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GENRE FEATURES OF POPULAR LEGAL DISCOURSE

The article intends to consider the genre features of popular legal discourse by analysing professional legal discourse services. Moreover, the article presents intersectioning features of media and popular legal discourse to reveal genre features of popular legal discourse in terms of the simplification of legal texts and the generalisation of the situation for informing citizens in articles and videos. General scientific methods such as synthesis and descriptive and content analyses were used to scrutinise the texts of the discourse to be studied. Moreover, pragmatic discourse analysis was used to distinguish popular legal discourse from legal discourse itself and identify the differences in discursive expressive language units and content. Materials for the analysis and consideration of this topic were popular legal texts from the law websites of law firms and the websites of public organizations. All texts and materials are in the public domain and free of charge for an unlimited number of people. As a result, the genre features of popular legal discourse were presented.

Key words: US law firms, video information, legal discourse, media legal discourse, legal advice, and legal service.

Introduction

Along with new changes, the penetration of the Internet into the lives of citizens has influenced the legal sphere, where venues for explaining particular laws in an accessible language for citizens are increasing. In this regard, there has been a high demand for the adaptation of legal discourse for those with the least understanding of jurisprudence and legislation, who require public clarification of specific terminology. As a result, the identity of legal discourse in news and articles is offered to people through simple texts or more popular language. The current jurisprudence, which is available through the media and other online resources

available to the public, has impacted the appearance of «popular legal discourse,» and the term has been used since recent times. According to A. S. Averin, in the last decade, popular legal discourse was described as the normative-law enforcement perception of legal discourse [1, p. 8].

Since 2018, popular legal discourse has been investigated in several works by the following linguists: A. S. Averin identified the specifics and essential characteristics of popular legal discourse [1, 2, 3]; Yu. O. Solovyova considered the differences between popular legal discourse and media legal discourse [4, p. 17]; A. S. Glishchenko identified the functions of institutional, advertising, and legal discourses [5, 6]; and D. S. Medvedov and O. G. Shchitova identified the inter-style nature of popular scientific and legal internet discourse [7], which demonstrates the relevance of determining the genre features of this direction in this article. The direction on the topic «popular legal discourse» does not appear in English-language sources, but there are works on the direction of the study of the interpretation of laws, which are of a more different nature than popular legal discourse.

Thus, the article intends to consider the genre features of popular legal discourse by analysing professional legal discourse services. Moreover, the article presents the intersecting areas of media legal discourse and popular legal discourse. The simplification of legal texts and the generalisation of the situation for informing citizens in the news were considered in order to consider the genre features of popular legal discourse.

The following objectives were set in order to achieve the goal:

- to refer to scientific literature to define the term «popular legal discourse»;
- to collect and analyse texts on legal interpretation from the public internet space;
- to identify and compare genre features of popular legal discourse to genre features of media legal discourse using the collected data;
- to bring out the genre features of popular legal discourse.

Methods and Materials

Within the framework of this topic, research methods were based on the analysis of popular legal texts; in particular, general scientific methods were used as a synthesis, through which generalising conclusions were made about the genre features of popular legal discourse. In particular, descriptive and content analyses were used to review the texts of the discourse to be studied. Methods of comparison and discursive analysis were used to distinguish popular legal discourse from legal discourse itself and identify the differences in discursive expressive language units and content. As materials for the analysis and consideration of this topic were popular legal texts from the websites of US law firms and the websites of public

organizations. All texts and materials are in the public domain and free of charge for an unlimited number of people.

A literature review

To begin with, the framework of popular legal discourse is still obscure due to the fact that it originates from 2018. However, it cannot deny the fact that it has been important since the ancient Greek time period, where rhetorical questions and laws were analysed and interpreted. Thus, elucidating the meaning of the term «popular» in popular legal discourse helps reveal the purpose of this discourse. According to V. I. Karasik, institutional discourse is defined as «a communication that occurs within the framework of which the current situation in society takes the form of a type of communication, reflecting the specifics of the corresponding social institution» [8, p. 278]. We cannot attribute this case to either a legal or judicial discourse institution because the terminology used in legal or judicial communication is vastly different from the text used by lawyers for citizens. In other words, it is a synthesis of two discourses: scientific discourse and legal discourse, while media-legal discourse is a synthesis of legal and media ones. Thus, the merging of two boundaries of different spheres can be a fact of institutional discourse, with new intersections of professions appearing due to social changes.

The definition of «popular legal discourse» given by A. A. Torgasheva was quoted in the work of A. S. Averin, which states that «this sphere is closer to the everyday level of communication; a lawyer has to switch to a language that would be understandable to an ordinary citizen who does not understand the intricacies of the wording of laws, to explain the complex in simple words» [3, p. 107]. In other words, the author emphasises the fact that the law, with its long, complicated sentences and technical terminology, might be confusing to ordinary people with no legal background and requires the simplification of legal discourse. According to Yu. O. Solovyova, popular-legal discourse is a peripheral discourse of a legal institution whose purpose is to popularise legal knowledge in society and increase the general level of legal literacy, through which the regulation of relationships between members of society is carried out indirectly [4, p. 14]. Thus, it gives the sense of «media legal discourse,» which carries the aim of informing citizens about the recent changes in law and high-profile cases.

Furthermore, D. S. Medvedov and O. G. Shchitova share Yu. O. Solovyova's definition of popular legal discourse as an active participant in the image of a lawyer who performs the function of legal education of readers or citizens [7, p. 72].

In conclusion, we can deduce that popular legal discourse can serve as the simplified legal language to inform ordinary people with more plain language.

Results and discussions

Obviously, popular legal discourse and legal discourse are inextricably linked, with the only difference being the linguistic complexity level of the

terminology used in each. However, O. A. Krapivkina distinguishes legal discourse into two subdivisions: public, which includes legislative and judicial types of communication, and private [9], which is the type we are considering in the article. Popular legal discourse is concerned with advising or assisting citizens legally. To reveal the genre features of popular legal discourse, we must refer to texts and expressive language units found in documents from law firms or public organizations, as well as articles explaining laws.

We implemented pragmatic means in order to understand the features of the texts and distinguish them from each other. At the moment, media legal discourse includes genre features such as an interview with a specialist (lawyers, counsellors, advocates, and judges), informational notes (TV programs, newspapers), an analytical article (statistics), a report from the scene (news), and specialist commentary, et cetera. While legal discourse includes court decisions, legislation, legal contracts, etc.

We detected some genre-specific features of documents in the websites providing legal services and advice.

For example, in the article «Enhanced Life Estate Deed» published on the website of LegalDocsbyMe, <https://legaldocsbyme.com/enhanced-life-estate-deed/>, there is no doubt that the article contains legal terminology, but it is still given plainly so that it can reach the understanding of the reader.

«Sometimes referred to as the Ladybird Deed, an Enhanced Life **Estate Deed** is a method of transferring real **estate** without probate. Upon the owner's death, the **property** passes to the **beneficiary** named in the deed through operation of law, which means it does not invoke **probate**.»

The author gives the following definition of the legal term «probate»: *«Probate is the legal process of the management of assets after the owner's death. Probate ensures assets go to the correct inheritors and also ensures debts and taxes involved with the process are paid in full»* [10].

In order to identify the genre features of the above-mentioned excerpt, we considered the communicator's intent. It reveals the author's intention to inform the citizens about the estate deed the owner can provide legally, giving more detail about the procedure and adding subtopics such as «Avoid Probate,» «Retain Property Rights,» «Avoid Gift Tax,» and «Preserve Medicaid Eligibility.» In this article, no law occurs; however, the author gives a clear explanation of the «Enhanced Life Estate Deed», whose content intersects with finance, law, and estate. We can state that the following excerpt has legal context, but with less complicated phrases or with legal terms with definitions. Furthermore, this excerpt adheres to the main requirement of popular legal discourse by retaining the text's hybrid of «legal» and «scientific» content. The author uses the phrases

«estate» instead of «the building or a house,» «property» to mean «belonging,» and «beneficiary» to mean «heiress» [10].

We considered twenty-five more similar articles [11] with different spheres: will, partnership agreement, medical insurance, etc., which showed similar genre features as follows:

1. the academic style of writing with less complicated legal terminology;
2. Legal terminology demands explanation, has extra sentences with its definition;
3. Describe the legal procedure or method of completing forms (agreements, documents);
4. Main purpose: to inform the citizens;
5. Plain sentences.

However, articles contain some advertising due to their purpose of finding clients. Furthermore, the United States is one of the countries that uses legal advice as a commercial benefit-giving service.

Popular legal discourse, on the other hand, intersects with media legal discourse in the context of a discussion of a potentially sueable situation, which proves the following extract from «Media Ad,» featured on the navigation bar on the website of «Shenderovich, Shenderovich & Fishman,» a law firm located in Pennsylvania, USA. The following excerpt uses expression units from an informal style rather than an academic style, yet provides information on how to hold someone accountable for falls and slips by law.

«Let's talk about slips, trips, and falls. If I or someone else is involved in a situation where I slip, trip, or fall, what are the particulars, what's the concern, and how should we handle that properly? What's important to note is that not every case is viable. For example, if somebody slips and falls on the water in a grocery store aisle, the main question is notice. Did the property owner, the store manager, or store employees have proper notice that the spill occurred, for example, right before you walked over that wet area? If 30 seconds before that somebody spilled water or ketchup on the floor, 30 seconds is not enough time for a property owner to discover the defect or the dangerous condition and to clean it up. So if they didn't have a chance to discover it, you can't hold them responsible for the damage.»[12].

The genres of written and spoken language differ in noticeable ways. The first excerpt informs citizens using more complicated but understandable plain language; however, the second example keeps the style of informing people but is more informal or contains less academic terminology. For example, FindLaw Legal Dictionary presents the term «notice» with more detailed variants such as «actual», «constructive», «implied notice», and «noticed by publication» that vary due to the situation.

Those media advertisements partially meet both popular and media legal discourse characteristics; however, the genre features presented in the first excerpt differ from the second excerpt. According to the above-mentioned features of popular legal discourse, this excerpt can be considered intended to inform people about the law and how to act in a certain situation. The addressee is also a citizen, and the addressant is the person with knowledge about the law. Analyzing similar video advertisements containing information on how to handle various legal situations and acquainting citizens with various potential situations that may arise, we concluded that media advertisements meet the description of plain language understandable to people and informing people of the laws the country has. Thus, we decided to list the genre features of this media advertisement that hybridise media and popular legal discourse:

- contains little legal terminology;
- speaks plain language to reach a citizen's understanding;
- explains the law and how to handle various legal situations;
- possesses: informs people and advertises (for the firm's commercial benefit).

However, in media advertisements for legal advice or services, there are different versions that cover the advertisement rather than fully inform the citizens. For example, the following excerpt shows more promotional context within some advice and information about how insurance in Pennsylvania works. Insurance coverage, including medical benefits, varies between car and motorcycle accidents. As a result, some situations should be handled according to the severity and difficulty of the case.

«Craig motorcycle insurance is a little bit different from car insurance. There are certain things that are required for car insurance policies sold in Pennsylvania, including medical benefits. Those are not required for motorcycles. In addition, motorcycles are often listed on separate policies from your car insurance coverage. So you need to make sure that you have uninsured and underinsured motorist coverage available on your motorcycle, either through your car insurance or independently on the motorcycle policy [13]».

In addition to media advertisements, there are informational videos supplied by nonprofit or public associations [14] that provide free legal services to help low-income citizens. For example, the National Association of Consumer Advocates [15] provides informational videos that can be informative in terms of legal terminology and some common defences that might help the citizen understand, for example, the process of debt collection or possible trial outcomes, as given in the following excerpt.

*«...but remember, you have rights. Tom has unpaid credit card debt and is being harassed by debt collectors. Fortunately, Tom is protected by **the Fair Debt***

Collection Practices Act. A federal law that prohibits unfair collection practises by third-party debt collectors under the FDCPA...» [16].

Further, the video contains information about steps and actions that violate the law, protect your rights by law, and respond to the lawsuit. We agree with Yu. O. Solovyova that any popular discourse is primarily aimed at the fixation and wide dissemination of «pure» scientific knowledge and not terms and constructs that are currently in vogue [4, p. 17]. Thus, popular legal discourse has an enduring significance and forms the public's consciousness using scientific knowledge to inform legal acts in plain language.

Conclusion

In conclusion, the dichotomy of popular legal discourse is realised at the intersection of legal and scientific discourse boundaries, albeit with differences between them. Legal and scientific discourses contain different genre features than popular legal discourse. The data analysed to reveal the following genre characteristics that occur in popular legal discourse: Thus, some legal terms may appear in the text, but they are followed by a proper definition or explanation that helps the citizen understand their meaning. The texts in popular legal texts use fewer complicated legal terms and replace them with plain language. The text has an informative context, but due to the commercial purpose of law firms, some informative videos and advice might carry an underlying promotional intent.

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ТАНЫМАЛ ҚҰҚЫҚТЫҚ ДИСКУРСЫҢ ЖАНРЛЫҚ ЕРЕКШЕЛІКТЕРІ

Мақалада кәсіби заңгерлік дискурс қызметтерін талдау арқылы танымал құқықтық дискурстың жанрлық ерекшеліктерін қарастыру көзделген. Сонымен қатар, мақалада заң мәтіндерін жеңілдету және мақалалар мен бейнематериалдардағы азаматтарды ақпараттандыру жағдайын қарастырып, танымал құқықтық дискурстың жанрлық ерекшеліктерін ашу мақсатында бұқаралық ақпарат құралдары мен танымал құқықтық дискурстың қиылысу ерекшеліктері ұсынылған. Зерттелетін дискурс мәтіндерін мұқият зерделеу үшін синтез және сипаттамалық және мазмұндық талдау секілді жалпы ғылыми әдістер қолданылды. Сонымен қатар, прагматикалық дискурс талдауы танымал құқықтық дискурсты құқықтық дискурстың өзінен ажырату және дискурсивті экспрессивті тілдік бірлік пен мазмұндағы айырмашылықтарды анықтау үшін пайдаланылды. Осы тақырыпты талдау және қарастыру материалдары ретінді заң

фирмаларының заң сайттарынан және қоғамдық ұйымдардың веб-сайттарынан танымал заң мәтіндері қолданылды. Барлық мәтіндер мен материалдар жалпыға қолжетімді және шектеусіз адамдар саны үшін ақысыз сайттардан алынды. Нәтижесінде, халықтық құқықтық дискурстың жанрлық ерекшеліктері ұсынылды.

Кілтті сөздер: АҚШ заң фирмалары, бейне ақпарат, құқықтық дискурс, медиа құқықтық дискурс, заңгерлік кеңес және заң қызметі.

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ЖАНРОВЫЕ ОСОБЕННОСТИ ПОПУЛЯРНО-ЮРИДИЧЕСКОГО ДИСКУРСА

В статье предполагается рассмотреть жанровые особенности популярного юридического дискурса на основе анализа услуг профессионального юридического дискурса. Кроме того, в статье представлены черты пересечения медиа и популярного правового дискурса для выявления жанровых особенностей популярного правового дискурса в части упрощения юридических текстов и обобщения ситуации информирования граждан в статьях и видеороликах. Для тщательного изучения текстов изучаемого дискурса использовались общенаучные методы, такие как синтез, описательный и контент-анализ. Кроме того, с помощью прагматического дискурсивного анализа удалось отличить популярный юридический дискурс от самого юридического дискурса и выявить различия в дискурсивно-экспрессивных языковых единицах и содержании. Материалами для анализа и рассмотрения данной темы послужили популярные юридические тексты с юридических сайтов юридических фирм и сайтов общественных организаций. Все тексты и материалы находятся в открытом доступе и бесплатны для неограниченного круга лиц. В результате были представлены жанровые особенности популярного юридического дискурса.

Ключевые слова: юридические фирмы США, видеoinформация, юридический дискурс, медиаяридический дискурс, юридические консультации, юридическая услуга.

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