

The Challenges of Teaching Legal English at University of Oran 2

تحديات تدريس اللغة الإنجليزية القانونية بجامعة وهران 2

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Dep. Day : 30/06/2021	Acc. day: 08/10/2021	Pub. day: 02/03/2022
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Abstract:

The aim of this study is to evaluate the English for Specific Purpose (ESP) course offered to Law students enrolled in university of Oran 2. The paper aims to explore the teaching-learning process of ESP through examining the views of teachers and students. To achieve the objectives of this study, data were collected through the use of focus group discussions and semi-structured interviews as qualitative research instruments. After gathering the data, thematic analysis was used as a data analysis technique. The findings indicated that ESP in the faculty of law faces lot of pedagogical challenges that inhibit the teaching of ESP courses. Therefore, we suggest the importance of a comprehensive needs assessment with the aim of adapting the existing ESP pedagogy in Algeria to suit students' needs, expectations, and academic requirements.

Keywords: ESP; Learner Needs; Assessment; Language Skills; Legal English.

ملخص البحث

الهدف من هذه الدراسة هو تقييم دورة اللغة الإنجليزية لغرض محدد (ESP) المقدمة لطلاب القانون المسجلين في جامعة وهران 2. وتهدف الورقة إلى استكشاف عملية التدريس والتعلم الخاصة بـ ESP من خلال فحص آراء الاساتذة والطلاب. لتحقيق أهداف هذه الدراسة، تم جمع البيانات من خلال استخدام مناقشات مجموعات التركيز والمقابلات شبه المنظمة كأدوات بحث نوعية. بعد جمع البيانات، تم استخدام التحليل الموضوعي كأسلوب لتحليل البيانات. أشارت النتائج إلى أن ESP في كلية الحقوق يواجه الكثير من التحديات التربوية التي

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تمنع تدريس مقررات ESP. لذلك، نقتراح أهمية إجراء تقييم شامل للاحتياجات بهدف تكييف منهج التعليم الحالي في الجزائر ليتناسب مع توقعات احتياجات الطلاب والمتطلبات الأكاديمية. الكلمات المفتاحية: احتياجات المتعلم، الإنجليزية القانونية، الإنجليزية لأغراض معينة، التقييم، مهارات اللغة.



1. Introduction

Due to the impact of globalization and the great demand of English nationally and internationally, Algeria opted in 2004/2005 for the application of the LMD system (License, Master, Doctorate), which has gone through endless debates. From this perspective, mastery of foreign languages, especially English, became essential. All students, regardless of their field, will learn English in order to have an access to scientific papers and documentation, as well as will be provided with needed vocabulary and cultural background. Another aspect of LMD is to facilitate the mobility and communication between researchers from developed and developing countries.

Despite the importance and necessity of learning English which has been expressed politically and educationally from various sectors, difficulties remain in the practical implementation of the curriculum, which relate, among other things, to the time constraints, budget required for teacher training (Kim, 2008), design of materials, and methodology as the development of a syllabus is multidisciplinary work for the ESP practitioner (Kasper, 1997).

We believe that there may be fruitful results obtained in our research regarding the wishes and shortcomings of the target population. In other words, aspects such as personality, motivation, learning styles, and learning strategies (Dörnyei, 2006) can affect the learning process. The affective and cognitive variables of the students began to occupy a fundamental role, which led to the development of courses based on what was important to the student in order to promote students' motivation and the autonomous learning in foreign language classes. Apart from the general guidelines established for learning a second language, it is necessary to know the opinion of the students in order to adapt a course to their personal and professional needs and expectations (Dudley-Evans & St. John, 1998).

Despite the great emphasis laid on teaching ESP in the Algerian educational institutions, there are serious problems at all levels in the ESP classroom. In fact, the absence of meaningful and well-designed ESP courses

puts students in a disadvantaged position (Boudersa, 2018) and creates fewer opportunities in the market place. The current research paper attempts to investigate both ESP teachers and law students' perceptions and attitudes towards English for Legal Purposes, and whether the course meets the requirements of ESP teachings or not.

At university of Oran 2, particularly the faculty of law, English is now deemed to be a crucial skill that should be mastered by all students, both for academic and occupational purposes. Thus, ESP is taught for Master's students so that they can read and comprehend English textbooks and articles of their own field, in addition to developing their spoken and written skills. The amount of time spent in ESP environment is 1 hour and 30 minutes a week as an academic requirement.

This study is guided by the following research questions:

- a- What are the students and the ESP teachers' perspectives on the English course?
- b- What are the most important language skills?
- c- What are language instructors' and law students' perceptions about the challenges they encounter in English for Legal Purposes classes?

2. Literature Review

2.1 ESP as an Approach to Language Teaching

The teaching of English for specific purposes emerged as a way to respond to the linguistic needs of new generation of learners who were interested in a specific area, unlike general English courses, whose main objective is to teach the language in a global way without starting from needs analysis. Therefore, one of the most relevant definitions of ESP is the one proposed by Hutchinson and Waters (1987, p.19) where they define ESP as "an approach to language teaching in which all decisions as to content and method are based on the learner's reason for learning". They add that it should not be considered as a particular linguistic product, but as a way of approaching language. Furthermore, the student is an important element within the educational process.

Learner-centered approaches suggest that students learn to take responsibility for their own learning and teachers must take into account student learning styles, strategies and language processing approaches (Brown, 2001). On the one hand, students need to have a command of the academic English to succeed at the university level. On the other hand, students can develop the skills to take in charge of their own learning and become more independent.

At the end of the 1960s, with the appearance of the communicative approach, the teaching of the language for specific purposes began to emerge, focusing on specialized communication in certain professions and academic fields. Hence, English for Legal Purposes (ELP) is a branch of ESP which is designed specifically for law students to build up English skills appropriate to their specific needs. As Belcher (2009) argues, ESP has expanded to include other branches such as English for academic purposes (EAP), English for vocational purposes (EVP), English for occupational purposes (EOP), English for business purposes (EBP), English for medical purposes (EMP), English for legal purposes (ELP), and English for socio-cultural purposes (ESCP).

At the beginning of the 1990s, English for Specific Purposes was divided into two main areas: English for Occupational Purposes (EOP) and English for Academic Purposes (EAP). The characteristics of this work make us focus on the second area because English for Legal Academic Purposes aims at providing students with the vocabulary and structural skills that are needed in the academic field.

English for Specific Purposes courses are taught in a limited period for groups of adult learners who have the same area of specialization (Robinson, 1991). Therefore, ESP teachers may go further and identify the needs based on the priority of different skills. According to Strevens (1988), one of the characteristics of ESP is the possibility of limiting the skills to be developed according to the needs of the students. In other words, English for Legal Purposes is taught as an approach to language teaching that combines between subject matter and English language teaching in order to equip learners with a certain language proficiency level for a situation where the language is going to be used.

2.2 Needs Analysis as a Key Feature of ESP

Learning a foreign language is a difficult process, and despite the institutional support in recent years, there is still a long way to go. In fact, adjusting the curriculum to the needs of the students will result in a greater interest in the subject as it is essential to consider affective factors (e.g. motivation, engagement, attitude, and preference) in the learning process (Henter, 2014).

The analysis of needs consists of a research activity aimed at acquiring the data and information necessary for a correct and effective design of an ESP course.

Apart from the general guidelines established for learning a foreign language, it is necessary to know the opinion of the students in order to adapt a course to their personal needs and expectations. Needs analysis has

generally been considered a characteristic aspect of English for Specific Purposes courses, as it is usually a starting point to consider when question the reasons for which a certain group of students need to learn English. According to (Brown, 2009, p.269), needs analysis is “the systematic collection and analysis of all information necessary for defining a defensible curriculum”. Hence, needs analysis offers valid and reliable information in order to know where actions will take place and what type of instruction the learners need.

Hutchinson and Waters (1987) offer a very useful classification of needs that classifies the needs into two large groups. On the one hand, there are the needs of the target situation, that is, what the student will need to do with English in certain situation. On the other hand, there are the learning needs, that is, what the student needs to do to learn. These data contribute to the design of more effective courses adapted to cover the gap between current and the desired or expected performance. Therefore, the objective of any needs analysis is to determine the teaching objectives and methods to be adopted.

Once this phase of the identification of needs is carried out, the ESP course will be designed, in which it will establish what topics and competencies are intended to be covered in the training process. Needs analysis is a key factor in the process of designing an ESP course but at the same time the most neglected.

2.3 The Nature of Legal Language

ESP teachers are expected to use authentic texts for reading comprehension as a means to “link the formal, and to some extent artificial, environment of the classroom with the real world in which we hope our students will eventually be using the language they are learning” (House, 2008, p.53). In other words, exposing students to the language of the real world will help them acquire an effective competence of target language. Many researchers recommend the teaching of specific strategies that facilitate the acquisition of vocabulary in specific context. In this sense, vocabulary must be based on content that is relevant to the students needs and is adapted to their learning level.

When students acquire a new technical word, they need a strategy to use in order to learn the word’s form, meaning, and its use. Therefore teachers need to know how students learn subject-specific terminology in the target language to offer adequate strategies that they can employ to learn the new terminology. Teaching legal terminology requires special attention to

deal with new terminology and to develop all skills and strategies related to vocabulary instruction.

In fact, teaching specialized languages implies knowing what the main linguistic features are of the special language and what its principles such as subject field, type of interlocutors, situation, speakers' intentions, and the context in which a communicative exchange occurs (Cabr , 2003).

Legal language is a language for special purposes and, above all, distinguished as a technical language (Mattila, 2006, p.3), which is used by professionals and difficult for ordinary people to understand. The specificity of the language of law is considered as one of the most significant problems that affect not only native English speakers, but also hundreds of students that are learning English as a second or foreign language around the world. This calls for a unique, comprehensive and structured approach for a selection of legal vocabulary from legal texts and specialized sources.

When Algerian students of law start studying legal English, they usually lack prior knowledge of legal jargon. In fact, knowledge of general English is insufficient to understand a legal text since legal language differs from the ordinary language in vocabulary, morphology, syntax, semantics, and other linguistic features (Tiersma, 2000, p.143). Besides, legal English is mainly characterized by the use of archaic words, Latin and French words, nominalizations, embedded clauses, passive verbs, and lengthy sentences. Thus, it is evident that legal English is very complicated and difficult language to understand.

It is worth noting that legal English is increasingly used as a lingua franca internationally which makes the challenge of translating into English inevitable and special. Legal English covers different legal systems and different types of jurisdictions (De Groot, 1996), and legal terminology of different legal systems is conceptually incongruent (Biel, 2007, p.155). Therefore, it is essential to compare between the legal systems of the source language and target language (Cao, 2007, p.29).

2.4 Assessment in ESP Teaching

Assessment in ESP is a necessary procedure in which value is assigned to how much a person has acquired content or a certain skill of the language. Hutchinson and Waters (1987) introduced three basic types of assessment for the ESP context: "placement test, achievement test and proficiency test" (p. 145). In other words, assessment is a process to identify the most appropriate methods and tools, and compare the progress the students have made by testing their language performance. Moreover, it is necessary to evaluate student's performance throughout the course and the

course itself to see if its objectives are being met. Assessment is an integral part of acquiring a foreign language in which, ideally, the student's abilities and knowledge of specialist fields are measured (Douglas, 2000, p.10).

Given the above mentioned, assessment shares the objectives to be achieved in language learning with students so that learners know step by step the level of learning achieved. In this regard, Dam and Legenhausen (2010) argue that assessment implies a reflection by the teacher and learners on the language acquisition experience, which will lead to greater awareness in the learning/ teaching process and in the choices related to it. Therefore, it becomes crucial to examine the various types of assessment that can be taken into consideration in the teaching process.

Graves (2000) indicates that assessment can be both formative and summative. Formative assessment (assessment for learning), on the one hand, is continuous information about the learning process of students and on the effectiveness of the teaching method adopted in the classroom. Its immediate feedback allows the teacher to make educational decisions appropriate to the individual needs of the students. Summative assessment (assessment of learning), on the other hand, it takes place at the end of the educational process to carry out an overall assessment of the competences and skills acquired by the students.

3. Methodology

The research was approached from an exploratory qualitative approach to reveal students' attitudes towards the English course content and to discuss ESP teachers' actual experiences in teaching English at the faculty of law.

This study used a qualitative research which is associated with the interpretivist paradigm emphasizing the individual construction of meaning of the world through the subjective assessment of perceptions and experiences of the research participants (Mack, 2010). Therefore, focus group discussions were selected to know in depth how law students are responding to the various classroom activities and to understand how students collectively and individually reflect on their legal English comprehension and production. The semi-structured interview was used to collect data from ESP teachers' respondents on their perception on different aspects and components of the ESP course, namely the objectives, content, methodology of teaching, teaching materials, and assessment.

3.1 Participants

The sample of students comprised seven male students and thirteen female students who were enrolled at the University of Oran 2 in their first

Law Master year at the time of data collection. They are between 22 and 29 years old.

The three female teachers and the one male teacher, who took part in this study, have been teaching English at university level more than six years.

3.2 Data Collection Procedure

The main objective of using focus groups was to obtain students' attitudes, and beliefs that it would not be possible to obtain in depth through other instruments. Focus groups are an extended way of the interview method that should comprise a minimum of six and the maximum of 12 participants (Prince and Davies, 2001). Compared to questionnaires and interviews, focus groups can provide richer information which may be easier to be revealed through a collective interaction. The focus group was conducted after several classroom observations and direct contact with the stakeholders. The students were divided into two groups to conduct the focus group discussion around thirty minutes.

The semi-structured interview was used to collect data from ESP teachers' on their opinions and experiences. More precisely, it aimed to elicit information on the challenges they encounter in teaching English for legal purposes. Semi-structured interviews were also appropriate due to the constraints of time and availability of participants.

4. Data Analysis

For qualitative data analysis, thematic analysis (King, 2004) was applied to the interviews and the group discussions. Data were examined to recognize common themes and patterns that came up repeatedly. This required transcribing the interviews and using excerpts from the transcript to support the reported qualitative data.

Eight main themes were identified: attitudes towards English, students' linguistic needs, students' poor English language proficiency, undetermined aims of the ESP course, syllabus related challenges, lack of motivation, unfamiliarity with legal English, assessment.

5. Results

Two focus groups and four semi-structured interviews were conducted to explore perspectives of the law students and the language instructors on ESP at the faculty of law. The results of the study are presented in detail in the following themes.

5.1 Attitudes towards English

The first part of discussion introduced a short list of questions concerning students' academic language needs. The majority of students and ESP teachers recognized the importance of the English language for students'

academic success. For example one law student said: *“In today’s globalized world, English has become the common legal language in the pursuit of international markets and global agreements”*. Students of law seem to be aware of the importance of English in different domains regardless the country and the legal system. Along the same line of reasoning, ESP teachers pointed out that in this modern era, legal workplace is in immense need for legal professionals who are qualified enough not only in their domain but also in English due to the expansion of legal English in global legal practice. One teacher added: *“Legal English is the global language of law. Big law firms need highly educated lawyers with considerable linguistic skills”*.

5.2 Undetermined Aims of the ESP Course

When the teachers were asked to define the objectives of the English course, the results revealed that the majority of the teachers thought that *“helping students learn legal English to read academic papers”* is the main aim.

Regarding needs analysis, ESP teachers believed that investigating the students’ needs is very important before taking any step in designing teaching materials. However, this seemed to contradict the reality of ESP teaching at their faculty. One teacher said that she does it sometimes orally; however, the rest affirmed that they do not conduct it. As a result, ESP teachers are responsible of designing the syllabus and selecting teaching materials without needs analysis that is based on what learners need and want.

Throughout the discussions, all the students indicated that the content of the English course was irrelevant to law curriculum and that they have been given little voice, for instance one student commented: *“The lessons did not introduce desired area in law”*.

5.3 Students’ Linguistic Needs

As far as the skills as concerned, all of the responses imply that the students need the mastery of the three language skills (reading, speaking and listening) for their academic and professional success, while the writing skill has been neglected. One ESP teacher identified the importance of reading for academic purposes and expressed it in different words:

Law students absolutely need to read and understand handouts and exam questions. Master students also need to cite the best sources they can find. If they can read in English, that will increase the number of potential sources they can access which is a big advantage. How limiting to only read research written in Arabic!

In reaction to this question, the findings obtained from the analysis of the focus group discussions indicate that students put speaking and listening as the most important language skills. All the students strongly think that they “*have to discuss in the classroom issues related to law, culture and legal systems*”. Drawing on this response, it is worth noting that students said that they are not able to discuss their specialty related topics and that their performance was unsatisfactory. For example one student indicated: “*It is difficult for me to participate in class discussions*”.

Some of the students stated that the courses are dominated by reading comprehension and translation exercises from and into Arabic. The ESP teachers also stated that “*there is no actual practice in listening and speaking classes due to time and space constraints*”.

5.4 Students’ poor English language proficiency

In this question, the students have been asked to assess their level of English in agreement with their needs of the language in their field. The discussion has shown that students recognize the difficulty of the language skills, considering the most difficult skill is that of speaking, followed by listening skill, whereas, the writing and reading skills were considered as the easiest ones because teaching English for Legal Purposes heavily focuses on translation and reading comprehension.

Students’ poor language proficiency is a big challenge for the ESP teacher in the faculty of law. According to the ESP teachers, the time devoted to the ESP course was insufficient and law students need more time on learning English in order to cope with their studies, as one teacher indicated: “*I think that decisions should be made to incorporate more hours on the teaching of English in the curriculum*”.

5.5 Lack of Motivation

Law students argued that their motivation will never be very high as they feel they will never use English in their daily or professional life. One student indicated that she had never liked English classes and only took this one out of obligation to pass the exam. Moreover, the attendance was never compulsory. Students who described never liking their English courses and having teachers that failed to spark their interest said that it was because of the student’s passive role in the class.

According to the language teachers, the majority of students were not interested in learning English and even French, because Arabic is their language of instruction. Moreover, the majority of students were not at all interested in the syllabus presented to them and they found it difficult and boring. For instance, one teacher explained: “*Law students’ lack of intrinsic*

motivation for learning English extends beyond the language classroom. They have no real purpose for or opportunity to use English outside of the classroom”.

5.6 Syllabus related challenges

Majority of the students argued that the materials used in the ESP courses are above their language level and do not cover their target language situation needs. Besides, they felt that they are not really sure about the usefulness of the content of the ESP course.

Designing teaching materials is the most challenging step in ESP to meet the specific needs of the learners. Therefore, language teachers, who stated that the majority of their students joined the course with very poor English, said that the content was above the students’ English language level. Although some participants believed that specifying learners’ target language needs is important for making better pedagogical choices, they did not seem to take any kind of needs assessment.

One ESP teacher who teaches at the faculty of law clarified that *“the educational objectives are not well defined and sometimes they are unattainable due to time limitation”.*

5.7 Unfamiliarity with legal English

Some participants revealed that they experienced confusion about handling the specific content they are required to teach. The difficulty arises from the unfamiliarity with legal terms, expressions, and genre. One of the teachers explained: *“one of the sources of difficulty is Latinisms and archaic expressions”.* In the same vein, another teacher emphasized: *“the problem for equivalents of legal terms between different cultures when translating”.* According to Cao (2007), legal concepts are always different and an absolute equivalence is impossible. When it comes to translating texts from different legal systems, the conceptual inconsistencies that the teachers and students may face between the two legal systems constitute a special challenge for them. Consequently, law students struggle in reading legal texts, which will likely lead to a lack of motivation and confidence as legal documents and contracts use too words that are not direct to the point and hard to understand. As one law student put it: *“My English is limited so I struggle with understanding & translating Legal English”.*

5.8 Assessment

As the findings suggest, both groups of the participants argued that the main purpose of students taking ESP courses is to pass the exam with a good score. Furthermore, ESP teachers’ limited understanding of ESP purposes led them to teach to the exam. For instance, they lay great emphasis on

vocabulary teaching as the exam contains questions that focus on vocabulary. Therefore, law students do not have the chance to practice exercises on different language skills. Another students admitted that grades “*influence both our study and our performance on exams*”, suggesting that the course assessment procedures create the idea that the sole reason for engaging in an academic task is to get a good grade. One student also observed that: “*the assessment system makes us justify the act of cheating because it is more about marks than about knowledge*”.

Some ESP Teachers argued that they do not have backgrounds in assessment knowledge. This implies that they do not have a clear vision of the purpose of the assessment-related activities. One teacher said: “*Assessment practices are limited because of a lack of time and a large number of students in a class*”.

6. Discussion

The focus groups and semi-structured interviews conducted among the students and the language teachers indicate that the mastery of English language skills is a prerequisite. Yet, the findings demonstrate that teaching ESP is still ineffective because students lack interactivity and they excessively depend on the teacher.

The main objective of the present study was to explore the challenges of teaching ESP at the faculty of law. The results show that teaching and learning English for specific purposes is still facing many difficulties. The content was criticized for lack of relevance to the students’ specialism and for being above their language level. Participants also argued that the specificity of legal language is one of the problems they came across in ESP classes. The next challenge that majority of the teachers mentioned was lack of motivation. Another challenge regarding ESP teaching which emerged from the results of this study is assessment due to unavailability of proper guidelines, large classroom size, and the teachers’ limited knowledge. Learners’ poor English was another problem that made all ESP practitioners complain about and believe the main reason for this is the insufficient time allocated to the English course.

7. Conclusion

The LMD reform was initiated in Algeria with a view to harmonize the educational programs in higher education under the effect of globalization, which has intensified the development of new teaching methods through information and communication technologies (Altbach and Knight, 2007) as well as the role of English. Therefore, the teaching of English has predominated in most educational contexts as a way of enabling

the acquisition of communication skills. The need to train students to adequately address academic activities within their specific discipline has resulted in particular form of teaching which is called English for Specific Purposes (ESP). However, ESP practitioners are still facing challenges in bringing knowledge of academic areas to students and teaching English as foreign language at the same time, such as: time pressure, classroom management, students' poor English language proficiency, unfamiliarity with the language in use, lack of motivation, and the feeling of loneliness due to the lack of sufficient training and collaborative work.

Although it is said to be a learning-centered approach, the assessment of needs is still not considered among the ESP teachers at the faculty of Law. Law Students who participated in this study feel the need to study what is useful for them later and at present. For this reason, ESP practitioners are strongly required to conduct appropriate needs analysis in order to introduce relevant materials to the course that meet students' learning needs.

Concerning the language skills, the results obtained from the present investigation revealed that the productive skills were not practiced due to students' poor language performance, the insufficient time devoted to the English course, and the absence of audio/visual aids. For the ESP teachers, it is more important to cover the syllabus rather than focusing on how and what their students have been learning. Regarding legal English, learning terminology in context helps learners make connections; hence, authentic materials should be included in the classroom in order to expose the student to real-world English usage.

This study attempted to explore and explain "the complex interplay of teachers' content pedagogical knowledge and the ways that these are used in diverse classroom contexts" (Cochran-Smith & Lytle, 1993, p. xi). The data exposed inadequate knowledge as teacher-centeredness noticeably dominated the ESP classes, and the choice of methods contradicted the nature of ESP practices due to contextual factors. As a result, the gap between theory and practice remained enormous, which was reflected in a huge mismatch between what ESP teachers believed should have been done in the ESP classroom and what they were actually doing. Furthermore, teachers revealed their passiveness in improving their teaching conditions, which is an issue that must be addressed to get policy makers and stakeholders initiate reforms at the university level by providing training and support.

Taking into consideration the particular characteristics of the qualitative research, it should be noted that the present study has not attempted to generalize the research results but rather to reveal the

participants' perceptions because the qualitative research is associated with a constructivist philosophy that suggests reality is an interactive and shared social experience (McMillan & Schumacher, 2006). The research demonstrates the need to implement more effective teaching practices that incorporate the guidelines for improving the learning process. Although this work is limited to few procedures due to practical limitations, it can be a starting point for future investigations that are more complex and time-consuming.

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Appendix 1

Semi-Structured Interview Questions

1. How long have you been teaching ESP?
2. To what extent is English important for law students?
3. How do you meet your students' needs?
4. What are the language skills that you try to focus on?
5. What are the challenges you encounter while teaching ELP classes?
6. In your opinion, do the current assessment models indicate the accomplishments of your students?

Appendix 2

Focus Group Questions

1. To what extent is English important for your law studies?
2. Do you think the ELP course meets your language needs?
3. What are the language skills that the teacher should focus on?
4. What are the challenges you encounter while learning English for Legal Purposes? (language level, motivation, syllabus content, legal English).
5. In your opinion, do the current assessment models practiced by your English language teacher indicate your accomplishments?