine?51</td>
<td></td>
<td></td>
</tr>
<tr>
<td>08</td>
<td>And (.) that is the first case that uh (.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>09</td>
<td>author want to resume.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initiation</td>
<td>10</td>
<td>&gt;So who’s Sidis.&lt;</td>
<td></td>
</tr>
</tbody>
</table>

Ostensibly, Sayeed’s initial questioning phase is shorter than Lifen’s, in which she furnishes three discrete formulations spanning almost two minutes. Sayeed’s two questions, which directly mirror one another, are somewhat more straightforward and have a specific referent: Sidis. He first asks, *Can someone tell us who’s Sidis?* (line 04), and after some contextualization (line 06: *It’s in the first page*), asks again, *So who’s Sidis* (line 10). This initiation phase takes eighteen seconds to complete, and students respond straight away (as seen in Example 6.6b below).

51 Note that Sayeed states page 59 is the “first page” because it is the first page of Chapter 5 of the book, which he has been tasked with facilitating.
Another noteworthy feature of Sayeed’s initiation turn is his use of pronouns (bolded in the transcript). Specifically, using the pronoun “us” in his first question (as well as in line 01: *So let* *us* *start* *with*), Sayeed employs language that indexes not only the activity of “teaching” or facilitating, but also a teacher-like persona. In Chapter 4, I remarked on my use of the inclusive “we” particularly when issuing a directive to students (e.g., “Can we say this?”) or asking a question (e.g., “What’s the verb we use?”). The first person plural pronoun is commonly employed by instructors as a strategy to involve the students and signal solidarity with them (see e.g., Rounds 1987). Sayeed uses this pronoun expertly to construct his question (*Can someone tell us who’s Sidis?*) and simultaneously build his identity as an involved, engaged facilitator. In contrast, Lifen almost never uses “we” or “us” in her facilitation. While there is only one occurrence of “we” in during her facilitation, 10 instances of “we” and “you” pop up in Sayeed’s talk. Indeed, a glance back at Example 6.5a reveals that Lifen tends to ask questions and make requests for participation using the pronoun “you” (e.g., *Say something you think is very valuable; Do you have something want to say; You learn something from this case*?), suggesting that she views her role more as “director” than facilitator.52

After Sayeed has put his question to the group, a couple of students immediately self-volunteer to supply details about the *Sidis* case. This is in stark contrast to the dynamic present in Lifen’s discussion, which was rather “slow going” and contained numerous false starts (on the part of Lifen) and long silences (on the part of both Lifen and her classmates). Arrows and labels mark each of Sayeed’s feedback turns, which are comprised of follow-up questions (4 instances), reactive tokens (5 instances), and one revoicing move.

52 In fact, Professor Schultz picked up on Lifen’s frequent use of the imperative form, commenting: “You seem to use commands (“look at pg. 27.” “Say something…””) instead of asking questions. You need to first ask questions about the material; then ask what struck people as interesting.”
Example 6.6b: Class 4/15/2015-Section 2; 25:19

11 Huan-Yue: He::- he was mentally force-fed by his father.

Reactive Tok. 12 → Sayeed: Yeah.
13 Erica: He’s a ge[nius.
14 ??: [Psycho-
15 ??: Yeah.
16 Erica: He’s a genius and he went to Harvard.
17 At- when he was eleven?
18 And most of time,
19 He was like- I think he was depr- depressed
20 by his father,
21 That to doing something really well,
22 In- not in- should- he should not do in his
23 age,

Reactive Tok. 24 → Sayeed: Mm,
25 Erica: Yeah.
26 And- there is uh- there is a like a New York
27 Time 53 also write an article,
28 about,
29 Uh- about Sidis.

Reactive Tok. 30 → Sayeed: Yeah.
31 Erica: And when he was growing up,
32 And how long his life is,
33 And how he has like a weird collection?
34 → Sayeed: Mm,
35 Erica: About like the car or something like that.

Revoicing M. 36 → Sayeed: Or like his private life.
37 Erica: Yeah the private l[ife.

Follow-up Q. 38 → Sayeed: [But- but what do you think
39 about the practice of his father.

Follow-up Q. 40 → Is it something uh fascinating?
41 Sophie: Uh,
42 X: [hhhhh
43 Sophie: [Uh actually,
44 Actually I think The New York Times kept uh::
45 (. kept telling that,
46 his father’s (. act was WONDERFUL.

Reactive Tok. 47 → Sayeed: Yeah yeah.
48 Sophie: But I don’t think so.
49 I think the (. uh- the Sidi- the Sidis,
50 Eh:: (. didn’t [live (...)
51 Adheem: [((coughing))

Follow-up Q. 52 → Sayeed: But in eleven and half of them-
53 Sophie: But-
54 Sayeed: How much success you can reach?
55 X: hhhh

Follow-up Q. 56 → Sayeed: What do you [think,
57 Huan-Yue: [hhh
58 Sophie: So-
59 Actually um:: it’s a kind of way to educate
60 somebody.

53 Note that Erica should say The New Yorker, as this was the media outlet that published the story.
But, I think, as a child? you should have a HAPPY child life. But I don’t think he had those kind of life. He only had to study, had work.

Sayeed: Mm,
Okay.

Sayeed contributes a great deal to the exchange, shaping the discussion and steering it in a particular direction, presumably to push forward his conversational agenda as reflected in his pre-formulated discussion questions and/or list of topics he wished to cover. An excellent example of this can be seen after Erica’s recounting of the facts of the Sidis case, when Sayeed probes further, asking, But- but what do you think about the practice of his father. Is it something fascinating? (lines 38-40). Here, as in Example 6.2 above, Sayeed uses the connective “but” to create a bridge between Erica’s previous contributions and his two follow-up questions, which in this case ask Erica and her classmates to contemplate the parenting practices of Sidis’s father (e.g., that he taught his son to read at an early age, enrolled him in Harvard, and basically made him a household name and “celebrity”).

Sayeed employs a similar strategy in response to Sophie’s contributions regarding the father’s parenting style. In contrast to the views expressed in The New York Times, Sophie opines that the father’s parenting is not “wonderful,” saying: I think The New York Times . . . kept telling that, his father’s act was WONDERFUL . . . But I don’t think so. I think . . . Sidis . . . didn’t live (lines 44-46 and 48-50). In reply, Sayeed probes with respect to Sophie’s final point regarding Sidis’s childhood by asking two follow-up questions: But in eleven and half years of

---

54 Although note that I do not have access to any questions Sayeed wrote out in advance of his discussion, and therefore do not know whether his follow-up questions fully reflect what planned to cover, or whether some of his questions showcase his ability to “think on his feet.”
55 Sophie should also say The New Yorker here.
life] how much success you can reach? What do you think (lines 52, 54, and 56). This prompts Sophie to concede that the father’s parenting style is one viable option for raising a child (lines 59-60: Actually . . . it’s a kind of way to educate somebody); however, she continues to defend her stance, saying in essence that this is no way for a child to grow up (lines 61-68: But, I think, as a child, you should have a HAPPY child life. But I don’t think that . . . Sidis had- had those kind of life. He only had to study, had to work). The back-and-forth dialogue between Erica, Sophie, and Sayeed demonstrates how Sayeed skillfully uses follow-up questions to display his involvement in what his classmates are saying and to foster their ongoing participation. This functions to constitute the facilitated discussion activity and Sayeed’s role as a facilitator who moves the discussion along.

Sayeed also deploys a number of reactive tokens, including “yeah,” “yeah yeah,” and “mm,” which further contribute to the indexing of this activity as a facilitated discussion, and his identity as an engaged listener/facilitator. Specifically, he displays his listenership and engagement with Erica’s and Sophie’s contributions by supplying tokens of (1) acknowledgment or (2) support. First, it appears that he uses “yeah” or the doubled “yeah yeah” to indicate that a new proposition expressed in a classmate’s prior turn is factually correct, as when he furnishes a “yeah” after Huan-Yue states that Sidis was mentally force-fed by his father (lines 11 and 12), another “yeah” after Erica explains that The New York Times wrote an article about Sidis (lines 26-29 and 30), and a “yeah yeah” following Sophie’s assertion that The New York Times depicted the father’s parenting as “wonderful” (lines 44-46 and 47).

In contrast to the acknowledging or ratifying function of Sayeed’s “yeah” and “yeah yeah,” his use of “mm” seems to work instead as a “continuer,” or an “action[] displaying [a] recipient’s understanding that an extended turn at talk is in progress but not yet complete”
Sayeed appears to use this token to encourage his classmates to continue a line of thought they have already begun. For example, as Erica lists the various aspects of Sidis’s private life as published in *The New Yorker*, conjoining each item in the list with the connective “and” (lines 31-33: *And when he was growing up, and how long his life is, and how he has like a weird collection?*), Sayeed inserts *mm* (line 34). Though Sayeed cannot possibly know how Erica plans to carry on, Erica does subsequently continue her thought and completes the utterance *he has like a weird collection* (line 33) with *about like the car or something like that* (line 35).56

Sayeed’s use of “yeah” and “mm” are also differentiated in terms of the intonation contours to which they “respond.” Specifically, Sayeed supplies “yeah” when Erica’s and Sophie’s intonation falls in the preceding utterance (represented by a period; see Appendix A), and “mm” when their intonation is continuing or rising (represented by a comma and question mark respectively; see again Appendix A). Continuing intonation may signal that more information is forthcoming, while rising intonation on a declarative statement mimics a question prosodically (e.g., lines 26-28 and 33: *New York Time also write an article . . . about . . . how he has like a weird collection?*) and thus may be viewed as inviting a reply. Perhaps Sayeed is attuned to this subtle paralinguistic cue and furnishes reactive tokens accordingly. Unfortunately, however, the audio quality of these recordings is too poor to undertake a precise acoustic analysis of the discussion and hence this observation is admittedly somewhat impressionistic.

Finally, Sayeed delivers one revoicing move in line 36 following Erica’s description of *The New Yorker* article, which she mistakenly attributes to *The New York Times*. In lines 26-29, 31-33, and 35, Erica states: *New York Time also write an article . . . about Sidis . . . And when he was growing up, and how long his life is, and how he has like a weird collection? . . . About like*

---

56 Note that I did not count Sayeed’s final “mm” and “okay” in lines 69 and 70 toward the total number of reactive tokens because Sayeed continued his turn following the production of these short words. Thus, they do not function as reactive tokens per the definition provided in Section 6.5.3.
the car or something like that. In response, Sayeed adds, *Or like his private life* (line 36) and in doing so, recasts Erica’s prior contribution into a more pithy formulation (with his use of “or” indexing an alternative). Significantly, by reframing *The New York Times* piece as concerning Sidis’s “private life,” Sayeed casts Erica’s utterance in terms more recognizable to the U.S. legal community of practice and reflective of the law that governs the case: Sidis sued the publishing company for a violation of his right to *privacy*, or in other words, an unjustified intrusion into his *private* life. Further, by echoing Erica’s previous point using the legal buzzword “private,” Sayeed also advances his own discussion agenda, which, as reflected in the next question he puts to the class (not shown in the extract above), centers precisely on the right to privacy: *Do you agree with the [Sidis] ruling, that he’s a public figure, or people know about him? Or that is a- invasion of his privacy.*

As this two-minute extract illustrates, Sayeed is particularly adept at using language to promote his classmates’ participation and show his listenership, or in other words, “enabl[ing] sociability in the classroom” (Lerner 1995, 112). Sayeed appears to understand and make use of local conventions for framing and structuring a culturally relevant activity: the discussion facilitation. Consequently, the exchange reproduced in Example 6.6 is more lively and flows a great deal more smoothly—with fewer stops, starts, and long, awkward silences—than Lifen’s facilitated discussion in Example 6.5. Sayeed’s classmates seem more ready to participate in the dialogue because Sayeed encourages them to do so in culturally recognized ways; in fact, Sayeed himself appears to play a more active, engaged role instead of “sitting on the sidelines.” While Sayeed is censured for tackling somewhat peripheral content during the book discussion—the
talk about parenting continued for a couple of minutes too long\(^57\)—his facilitation nonetheless has more “shape” than the excerpt of Lifen’s facilitation, which is largely dictated by what Barry, Emma, and Ishaq want to discuss. With only three feedback turns, Lifen contributes very little to her discussion overall; unfortunately for Lifen, this is not consonant with local understandings and expectations for what it means to successfully facilitate a discussion and be a facilitator.

Having demonstrated the differences between the two students’ facilitated discussions, I now turn to how these findings might inform the pedagogy of oral communicative practices in the Legal Texts classroom and beyond.

6.5. **Pedagogical Implications**

Students in the two-year LL.M. program, and any other ESL or EAP program, arrive in the United States with diverse strategies and expectations for class participation, and they often do not share U.S. (educated, middle-class) assumptions regarding the communicative practices appropriate to the classroom setting (see, e.g., Michaels 1981; Erickson 1982; Heath 1982; Schultz, Florio, and Erickson 1982; Philips 1983; Leander 2002; Alim 2005 for work in the secondary classroom, Archer 1986; Thorp 1991; and Nakane 2005 for work in the ESL/EAP setting in higher education, and Watanabe 1993 for a discussion of cultural differences specifically in the context of cross-cultural group discussions). When students fail to follow mainstream U.S. norms for appropriate language use in key classroom events, they are often negatively evaluated by their professors (and socialized peers) as a result. We saw some of this in Lifen’s discussion.

\(^{57}\) For example, on Sayeed’s feedback form Professor Schultz wrote: “The discussion of tiger moms and parenting was a little off topic. Don’t let it go on for so long.” Similarly, I commented: “You did veer off track a bit. There were a couple of instances where you discussed tangential topics—e.g., parenting. Don’t go too far off.”
Student-led academic discussions fall into the category of activities unfamiliar to many of our students. This is particularly the case for those coming from Asian countries such as China, Taiwan, Thailand, and Japan, where—I have learned from the students—such class activities are rather uncommon (see also Jones 1999). Because students from these countries represent over half of the student body in the two-year program (or at least for the cohort studied in this dissertation), many of our students require guidance in how to successfully participate in this, and likely other similar classroom events.

As mentioned, Professor Schultz and I already do a great deal to assist the students’ socialization to the discussion facilitation activity: we show them the interactive discussion video along with a handout (see Appendix C); we send them home with language resources to help them craft their discussion questions and interact with their classmates; we give them ample opportunities to practice (i.e., four discussion facilitation units, with each student facilitating a discussion at least once per unit); we provide written feedback on the students’ language use during their facilitation; and finally, we also implicitly model interactive discussions by leading our very own classes using a communicative approach to language teaching (see, e.g., Spada 2007). For Sayeed, all of this scaffolding has helped. In his view: “my skills and confidence got better as I did it more last year . . . now I know how to facilitate more effectively in any kind of discussions.” As the data I have shared in this chapter suggests, however, for other students, Professor Schultz and I did not do enough. Lifen, for example, has mostly missed the mark in her final discussion facilitation despite having “access” to the resources that we provided throughout the year (more on the notion of access later). So the question then becomes: what else can we do to socialize students to the communicative practices we wish them to take up and better equip

58 Though according to Sayeed, academic discussions are “very rare” in Saudi Arabia as well: “in most classes the professors will simply lecture the students without the chance to allow for such discussions.”
them to effectively participate in the academic activities in which these practices are grounded (such as, e.g., discussion facilitation)?

One approach that has been proposed in the fields of academic writing is the “student-as-discourse-analyst” model (Johns 1997; Wennerstrom 2003; and see Hoffman 2011 in the area of legal discourse), which is designed to facilitate students’ understanding and subsequent use of the social and communicative practices fundamental to academic writing. Under this approach, students are instructed to read and analyze authentic texts (“good” and/or “bad”) for meaning-making structures and other salient linguistic features, while also considering the tacit assumptions underlying the authors’ choices. The idea is that having students undertake this analysis is that helps them better understand “the social practices that dictate what will be considered authentic writing in their discourse community” (Hoffman 2011, 5), which will in turn help them to produce culturally acceptable texts. Casting students in the role of language researchers also “appeal[s] to their autonomy, build[s] confidence, and tap[s] into their natural inquisitiveness” (Riggenbach 1999, 15). Further, this model eschews the “transmission model of education . . . in favor of a more dynamic exchange of information about cultural traditions” (Wennerstrom 2003, 12).

Extending this approach to oral academic communication (see Riggenbach 1999 for an example), I believe that students would also benefit from analyzing not only a “model” facilitation—which they informally do using the Christensen video—but also one of their own. Texts on formal academic presentations routinely encourage students to record themselves delivering a “run through,” practice presentation and evaluate their speech (see, e.g., Reinhart 2013). Similarly, students in Legal Texts could benefit from analyzing their first or second facilitation for communicative features that may be culturally specific. An analysis of the
students’ own communicative practices would allow them to uncover their own assumptions underlying language use with respect to appropriate listening, asking, and participating behaviors. It would also reveal how their assumptions differ from those of members belonging to their target communities of practice, and thus pave the way for important dialogue about cultural differences in communication (for work on cross-cultural communication in general, see again Gumperz 1982). Student self-analyses may then be used as a springboard for class discussion about and explicit instruction in the particular communicative practices appropriate to the U.S. law school community of practice.

A discussion facilitation self-evaluation form need not (and probably should not) focus on how the three actions I identified in Sayeed’s discourse—asking follow-up questions, revoicing student statements, and supplying reactive tokens—are performed. In fact, this may unnecessarily constrain the students’ analyses. Rather, the form could direct students to identify the linguistic and non-verbal cues they use to organize and allocate turns, ask questions, signal listening, and respond to questions/prior comments. Student discussions could be audio and/or video recorded, and for homework students could be asked to listen back to their own facilitation while answering questions that encourage them to analyze their discussion with a critical eye. They could then also be instructed to contrast their own discussion facilitation with that of another student.

A self-evaluation or “guided discourse analysis” form is presented in Figure 6.3 below. Using this form, students would uncover patterns in their own (and, if doing contrastive analysis, also their classmates’) language use, and determine the ways they seek to promote participation and signal their listenership. It would raise their self-awareness and allow them to engage in self-
critique; further, it would make more visible unspoken assumptions underlying the students’ own language use and what they feel makes for a good discussion facilitator.

**Discussion facilitation self-evaluation form**

Watch your discussion facilitation two times.

1. The first time, watch straight through without stopping the video. Try to get a “big picture” idea of how the discussion went.
   
   a. Did most of your colleagues get an opportunity to speak? If not, why do you think this was?
   b. Was there one person who talked the most? If so, who was it? Do you think this was problematic? Why/why not?
   c. Did you get the sense that this discussion “flowed” well? Why/why not?

2. Now watch a second time, and try to answer the following questions. Feel free to pause the video if necessary.
   
   a. How many questions did you ask, and what kinds of questions did you ask? (E.g., opening questions, main idea questions, fact questions, extension questions, follow-up questions.) Do you feel your questions were enough? Too little? Too much?
   b. Were your colleagues able to respond to all of your questions? Why/why not?
   c. How did you show your colleagues that you were listening to them? (Try to find at least 2-3 ways, including both verbal and non-verbal signals.) How was this received by your colleagues?
   d. How did you invite your colleagues to participate if they weren’t volunteering? Did this work well? Why/why not?
   e. Were there any points in your facilitation where you feel you could have done a better job of managing the discussion? What could you have done differently?

3. Think about how you showed your classmates that you were listening to them. Do you think you show your listenership differently than your colleagues and/or American professors?

*Figure 6.3: Sample self-evaluation form for discussion facilitation*
Question (3), for example, is designed to help students think about differences in listening behavior where it seems there is a great deal of cultural variability (see again Erickson 1979), while Question 1(a) contains an assumption of its own—namely, that in a group discussion, most participants should speak. Requesting students to watch or listen back to their own facilitations and answer these questions is a great starting point for raising students’ awareness of their own language use, which can then be extended in the classroom for explicit instruction in the target discourse practices of the U.S. legal academic community of practice. Following the class discussion, students use what they have learned in subsequent facilitations.

Again, Professor Schultz and I already do a great deal of scaffolding and modeling for the students through our own teaching, commenting, and the videos and handouts we use to introduce discussion facilitation. But while well-intentioned, these resources help little if professors and the students are not “on the same page” with respect to what counts as a good question, what counts as “really” listening, and what counts as successfully managing a discussion. Students lack meaningful access to the resources we provide them if they are not familiar with our expectations regarding academic discussions as well as how to successfully facilitate them. For instance, my comment to Lifen regarding eye contact, mentioned in Section 6.4.4 (“Sometimes you look at the class, but often you were looking at your laptop! Make sure you look at your classmates, especially when they’re speaking”), may have fallen on deaf ears, and might have seemed overly disparaging, if Lifen did not understand that this is one way that listenership is signaled in U.S. legal academia. By making explicit mainstream U.S. assumptions about what makes for a good listener—for example, making sustained eye contact, nodding one’s head, supplying reactive tokens such as “uh huh” and “yeah” at points of possible turn completion by a prior speaker—and comparing listener behaviors in the students’ cultures,
students may better understand and begin to approximate what is expected of them for the discussion facilitation activity. I believe that the self-evaluation form would be a more effective way to facilitate this progress than simply telling students what they should and should not do.

The “student-as-discourse-analyst” approach would likely work for other oral activities in the classroom, such as teacher-fronted discussions. Students could, for example, record a portion of an authentic law class discussion and analyze both the professor’s and students’ turns, including their own, if they participate (see Riggenbach 1999 for a similar approach). Questions on a class participation “guided discourse analysis” form may include:

- What kinds of questions did the professor ask? Known-answer questions or open-ended questions? Factual questions or opinion questions? Can you find a pattern in the types of questions asked?
- Analyze five different students’ answers to the professor’s questions. How are they organized? Do students provide a direct answer to the professor’s question in the beginning (e.g., “yes” or “no”)? Do the students offer examples to support their points? Can you find a pattern in the way students answer questions?
- How does the professor respond to the students’ answers?
- If you participated in the class, analyze your own answer or contribution. If answering a professor’s prior question, did it appropriately address the question? Why/why not? If you self-volunteered to make a comment, do you think you did a good job getting your point across? Why/why not?

By analyzing how professor-student interaction in the U.S. law classroom is actually organized, students can get a better sense of what is expected of them, thereby making the experience a much less daunting one. And, as amateur discourse analysts, students will have a deeper
understanding of the rules that guide interaction in this setting, which may in turn increase their confidence and provide a sense of agency over their own language progress.

Learning is certainly participation in activities integral to a community of practice (Lave and Wenger 1991); by taking part in the discussion facilitation exercise several times during the academic year, and incorporating Professor Schultz’s and my written feedback into future discussions, students can improve their mastery of the language required to successfully carry out a facilitation. Indeed, over the course of the year, Lifen and Sayeed both developed their facilitation skills, albeit to different degrees. As suggested by Lifen’s facilitation, however, the modeling, scaffolding, and opportunities for participation Professor Schultz and I provided simply were not enough. For this reason, I propose that in addition to guided participation, EAP instructors ought to also ask students to analyze their own discourse. Giving our students the tools to carry out self discourse analyses would not only allow them to become more self-aware and confident language users, but crucially it would also help to expose cultural differences in how meaning is communicated. At the same time, it would open up dialogue about how students could use language effectively to index actions (questioning, revoicing, etc.) associated with discussion facilitation and the identity of a facilitator. This would, in turn, would help to develop their communicative competence and hence allow them to communicate more appropriately in the context of a U.S. law classroom.

6.6. CONCLUSION

I have shown that Lifen and Sayeed use different language to lead their respective discussions and, as a result, achieve different levels of “success” during the discussion facilitation exercise. Sayeed appears to be attuned to the participation and turn-supporting function of the feedback slot of the IRF sequence, and fills it with material that fosters his
classmates’ engagement and showcases his listnership. This material, which includes asking follow-up questions, revoicing classmates’ previous contributions, and furnishing reactive tokens, helps Sayeed construct the discussion facilitation activity, as well as his identity as an effective discussion facilitator. Lifen, while seemingly adhering to the strictures of the assignment—for instance, she asks many questions which call for replies—is on the whole negatively evaluated by her professors (as indicated on feedback from the professors) and her peers (as suggested by their immediate actions and reluctance to participate in the discussion). As I speculate above, Lifen’s failure to engage and support her classmates during the discussion facilitation activity lies, in large part, in her unfamiliarity with the cultural practices used to lead an academic discussion, such as the three actions analyzed here.

In Chapter 5, I was concerned with how information may be conveyed to students subtly using constructed dialogue. Here, the pendulum has swung back to explicitness. This dual focus across the two chapters suggests that students would likely profit from a combination of both explicit and implicit means of instruction, with each contributing to the students’ socialization to written and oral academic discourse in different, yet complementary ways. Instead of “hiding the ball,” EAP instructors ought create opportunities for students to uncover the oftentimes hidden rules of communication which guide the production and understanding of culturally appropriate classroom discourse.
Chapter 7

CONCLUSION

7.1. SUMMARY OF STUDY FINDINGS

This study has shown how various linguistic phenomena—framing, constructed dialogue, follow-up questions, revoicing moves, and reactive tokens—are involved in the two-year LL.M. students’ socialization into academic discourse. In Chapter 4, I demonstrated that professors and students jointly “frame” (Bateson 1972; Goffman 1986; Tannen and Wallat 1993) classroom events as involving a combination of language learning and legal study. I argued there that juxtaposing frames that are oriented to these two activities creates favorable conditions for the students’ initiation into the U.S. legal academic culture, in large part because frame laminations work to position students not only as language learners in an English for Academic Purposes (EAP) program, but also as law students pursuing a U.S. law degree. For instance, I showed that students strongly resisted reading materials and a pronunciation activity that positioned them exclusively as language learners, which potentially conflicted with their “imagined identities” (Norton 2001) as budding U.S. law students. However, by laminating the frame of law class with the ESL class frame, we can get buy-in from students who may become increasingly invested in learning the oral and written academic practices which Professor Schultz and I relay to them.

In Chapter 5, I shifted my focus to Professor Schultz’s classroom talk, investigating how two salient features of her discourse—repeated mentions of the characters “writer” and “reader” as well as constructed dialogue—work together to promote students’ socialization to written academic discourse. I showed that the professor skillfully represents the entities of writer and reader through fabricated speech to frame writing as an act of social communication that is designed to influence a reader to accept the writer’s arguments. Through the speech that she
enacts, the professor represents three key phases of the writing process: (1) writer thinking about what to write (e.g., *as a writer . . . you have to think to yourself, “well, is this really what I want to say”*); (2) writer communicating with a reader through the written text (e.g., *a colon means, “reader, I’m following this by more of an explanation”*); and (3) reader thinking about what she has read (e.g., *you want your reader to think, “oh these two things are similar”*). I went on to argue that professors in EAP programs, as well as in more heavily disciplinary EAP programs, may wish to complement explicit instruction in academic discourse with more covert resources for socialization such as constructed dialogue, which may function to promote student involvement (Tannen, 1989) and demonstrate (Clark and Gerrig 1990) the ideas, practices, and identities students are expected to take up within their academic communities.

Finally, in Chapter 6 I turned to student talk and examined how two students, Sayeed and Lifen, facilitated respective whole-class academic discussions to varying levels of success—as gauged by instructor feedback and other students’ immediate actions and quickness to participate in the discussions. I showed that Sayeed, acting as a teacher of sorts, more fully exploited the possibilities available to him in the “feedback” slot of the traditional Initiation-Response-Feedback (IRF) sequence of classroom talk, and his discussion facilitation progressed more “smoothly” as a result. Specifically, Sayeed used the third-turn, feedback slot to ask follow-up questions, revoice his classmates’ previous contributions, and furnish reactive tokens, which worked to promote ongoing participation from his classmates, as well as to signal his cooperation and listenership. In contrast, Lifen rarely performed these actions in the feedback move (in fact, she rarely filled the feedback move with any spoken material at all), and as a consequence, her discussion was more negatively evaluated by her professors and classmates. In the end, I urged EAP instructors to go beyond teaching students target discourse practices (e.g.,
asking follow-up questions) using traditional methodologies (e.g., showing a video of how to facilitate a discussion, giving sample language for facilitating discussions, and so forth). I argued that instructors could also implement a “student-as-discourse-analyst” approach (see, e.g., Riggenbach 1999) that calls on students to analyze their own discourse. A guided discourse analysis method such as the one proposed in Chapter 6 (see Figure 6.2) would enable students to uncover the discourse practices or “contextualization cues” (Gumperz 1982) that they use to communicate meanings (e.g., to show listenership; to project a facilitator identity), and bring to light how this may be at odds with the practices used in the target community. This would, in turn, pave the way for dialogue regarding the appropriate practices students are expected to employ while also increasing students’ linguistic self-awareness and confidence.

Taken together, Chapters 4, 5, and 6 demonstrate the various contributions of classroom participants in the process of the students’ socialization and acquisition of communicative competence. Students and professors discursively construct class activities and events that serve as a productive milieu for developing the students’ competence; professors employ particular linguistic resources to promote students’ acquisition of target practices; and students themselves use language to display their levels of fluency in the discourse practices of the community. Further, both professors and students construct institutionally relevant identities: U.S. law student, reader, writer, and discussion facilitator.59 While this study does not account for all varieties of participant contributions—for example, students may well promote each others’ acculturation as they negotiate meaning during class discussions—it nonetheless demonstrates that every participant in the Legal Texts class plays some role in the process of student acculturation into U.S. legal academia.

59 These are identities on the part of students; as mentioned in Chapter 4 in particular, course participants also build the identities of professors. For example, I showed that I also draw on a variety of contextualization cues and other linguistic resources to self-position as a law professor during discussions of case law.
In the remainder of this chapter, I discuss the theoretical and methodological implications of the study (Section 7.2), point out the limitations of ethnographic research in general, as well as this study in particular (Section 7.3), and suggest future directions for research in EAP courses similar to the Legal Texts class, and other academic support programs for international law students (Section 7.4).

7.2. THEORETICAL AND METHODOLOGICAL IMPLICATIONS

7.2.1. THEORETICAL CONTRIBUTIONS

Each analysis chapter of this dissertation advances our current understandings of how international students are socialized to oral and written discourse practices as used at a U.S. law school. In Chapters 4 and 5, I investigate how two linguistic phenomena, framing and constructed dialogue, figure into the students’ acculturation in ways that have been unexplored in research on language socialization, classroom discourse, and/or EAP. On the other hand, in Chapter 6, I examine a rather prominent and widely studied feature of classroom talk, the IRF sequence, but from a slightly different angle than previous research has. In what follows, I briefly outline the theoretical contributions of each analysis chapter of this dissertation, in addition to the dissertation as a whole.

In Chapter 4, I show that framing not only plays an integral role in constructing classroom events—as documented by others (see, e.g., Engle 2006)—but also that within the classroom environment frames can be created, maintained, and manipulated by interlocutors in innovative ways. As detailed in Chapter 4, Goodwin (1996) and Gordon (2006) demonstrate that frame shifting and blending are two ways in which frames can be laminated to organize experience; I draw on the authors’ metaphor of frame shifting to explain how the students and I juggle the frames of “ESL class” and “law class” to construct case law discussions and, by
extension, the Legal Texts class. Through my analyses of Professor Schultz’s class sessions on academic writing, however, I also show a different face of frame lamination. In particular, I explore how a frame can become “infused” within a speaking situation through a semiotic mode other than speech (e.g., written text, images, objects, kinesthetic action, and/or body position) to somehow “color” the speech event, but not actually transform the activity in progress. The legal documents that Professor Schultz uses to teach academic writing invoke the law class frame and create a subtle impression that the class is engaged in legal study, though the class deconstructs these texts to learn not about law, but rather academic discourse practices and the writing process.

As suggested by analyses of Legal Texts classroom interactions, coupled with information from student interviews and class evaluations, frame lamination—whether in the form of shifting or infusion—can be used productively in the classroom to increase student investment in educational activities and tasks. There has been very little research up to this point about how frame lamination and perhaps other framing strategies employed during classroom events help participants to construct specialized EAP courses in which students learn language side by side with discipline-specific content. This is, however, a useful avenue for education research in the EAP setting, particularly as students enrolled in EAP courses seek out specialized language study, not “merely” an ESL class. It is fruitful to study the various ways that instructors and students in EAP courses frame language and subject-specific content during class, and to what overall effect. Indeed, frame shifting and infusion may be two of many, as-of-yet unknown framing strategies employed by instructors teaching international, EAP students. This chapter therefore provides valuable insights into the important role that framing may play in constructing a discipline-focused EAP class.
In Chapter 5, I build on previous work by Baynham (1996) on the role of constructed dialogue in the classroom, but also offer a novel contribution to the L2 writing literature, which has often limited its analytic focus to “model” and student texts, in addition to professor and/or peer feedback in the form of written comments in the margins of student papers (i.e., text analysis). Although a good deal of work in this field has analyzed instructor-student interactions in one-on-one writing conferences (see, e.g., Sperling 1991; Young and Miller 2004), the role of whole-class exchanges in fostering the written competence of learners has received relatively little consideration (though see Cumming 1992; Weissberg 1994), despite the fact that a great deal of socializing activity occurs not only in the margins of student papers or in writing conferences, but also in the classroom, where writing practices are first introduced to students. Accordingly, in Chapter 5 I investigate how Professor Schultz uses one linguistic resource, constructed dialogue, to foster the Legal Texts students’ socialization into written discourse—recognizing that this is only one discourse strategy, among many, that helps students to develop their communicative competence.

The analyses in Chapter 5 broaden our understanding of the role of classroom talk in promoting students’ socialization into written academic discourse; however, these analyses reveal only a small part of how this socialization occurs. This suggests that L2 writing research would greatly benefit from more analyses of interactions within the L2 writing classroom. If students’ first introduction to the concepts and practices that comprise U.S. (legal) academia is in a writing class, it would be useful to determine the ways in which professors present this material, and the various linguistic resources they draw upon in doing so. As Sperling (1991, 159) points out, “when we look at interaction such as . . . teacher-student conversations, we begin to understand how the instructional process of talk contributes to the deliberative process.
that marks composing.” Though Sperling examined one-on-one writing conferences between instructors and students, her comment holds for the many “conversations” that take place in the classroom as well.

Finally, in Chapter 6 I turn to the IRF sequence, a ubiquitous feature of classroom talk has been dealt with extensively in the classroom discourse literature. But while much of this research has focused on how instructors initiate turns, students respond, and instructors provide feedback on student turns, little attention has been paid to how students take up the discursive position of “teacher,” as reflected by their own production of turns in the first and third (i.e., initiation and feedback) slots of triadic classroom dialogue. Yet students, particularly in higher education contexts, often participate in classroom activities where social roles and relationships are “flipped,” and instructors play a minimal role in the management and production of classroom talk while students are held responsible for delivering class content. For example, in seminar classes students are frequently tasked with giving oral presentations or leading class discussions. Examining student talk in such student-fronted activities—as in Chapter 6 on student-led academic discussions—reveals a great deal about how students develop and display culturally appropriate practices for carrying out classroom activities (presentations, discussions) and constructing academic identities (presenter, discussion facilitator) expected of them in higher education contexts such as law, business, medicine, and a wide range of doctoral programs.

As a whole, this dissertation marks the beginning of a research program that lies at the intersection of language socialization and English for Legal Academic Purposes (ELAP) (see Harris 1992 for an alternate formulation, “English for Academic Legal Purposes”). While many of the findings presented in this study can be extended to other, perhaps more “general” EAP

60 I prefer that the adjective “legal” modify “academic,” as the two-year LL.M. program is by and large an academic program that is legal in orientation, not vice versa (e.g., a professional legal program that is also academic).
courses in which students learn the “basics” of U.S. academic discourse (for example, Chapters 5 and 6, which pertain to writing and discussion, activities emblematic of academic life in general), some of the analyses, particularly in Chapter 4 on frame lamination, provide a snapshot of the unique ways that language in a specialized, law-focused EAP course can shape students’ learning experience and support their induction into a U.S. law school. As discussed in greater detail in Section 7.4 below, research into the language socialization of international lawyers in EAP (or “ELAP”) courses is a worthwhile endeavor, especially considering the recent growth of programs designed specifically for foreign-trained attorneys who come to the U.S. to study law and require additional language support.

7.2.2. Methodological implications

Methodologically, this study lends continued support for sustained participant observation as a principal data collection method in ethnographic research. In particular, this dissertation is a testament to the benefits of conducting research in one’s own social and/or institutional communities, where one is not viewed, potentially, as an unwelcome “outside observer.” Gaining access to the Legal Texts class and course participants would have been a great deal more challenging had I not possessed a certain social credibility and institutional legitimacy as a result of my prior involvement and teaching in the program. Because I was one of the instructors in the Legal Texts class, I did not have difficulty convincing program administrators and faculty of the validity of ethnography as a research methodology and the potential benefits my research may bring to the program. However, my relatively “painless” foray into ethnographic work runs directly counter to the experiences of many others seeking to carry out qualitative, ethnographic research in an educational context. One colleague, for example, has written about the challenges of gaining permission to conduct participant
observation and video recordings in an educational institution which simply did not understand the purpose of his research project (Ginsberg 2016). In his words: “as I engaged with this [school] district’s administrative requirements, it became apparent in many ways that my proposal to conduct a qualitative, ethnographic study did not correspond to what ‘research’ was prototypically understood to be in the district’s administrative policies” (7).

Although I do not wish to discourage researchers from pursuing their research agendas in their desired field sites, I would like to suggest that social scientists consider research possibilities within their own social and professional communities, which may be more amenable to studies employing data collection methods that may be unfamiliar to community members and prospective study participants. Without a doubt, conducting research from such a “comfortable” standpoint is not always possible or, indeed, even desirable; if researchers did not occasionally push the envelope, much valuable research would never be carried out. Nevertheless, I would like to propose that we mine for research opportunities within our very own communities. As Saville-Troike (2003, 90) points out, “any description of activities in the observer’s own society becomes essentially self-correcting, both through feedback from the community described and through reactions by readers who are themselves members of the same society,” and “major questions regarding validity and reliability raised by the quantitatively oriented social sciences can be at least partially resolved.” Thus, carrying out ethnographic work in communities to which we have access, we can more easily gain acceptance of, interest in, and valuable feedback on our research projects.

7.3. LIMITATIONS OF RESEARCH

One limitation of ethnographic research in general is its lack of generalizability: because studies grounded in ethnographic methods provide in-depth descriptions and analyses of the
interactional patterns shaping one social group, research findings may not hold for other, even similarly situated communities. It is without a doubt that ethnographic studies lack the breadth of more quantitative and statistical approaches to educational research, making it more difficult to generalize findings across communities. However, as the overarching goal of ethnographic research is to interpret patterned behavior as it occurs in its sociocultural context, linguists employing this approach gain better insight into how local discursive processes, which often do not lend themselves to statistical analyses, shape specific communities. Ethnographic studies thus sacrifice breadth for depth (Hammersley 1994); depending on one’s theoretical orientation, this may be viewed as either a weakness or strength.

This study provides fine-grained analyses of various linguistic processes underlying the two-year students’ socialization. But it should be borne in mind that the two-year students participating in this study comprise only one cohort within the eight-year history of the two-year LL.M. program, and interestingly, it is a cohort that has been characterized by Professor Schultz as somewhat “different” (according to the professor, this was, by and large, a “more motivated group” than others she has worked with in the past). It is therefore possible that study findings do not represent the socialization of students who have taken, are taking, or will take the course in other years. In fact, it is quite likely that every cohort has a slightly different socialization experience. Though processes identified and analyzed in this dissertation—for instance, Professor Schultz’s representation of a writer’s and reader’s thoughts and words via constructed speech—may transcend individual cohort differences, without comparative data it is impossible to say whether these phenomena would play a prominent role in other years of the program. Perhaps Professor Schultz employed more constructed dialogue with this particular cohort than
others because she instinctively felt that this group wanted an extra “boost” beyond what was contained in her classroom lectures or written feedback (see again Chapter 5).

In addition, the Legal Texts class is merely one slice—albeit a significant one—of the students’ experience in the two-year program. Other classes in the curriculum, such as Introduction to U.S. Legal Systems, American Legal Discourse, and English for International Lawyers, also contribute to the students’ socialization in different (yet complementary) ways. I have chosen to focus on one class in the two-year program, heeding Wilcox’s (1982b, 459) caution that “one cannot describe everything” (emphasis in original) in ethnographic research. I have selected the Legal Texts course for its central role in the students’ academic experience in the first year of their LL.M., but also recognize that this study paints only a small part of a much bigger picture. Many important variables are likely “unseen and unaccounted for” (Lutz 1981, 54) in this dissertation.

In fact, even within the context of Legal Texts, this study fails to fully account for all of the social and linguistic processes involved in the students’ initiation into the culture of U.S. law school. Within the classroom events that I selected for analysis—class lecture and discussions on academic writing (the subject of Chapters 4 and 5), student-led discussion facilitation (Chapter 6), and class discussions on case law (Chapter 4)—there likely exist numerous other processes underpinning our students’ communicative development. In addition, there are other classroom events and interactions, such as class sessions on grammar and writing skills, which I did not record and subject to in-depth analysis, but which likely also figure into the students’ acculturation.
7.4. FUTURE DIRECTIONS FOR RESEARCH

As intimated in the introduction to this dissertation, a two-year LL.M. program is a productive site of research not only because it is a new creation and thus has not been put to much linguistic scrutiny, but also because other similar programs are expected to increase in number over the next several years. As of this writing, there are five two-year LL.M. programs in the U.S. (see Cataneo 2015). However, given the shifting demographics in LL.M. applications—for instance, recent law graduates from China with limited language proficiency now comprise a significant portion of the LL.M. applicant pool at East University and, I suspect, elsewhere—similar EAP and academic support programs will likely be tacked on to the LL.M. to accommodate and ensure the academic success these students.

Because the two-year LL.M. is a new creation, there is very little linguistic or education research that might generate insights into the learning needs of two-year students or into the “best practices” of this specialized profession. Ethnographic research such as that undertaken here could be used to design more effective courses in two-year programs, and to better equip instructors working in them. In classes employing a team-teaching approach, or programs where subject and language specialists teach courses on their own, studies employing ethnographic methods may be particularly informative. On the one hand, such research could inform the teaching of subject specialists, and how they can be more sensitive to the linguistic needs of students. On the other hand, ethnographic studies of two-year programs may also make visible how traditional EAP methodologies are not suitable for international students in similar courses and programs. Research along these lines may reveal the adjustments ESL specialists can make to get critical buy-in from students who, in some instances, have identity needs that may conflict with a language instructor’s teaching agenda. In Chapter 4 I showed, for example, that relatively
simple framing strategies such as using law review articles and court documents to teach academic writing (as opposed to a freshman composition text) may increase student investment in the “English” component of the program—or in other words, the Legal Texts class.

Research conducted in the two-year LL.M. setting may also yield findings that both subject and language specialists—that is, lawyers and linguists—can utilize to reduce the “sense of insecurity and uncertainty” (Maher 1986, 138) around teaching in a program in which they lack some of the knowledge and skills required to teach students who need instruction in both the linguistic and thinking practices of a highly specialized field of study. As Spack (1988, 38) rightly points out, “only the rare individual teacher can learn another discipline, for each discipline offers a different system for examining experience, a different angle for looking at subject matter, a different kind of thinking.” Subject and language specialists should not be expected to learn the ins and outs of another discipline (i.e., law or linguistics), though they should be given the tools to “do their part” confidently within an EAP class. I believe more ethnographic research, coupled with detailed learner needs analyses (see, e.g., Feak and Reinhart (2002) for needs assessment in a Legal English program), may reveal how and where instructor expertise can be used most effectively.61

In addition to two-year programs, academic support programs for one-year international LL.M. students are also on the rise. For example, East University’s “Intensive Legal English Program” offered to one-year LL.M. students in the summer before they commence their studies, offers a curriculum on taking law school exams, writing legal memoranda, and so forth. In

61 In addition, such research may ease subject and language specialists’ own, smaller scale socialization into some of the communicative and thinking practices of the “other side.” Professor Schultz, for example, has herself been socialized to some of the practices of the legal profession by virtue of having taught in a U.S. law school for over eight years. Her socializing agents include her co-instructors (who are attorneys, like me), Professor Hallman (her supervisor), and many other lawyer colleagues working the same office suite as Professor Schultz. Even the professor’s students have likely played an integral role in her own initiation into the U.S. legal academic community; as mentioned in Chapter 2, socialization is a bidirectional process and both experts and novices undergo some transformation in and through classroom activities.
addition, the “Language Center” at East University was designed to enhance one-year, international LL.M. students’ fluency in both oral and written academic discourse through non-credit writing and conversation workshops that complement the students’ LL.M. courses (see Kerr, Spratt, and Lake 2016 for a detailed description of this program). Other law schools are establishing similar writing centers and short-term summer programs that are aimed at initiating international students into the linguistic, thinking, and cultural practices of the U.S. legal academic community. These enrichment programs for one-year LL.M. students provide another interesting site of linguistic research that may cast light on how classes and workshops function to “fill in the gaps” left by students’ LL.M. classes. Research could be directed at uncovering covert patterns of socialization and other interactional trends that promote (or perhaps unintentionally suppress) students’ acculturation. This could, in turn, inform the pedagogical methods and materials used in these programs.

It is a reality that more and more international students are coming to the U.S. to pursue graduate degrees in law and other specialized fields of study. If we wish to ensure the academic success of these students, we ought to understand how programs that are designed to support them operate, as well as how, and to what extent, they contribute to the students’ sociolinguistic development. Ethnographic and linguistic research, whether primarily qualitative or quantitative in orientation, may guide program and course development in important ways. Research along the lines pursued in this dissertation could be used to develop effective English for Legal Academic Purposes programs throughout the U.S. and beyond.
APPENDIX A: TRANSCRIPTION CONVENTIONS

The following conventions include those that have been used in this dissertation. They have been adapted from Schegloff (2007) and Schiffrin (1994).

. A period indicates falling intonation.

? A question mark indicates rising intonation.

, A comma indicates continuing intonation.

- A hyphen indicates a cut-off or self-interruption.

“ ” Double quotation marks indicate that the talk between them is constructed dialogue.

: Colons mark the prolonging or stretching of the sound preceding them.

[ Brackets indicate overlapping speech.

= Equal signs indicate a latch or contiguous utterances by the same speaker.

↑↓ Up and down arrows mark sharp pitch rises or falls.

→ Right arrows highlight key lines of transcription.

**word** Bolded text highlights key words/phrases in the transcription.

WORD Caps indicate stress or emphasis by loudness and/or higher pitch.

°word° Degree symbols indicate that the talk between them is quiet.

>word< “More than” and “less than” symbols indicate that the talk between them is quicker or rushed.

<word> “Less than” and “more than” symbols indicate that the talk between them is slowed or drawn out.

hhh A series of h’s indicates aspiration or laughter.

X The letter “X” indicates that multiple speakers (e.g., the entire class) produces a turn at talk.

?? Double question marks indicate that a speaker is unidentifiable.
(2.0) A number in parentheses indicates the length of a silence in 10ths of a second.

(. ) A period in parentheses indicates a micro-pause of 0.2 second or less.

( ) Empty parentheses indicate non-transcribable segment of talk.

(( )) Double parentheses indicate transcriber comment on what is said or done.
Facilitating a class discussion is a skill you may need in seminar classes next year. It is also a skill that may be “handy” in your working life for business meetings and negotiations. This exercise is designed to give you practice in developing this skill. While you are facilitating a class discussion of your chapter of *Freedom for the Thought That We Hate*, your professors will be giving you feedback on the following criteria:

**Preparation**

<table>
<thead>
<tr>
<th>The student has read the material carefully</th>
</tr>
</thead>
<tbody>
<tr>
<td>The student has prepared questions</td>
</tr>
<tr>
<td>The student’s questions first cover the material the text presents to ensure a common understanding of it</td>
</tr>
<tr>
<td>The student’s questions help the group examine and clarify issues the text raises</td>
</tr>
</tbody>
</table>

**APPENDIX B: DISCUSSION FACILITATION FEEDBACK FORM**

Facilitating a Whole Class Discussion: *Freedom for the Thought That We Hate*

Working with Legal Texts, Spring 2015
<table>
<thead>
<tr>
<th><strong>Facilitation</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The student invites participation from everyone in the group</td>
<td></td>
</tr>
<tr>
<td>The student maintains eye contact with group members</td>
<td></td>
</tr>
<tr>
<td>The student keeps a good pace in the discussion</td>
<td></td>
</tr>
<tr>
<td>The student asks follow-up questions to help group members clarify their ideas</td>
<td></td>
</tr>
<tr>
<td>The student keeps the discussion focused on the text and the issues it raises (if the discussion veers off-track, the student brings it back to the topic)</td>
<td></td>
</tr>
<tr>
<td>The student invites group members to respond to each other’s remarks</td>
<td></td>
</tr>
<tr>
<td>The student manages the discussion and does not talk too much</td>
<td></td>
</tr>
</tbody>
</table>

**Comments:**
APPENDIX C: DISCUSSION FACILITATION VIDEO HANDOUT

The Art of Discussion Leading

A Class with Chris Christensen

As you watch the video, answer the following:

1. How does Chris Christensen begin his class/discussion? (What does he do?)

2. What is the lead-off? What is the back-stop?

3. How does he respond to participants’ answers? What does he say?

4. How does he get participants to expand on what they say?
   a) “ruin”
   b) “push your idea”
   c) “what did . . .?”
   d)
   e)
   f)

5. How does he get more participants involved in the conversation/discussion?

6. Can people participate in a discussion without having completed the course reading? If so, how?

7. Is silence bad? Why or why not?
BIBLIOGRAPHY


Singapore: Prentice Hall/Pearson.


———. 1982. “Classroom Discourse as Improvisation: Relationships Between Academic


He, Agnes Weiyun. 2003. “Linguistic Anthropology and Language Education.” In Linguistic Anthropology of Education, edited by Stanton Wortham and Betsy Rymes,


University Press.


Kerr, Andrew Jensen, Catherine Spratt, and Julie B. Lake. 2016. “Writing Centers as Spaces to Acculturate International Students to U.S. Legal Discourse.” Unpublished manuscript.


Maybin, Janet. 2004. “Reported Speech and Intertextual Referencing in 10- to 12-year-old


Ohta, Amy Snyder, and Tomoko Nakaone. 2004. “When Students Ask Questions: Teacher and


Cambridge: Cambridge University Press.


———. 2015. “A Language Socialization Perspective on Identity Work of ESL Youth in a Superdiverse High School Classroom.” In *The Handbook of Classroom Discourse and


Vásquez, Camilla, and Alfredo Urzúa. 2009. “Reported Speech and Reported Mental States in


