

Hegrenæs, C.F., Roald, J., Sandvei, B., & Simonnæs, I. (2022). Teaching Specialized Translation: Curriculum design of an online master course in legal translation. *Current Trends in Translation Teaching and Learning E*, 9, 258 – 289. <https://doi.org/10.51287/cttl20228>

## **Teaching Specialized Translation: Curriculum design of an online master course in legal translation**

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### **Abstract**

In times of the Covid-19 pandemic, the use of online platforms for teaching purposes accelerated, and remote learning and teaching gained ground in the field of Translation & Interpreting Studies (TIS). In this paper, we discuss the curriculum design of *JurDist*, a master's course in legal translation, which has been offered as an online course for the language combinations Norwegian – English/French/German/Spanish since 2013. We describe, in detail, today's curriculum and discuss modifications to the teaching, implemented in the spring semester of 2021. The modifications aim at improving the students' performance in accordance with current research in translation theory (i.e., translation competence development) and in line with current approaches to learning and teaching (e.g., taxonomies describing different levels and kinds of understanding). Consequently, the curriculum design and the modified approach to teaching aim at enhancing the students' professional skills in the field of legal translation. Although this teaching approach is applicable to both online teaching and the physical classroom, we describe its implementation in an online teaching environment only. Online teaching in all its facets has come to stay, also within TIS. We contribute to this development with our experience in teaching specialized translation online since 2013, which predates the recent pandemic.

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Keywords: knowledge in the legal domain, legal genres, translation strategies, cultural awareness, linguistic competence, translation didactics

## **Introduction**

In Norway, the landscape of teaching institutions that offer TIS programs looks different to other, comparable countries in Europe in general and Scandinavia in particular. There is currently one established teaching program in translation, a master's program, which is offered at the University of Agder in Kristiansand. Despite this scarcity of training programs, Norway has implemented an accreditation scheme by way of the *National Translator Accreditation Exam* (NTAE), for which NHH Norwegian School of Economics is responsible. The exam tests the candidates' abilities to translate general language texts as well as specialized texts (economic, legal, and technical).

There is a substantial societal need for professional translation driven by the social, cultural, and political characteristics of the Norwegian society. For example, as a member of the Schengen Area, Norway experiences considerable labor migration. Furthermore, the Norwegian economy is characterized by substantial global trade relations (e.g., Norway is a member of the European Economic Area, EEA). Lastly, Norway maintains a close relationship with the EU concerning, for example, foreign

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and security policy. The implications of these political and economic relations are visible in all spheres of society, not least in the legal domain. Thus, the need for qualified translators, and consequently the need to teach professional translation, and specialized translation in particular, has to be addressed, for example by offering online education.

### **A course in legal translation**

In this paper, we describe the curriculum of *JurDist*, an online master's course in legal translation for the Norwegian translation market. The course is offered as a “stand-alone” course, i.e., independently from any TIS program, as part of an executive program (continued professional education) for the language combinations Norwegian – English/French/German/Spanish. Upon successful completion, students receive 15 ECTS. The course attracts aspiring translators, professional translators, and legal professionals from Norway as well as from other parts of the world, who want to receive (further) training in legal translation in one of the language combinations offered. Although the course aims at such a diversified group of people, there are not enough prospective students to justify a yearly offer. To ensure a feasible and sustainable group size, the course is therefore offered biennially.

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As a prerequisite, the students are expected to possess a solid command of their languages. The CEFR framework is not yet implemented consistently in the Norwegian educational system. Therefore, we do not request proof of language competence during the registration process. Ahead of registration, the students are urged to evaluate whether their level of language proficiency enables them to complete the course successfully. This process is aided by a detailed course description available on the course website. However, on occasion, the language proficiency in the group differs profoundly, since self-assessment tends to be a rather subjective process.

Initially, the teaching was offered using the remote training software *Adobe Connect* and the learning management system (LMS) *ItsLearning*. However, since NHH implemented the LMS *Canvas* on all program levels, also *JurDist* has been moved to *Canvas*. In addition, in 2020 the school acquired an institutional license for the video conferencing tool *Zoom*. Therefore, the lectures are now offered via *Zoom*. As far as possible, lectures are recorded, which allows for a synchronous and asynchronous approach to learning.

So far, we have used the traditional way of giving a lecture based on PowerPoint slides. The students are encouraged to ask questions and comment in the chat. Recordings and other relevant teaching material (e.g., reading in the form of articles, links to external resources) are made available in *Canvas*. Many students participate actively. However, a

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number of students rely on watching the recordings afterward. Based on feedback from the students, we suspect that this is due to the specific characteristics of this student group, which is also the main reason why we initially decided to resort to a traditional lecture format. Usually, the students are in full-time or part-time employment and have families and respective commitments. Thus, although the scarcity of translator education in the Norwegian educational system warrants online teaching and learning, this is accompanied by specific challenges regarding the pedagogical approach to teaching translation theory and practice, which is described in detail in this paper. In the following, the curriculum design of *JurDist* is discussed, and arguments for the syllabus are presented.

### **Curriculum design and initial teaching method**

*JurDist* consists of two modules: *Law for translators* taught in the fall semester and *Legal translation* in the subsequent spring semester. Each module entails 7.5 ECTS and both modules are mandatory for obtaining the course certificate. The first module covers a general introduction to the field of law based on conceptual systems and the visualization of relationships between various legal concepts. Key characteristics of the Norwegian legal system and basic characteristics of supranational (the European Union/EU) and public international law are contrasted with the legal systems in France, the UK, Germany, and Spain, respectively. This

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intersystemic comparison lays the foundation for the practical translation tasks in the second module. Our teaching focuses on the expected kind and amount of subject matter knowledge legal translators should have (Biel, 2011; Ordóñez-López, 2015; Prieto Ramos, 2011) and the challenges they will be confronted with during the translation process (e.g., conceptual differences between legal systems). Klabal (2022) points out that, in order to assess the validity of term equivalence, “substantial knowledge of the target language legal system is required” (p. 54).

Since there is constant interaction between society at large and its legal system, the dynamicity of law is one of the key issues we convey to the students. Relevant examples of private law, for instance, family law and its emerging terminology regarding, for example, the concept of *same-sex marriage* (“likekjønnet ekteskap”, “medmor”, “foreldreansvar”/“same-sex marriage”, “second female parent”, “parental responsibility”), are used to illustrate how students should keep track of the developments in both the Norwegian legal system and the legal system of their respective language. For example, due to the Covid-19 pandemic, there have been rather substantial changes to constitutional fundamentals (public law) in several countries, including Norway.

Most of the lectures during the fall semester address topics that are of general interest to all students. These lectures

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are therefore non-language-specific. Only two out of ten lectures are offered in the language-specific groups (i.e., English, French, German, and Spanish). After an introductory lecture (course fundamentals and administration), a legal scholar lectures on the different modes of ordinary conflict resolution in Norway's three-tiered hierarchy of general courts. By using civil and criminal cases as examples, the competencies of the courts at local, regional, and state level, and the actors involved are examined. Further, Norwegian law in general, its hierarchy of legal sources, its legislation process, and the steadily growing impact of international and supranational (EU) law on Norwegian law is discussed. Interplay with EU law is especially important because Norway, although not an EU member, is a member of the EEA. Having signed the EEA Agreement in 1992, Norway is obliged to transpose directives and regulations into its national legislation.

The remaining lectures are delivered by academic staff members, who have published on different aspects of specialized (legal) translation (for instance Roald, 2010; Roald & Whittaker, 2012; Sandvei et al., 2020 (submitted); Simonnæs, 2013, 2014, 2016, 2018, 2019; Simonnæs et al., 2015). They focus for instance on legal branches and requirements of professionalization of Norwegian lawyers, rules of law, the process of norm production, especially by the parliament (Stortinget), and the executive branch of the government, as well as

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different kinds of sources that are acknowledged as legal sources (*rettskilddefaktorer*)<sup>1</sup> in Norway. A crucial part of teaching these topics is the language-specific lectures on the same topics. The students are also asked to contrast their acquired knowledge in a comparative law approach. They write shorter essays on selected topics (one mandatory and one voluntary essay), which prepares them for the home exam at the end of the fall semester. In addition, the students are encouraged to discuss translation challenges when the concepts in both legal cultures are only partially overlapping or absent in the target culture. We argue that insight into a comparative law approach is essential for legal translation<sup>2</sup> and encourage the students to use comparable texts to research appropriate terminology and text clusters (Engberg, 2021). A

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<sup>1</sup> The concept of *rettskilddefaktor* (*legal source factors*) instead of *rettskilder* (*sources of law*) was introduced by Andenæs and Kvamme in 1969 and since then promoted by the legal scholar Torstein Eckhoff (1971) in his book “Rettskildelære”. The meaning of *rettskilddefaktor* is described as “recognised bases of legitimate arguments” (Helland & Koch, 2014, p.100). These argument bases contain not only acts of parliament and other written law but also preparatory works, case law, international law, etc., and their decisive impact is on “how these arguments are weighed against each other in order to discover the applicable law” (p. 100).

<sup>2</sup> See also Soriano-Barabino (2016), who argues for this approach because it contributes to the acquisition of the thematic and (inter)cultural competence that legal translators should possess to produce an optimal translation (p. 15, p. 153, pp. 157-183). See also Engberg, 2013, p. 13.

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comparative law approach is especially useful when the two legal systems are part of two different legal families such as the continental European legal family and the Anglo-American legal family, usually also referred to as civil law system vs. common law system. We aim to raise the students' awareness of the necessity to comprehend the legal realities of the legal systems involved (compare e.g., Katan, 2009 on culture-specific concepts and culture-bound terminology). This enables them to translate texts from one legal system into the language of another legal system in the next semester.<sup>3</sup> All lectures are supported by relevant Norwegian articles by renowned scholars in the field of comparative law. In addition to the language-specific readings we provide, the students use their research competence (expected from a student at the master's level) to familiarize themselves with the other legal system.

The second module in the spring semester aims at improving the students' translation competence by way of performing practical translation tasks. The teaching and the design of the translation tasks follow two well-known translation competence models (Göpferich, 2008, 2013;

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<sup>3</sup> See also Monjean-Décaudin & Popineau-Lauvray (2019) focusing on the translator's necessity of understanding why, for whom, and for what purpose law is being translated and the capacity to measure the level of legal complexity (*juridicité*), depending on the context (pp. 120-121).

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PACTE, 2003, 2005, 2017). The students are expected to read an introductory article, where insights into translation and translation theories are presented in a learner-friendly way (Simonnæs, 2020), as well as a collection of articles by renowned scholars (e.g., Biel & Gozdz-Roszkowski, 2015; Cao, 2010; Prieto Ramos, 2011; Šarčević, 2000). Thus, the students are provided with a solid base of literature. In line with different readings (e.g., Bhatia, 2006; Prieto Ramos, 2011; Šarčević, 1997, 2012) and confirmed by a large Norwegian translation service provider<sup>4</sup>, five categories of legal texts are covered during the semester: (1) legislative texts, (2) court decisions, (3) agreements /contracts, (4) judicial documents such as indictments, summons, and appeals, and (5) private legal documents such as certificates (birth certificate, divorce certificate, death certificate, etc.). We use source texts mirroring recent changes in society reflected in

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<sup>4</sup> In 2019, we contacted a well-known translation service provider in Bergen, who was given a short questionnaire before a follow-up interview. Our questions concerned, for example, the most sought-after language combinations and genres, the frequency of getting a term list from the client, the use of a translation brief provided by the client, and the procedure for quality assessment of the translation service provider. Our aim was to compare a (professional) translator's working reality with the requirements tested at the NTAE. One of the main objectives of *JurDist* is to prepare the candidates for this exam.

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legislation<sup>5</sup> and landmark court decisions<sup>6</sup>. Legislative texts and court decisions are highly relevant since different genres are closely linked (intertextuality). For instance, court decisions are always interpreted in the light of rules and regulations (civil law) or precedents from earlier judgments (common law).

In the language-specific student groups, each legal text type is covered in two consecutive teaching weeks. First, the students translate a text from Norwegian into the other language, before translating from the other language into Norwegian in the following week. Each lecture includes an introduction to the specific legal topic (texts of legislation, agreements/contracts, etc.) and its respective underlying legislation (e.g., company law) as well as the specific characteristics of such a document in the particular target culture (formal requirements, genre-specific characteristics). Being aware of the possible impact of directionality, the students are encouraged to attend all lectures and engage actively in translating

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<sup>5</sup> For instance, the amendment of the regulation on public procurement (*Forskrift om offentlige anskaffelser - FOR-2016-08-12-974*) as of 19 February 2020.

<sup>6</sup> For instance, the verdict of the Supreme Court in Norway of December 2020 in the climate case against Arctic oil (Høgsterett HR-2020-2472-P, (sak nr. 20-051052SIV-HRET) where a majority of justices ruled that Norwegian politicians were within their rights to open up more areas of Norway's Arctic in 2013 and issue more exploration licenses in 2016.

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bidirectionally, that is into their first language (*direct translation*) and into the foreign language (*inverse translation*) (Beeby Lonsdale, 2009). However, at the final exam, the students choose one direction.<sup>7</sup>

Previously, our teaching method has been dominated by a lecture-centered approach to practical translation tasks as well. After introducing a particular genre, adequate translation solutions were suggested, and potential translation problems were identified and discussed by way of a genre-representative example text. Lectures were based on PowerPoint presentations. However, due to the lecture format, students have usually been rather passive, which we consider detrimental to their learning. Therefore, in the spring semester of 2021, we changed our didactic approach to a student-centered approach in line with for instance Haro-Soler (cited in Jääskeläinen & Lacruz, 2018, p. 9). In such an approach, the teacher acts as a facilitator of the student's work with the translation and responds to the specific needs of or questions from the students. Student-centered teaching approaches have been shown to have a positive impact on in-depth learning (Raaheim, 2001), whereas teacher-centered approaches are known to cause surface-oriented learning (Trigwell et

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<sup>7</sup> However, since *JurDist* is recommended as preparation for the NTAE, the exam will be similar to the NTAE in the future. This implies that the students will have to choose whether they take the exam in one direction, i.e., from Norwegian into the foreign language or vice versa (one exam), or whether they want to be assessed in both directions (two exams).

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al., 1999). In the following section, we describe the teaching methods and tools used, as well as our first impressions and reflections on the change.

## **Modifications of the teaching approach in Module 2**

The new approach requires the students to be more active, both before, during, and after the lecture. The curriculum and the division into language-specific groups for large parts of the semester are upheld. The spring semester starts with a joint lecture for all students introducing the concept of professional translation competence as proposed by the PACTE group (2000, 2017) and Susanne Göpferich (2009). To ensure that not only students who are proficient in English acquire this knowledge to a satisfying degree, articles from the PACTE group are provided also in French, German, and Spanish. Thus, it is possible for them to become acquainted with the theory and the respective academic terminology in their language.<sup>8</sup>

In the following lecture weeks, the previous system of translating different legal text types into and out of Norwegian is kept. Furthermore, the topic and genre-specific introductions are kept, but traditional lecture time is considerably reduced to take up only a fraction of the

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<sup>8</sup> Although most students are native speakers of Norwegian, some of them are native speakers of one of the four foreign languages represented in this course.

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lecture. From experience, we know that students are eager to ask questions and share their translation solutions. Therefore, we divide the language-specific groups into smaller groups of about three students (Kelly, 2005, pp. 101-102). The students discuss their translations with fellow students in digital group rooms. All group discussion is facilitated by a set of questions guiding the students toward aspects like translation strategies, genre conventions, information seeking, and cultural awareness. The discussion intends to lead them to consider the relevant translation strategies on the macro- and micro level.

On the macro level, the students are asked to consider a gliding scale from a documentary to an instrumental translation strategy (Baaij, 2018, p. 108; Nord 1997/2018; Nord, 2016; Paolucci, 2017, pp. 331-338). They are encouraged to start by considering the translation brief that accompanies each translation task. Although a translation brief is not necessarily included in real-life translation assignments<sup>9</sup>, it is indispensable in a training context to elicit reflections on the importance of the translation context for the translation process and the final translation product. The translation brief contains information regarding the origin of the source text and the purpose of

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<sup>9</sup> See also Scott (2019) who discusses the benefits of using a translation brief and argues that its use can significantly benefit clients by increasing the fitness of translated texts.

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the translation (why the text is to be translated and for whom; cf., Lasswell's model of communication in Lasswell, 1948, p. 37; Reiss, 1984). The students are urged to focus on how they can determine the appropriate translation strategy provided in a specific translation brief.

On the micro level, core problems related to the transfer of legal concepts and denominations of judicial institutions and agencies, which are culture-bound to a high extent, are discussed (Šarčević, 1985). For example, the students discuss how to translate “cour de cassation”, or “Bundesverfassungsgericht”, or “Audiencia Nacional” into Norwegian, or how to translate the Norwegian “Høyesterett” into the other languages to assure full comprehension of these concepts. Furthermore, the students discuss and argue for their suggested renderings of larger parts of the source text. The discussion should concern larger parts of the text as opposed to single words or sentences because of the need for a broad(er) contextualization of the translation; this includes genre-specific linguistic features. For example, the students are made aware of the repeated use of capitalization/or All-Caps in English agreements /contracts to refer to important terms. Therefore, the lectures also intend to acquaint the students with these rules of typography. To facilitate an in-depth discussion, we refer to the fact that, for instance, Norwegian and English judgments may contain dissenting opinions, which is not a feature of German judgments.

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Furthermore, in contrast to Norwegian judgments, English judgments are written in a more individual style.<sup>10</sup>

Moving on, the process of information seeking and evaluation of information quality (*e.g.*, reliability of sources) is included in the group discussion. In general, the students are encouraged to use different approaches to coping with translation problems and difficulties.<sup>11</sup> For instance, we strongly advocate the use of ad-hoc corpora of comparable texts because of the pitfalls of using bilingual (legal) dictionaries only. It is commonly acknowledged that – at least paper dictionaries – often lack sufficient contextualization and legal information for translation decision-making (Biel, 2008; de Groot, 2000; de Groot & van Laer, 2006). A better way is to find comparable texts that contain useful terminology and

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<sup>10</sup> For French judgments, see Ballansat (2003, p. 4) and Griebel (2019, p. 223) both referring to Krefeld (1985, 1989). The authors highlight the special style of a French judgment, characterized by the still prevailing use of “jugement à phrase unique”. Kischel (2009) points to the difference between French and German judgments compared to English judgments, where the latter are written in “a most personal style, using ‘I’” and “clearly [are] rendering the personal opinion of the judge” against a pretended objective style in the former (p. 14). Mattila (2018) highlights that written opinions and grounds given by individual judges in higher courts “vary widely in terms of style” (p. 126).

<sup>11</sup> See for instance Nord (1987), who defines translation problem as independent from the translator while translation difficulty is translator dependent.

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larger chunks of text, for instance by searching key terms of a particular translation task. The appropriate use of phraseology<sup>12</sup> and collocations is a case in point in this respect (Musacchio & Palumbo, 2008, p.70).

The changes to the teaching approach are motivated by pedagogical considerations of knowledge constructions (i.e., declarative vs. functional knowledge; see Biggs & Tang, 2011, p.122-123). Based on Bloom's model of learning outcomes (Bloom, 1984), our teaching intends to take the students from a mere declarative level of knowledge and skills (remembering, understanding) to a functional level (applying, analyzing, evaluating, creating). To support (and evaluate) this process, the students write reflection protocols in relation to the translation assignments during the spring semester.

### **What does the reflection protocol reveal?**

An important part of the didactic approach during the spring semester is that the students submit at least two voluntary and two mandatory translations for evaluation and feedback. These translations allow us to monitor whether the students have understood and are able to apply the knowledge of their respective legal systems (fall

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<sup>12</sup> For a more detailed discussion of the importance of phraseology in legal texts, see *e.g.*, Kjær, 2007, pp. 508-514 and Ruusila & Lindroos, 2016, pp. 122-123.

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semester) and the knowledge of translation theory. Furthermore, these submissions are accompanied by a reflection protocol.<sup>13</sup> In the reflection protocol, the students describe and argue for their choices when experiencing translation challenges. Writing such a protocol furthers the students' conscious reflections on their translation process by way of analysis and evaluation.

We noticed that a recurrent topic in the reflection protocols is, not surprisingly, the translation brief since this is the guiding principle for the translation. This topic is usually described in the introductory part of the reflection protocol, together with their choice of macro translation strategy (documentary, instrumental – Nord, 1997/2018). Likewise, a discussion of different terms and syntactic challenges usually takes up a great part of the reflection protocol. For example, the students may have had difficulties understanding the source text because of a lack of factual knowledge. Even if they have enough factual knowledge of the source language and culture, they still may not possess enough factual knowledge of the target language and culture. In analyzing their decision processes, they should be able to acquire a good working method that includes critical reflections on their

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<sup>13</sup> For a detailed description of the *raison d'être* and the content of the reflection protocol see Hegrenæs & Simonnæs, 2020.

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translation processes. However, we often observe that their reflections stop at the descriptive level, which means that these are not reflections in the true sense. Many students are trapped in micro-level decision-making without considering the wider consequences of these micro-decisions for the overall translation. Vice versa, they fall short of establishing a conscious relation between their decision to apply a specific macro strategy and particular translation decisions on the micro level. Furthermore, the list of references, which must be included in the reflection protocol, is indicative of their still underdeveloped information-seeking competence. A review of their lists of references reveals a lack of understanding regarding the use of relevant and qualified references to substantiate their translation solutions. Usually, they resort to bilingual general language dictionaries and online encyclopedias without corroborating their findings with other sources.

### **Overall reflections**

Student feedback after completion of the course 2020-2021 indicates that the course design and content are relevant and useful to the students. Our impression is that the student-centered practical approach to translation has facilitated a student-active learning environment. During the lectures, we observed that the students actively discussed their translations, compared different translation

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solutions, and reflected upon different approaches to the translation process. Therefore, we conclude that students are active both inside and outside of class, which furthers their translation competencies and skills.<sup>14</sup>

However, we also see a need for improvement. For example, after the unidirectional lecture approach of the fall semester, the students may have embarked on the spring semester with certain expectations and a specific learning strategy and learning behavior based on these expectations. Therefore, we intend to communicate the purpose and aim of the student-centered approach clearer. The next time the course is taught, we will be explicit about the teaching methods and the pedagogical reasoning behind these methods. Furthermore, it became obvious that for a number of students the idea of reflecting on their own processes, and therefore on their own performance, is rather difficult to comprehend. It appears as if they equalize reflection with description. We will therefore be specific about the concept of the reflection protocol, its aim and purpose as well as its formal composition. Hence, reflection will become a part of the curriculum.

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<sup>14</sup> Until now we have not been able to investigate empirically whether the learning outcomes have improved under the student-centered teaching approach. We intend to follow this up in a separate publication.

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## Conclusion

In this article, we described the curriculum design of and teaching approach to *JurDist*, a one-year online-only master's course in legal translation. The curriculum consists of elements from both law (legal systems, comparative law approach) and translation theory and practice. Regarding the latter, we recently changed our teaching approach from a lecture-oriented approach to a student-oriented approach in order to improve the students' translation performance.

In line with research-based approaches to learning and teaching (e.g., Biggs & Tang, 2011), we implemented interactive group work into the lectures and facilitated group discussion. We highlighted well-known translation challenges, which the students were encouraged to find appropriate solutions for and to reflect on from various perspectives (e.g., cultural awareness, information-seeking processes, linguistic competence). Positive feedback from the students as well as our own impressions indicate that this approach to teaching is suitable to prepare the students for a professional career in legal translation. In addition, students, who wish to acquire accreditation, are prepared for the NTAE, where legal translation is one part of the exam. Our experience in teaching legal translation since 2013 may contribute to the development of this teaching method also for other language combinations and with other knowledge levels.

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