Move Analysis of Sri Lankan Legal Letters of Demand for Teaching English for Specific Purposes (ESP)

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Abstract

Though lawyers often expect their apprentices to have a sufficient command of legal letter writing, structuring a legal letter seems to be a challenging task for the apprentices. Many genre analyses in English for Specific Purposes (ESP) have proposed move-step models or sequences of communicative functions (moves) and strategies used to predict those moves (steps) to help ESP learners to write professional letters. However, there is a paucity of move analysis of legal letters of demand though it is a frequently used genre by lawyers. Therefore, this study analyzed 30 authentic legal letters of demand, collected from 15 Sri Lankan lawyers to identify

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patterns in the genre organization. The Constructivist Grounded Theory methods were intersected with the move analysis to analyze emergent moves and steps. The results include a sequence of four obligatory moves (i.e., Opening, Stating Background Details, Stating the Cause of Action, Demanding), and an optional move (Closing), which were realized in 14 steps, and classified into obligatory, conventional and optional. The accuracy of the moves and steps generated were checked for consistency with two lawyers who were interviewed at two stages of coding the letters. The move-step model could be incorporated into teaching materials of legal letters of demand writing, to help novices learn the rhetorical structure and discursive practices associated with writing legal letters of demand. The model contributes to the body of knowledge of ESP genre analysis, move analysis and to the field of teaching English for Legal Purposes.

Keywords: *legal letters of demand, moves, steps, genre analysis, move analysis*

Introduction

The purpose of teaching English for Specific Purposes (ESP) is to prepare students to use English particularly in their target situations (either study or work). Specific genres used in target situations (i.e., business collection letters in credit management, mooting in law, memorandums in engineering) are of vital importance in teaching and learning ESP. Students and professionals in many contexts today need to become fluent in their specific English domain to steer their studies and advance their careers (Hyland, 2022, p.203). Derewianka (2015) also presents that identification of the language demands of specific curriculum areas and explicit teaching of rhetorical structures and linguistic features of specific genres as key components of genre-based teaching in ESP. In order to guide students towards professional or workplace literacies, genre analysis approach has been employed in ESP.

ESP researchers have employed the move analysis approach, which is a text analytical method used to describe a genre in terms of the rhetorical movement of each of the organizational stages

about what each of them is achieving in functional terms within the genre (Paltridge, 2017). Moreno & Swales (2018) argue that Swales (1990) introduced the move analysis approach with the Create a Research Space Model (CARS), designed to help reading and writing of research articles by advanced second language learners of English. A move is defined as "a discoursal or rhetorical unit that performs a coherent communicative function in a written or spoken discourse", and a step as "a text fragment containing 'new propositional meaning' from which a specific communicative function can be inferred" (Swales, 2004 cited in Moreno & Swales, 2018, p.7). Swales (1990) introduced three moves in the CARS model for research article introductions: 1) establishing a research territory (the author establishes the research scope with its importance and relevance), 2) establishing a niche (the gap in prior research that the author's study aims to address), and 3) occupying the niche (the purpose of the author's research and how it will fill the gap.

Bhatia (1993, 2012) has extended the Swalesean move analysis approach with a focus on analyzing professional genres. He claims that expert users of a genre appear to be quite consistent in how they structure their overall message in a certain genre, and a research of the genre's structural organization indicates preferred methods of communicating intention in particular areas of inquiry. (p.29). Both Swales (1990) and Bhatia (1993, 2012) present a genre as a set of rhetorical patterns that are consistent across the texts of the same genre. The Swalesean move analysis approach has been extensively employed to provide pedagogical implications useful to teach ESP (*i.e.* Hyland, 2007; Paltridge & Starfield, 2013; Conrad et al., 2015; Conrad, 2017, Flowerdew Wan, 2006, 2010).

Following the same tradition, this study analyzed moves and steps in 30 authentic legal letters of demand to propose a move-step model for the genre. Rappaport (2008) defines a legal letter of demand as "a letter written on behalf of a client in which the attorney demands that the recipient take or cease taking a certain action" (p.34). It serves a vital communicative function of influencing a recipient to fulfill a demand to resolve a conflict without litigation. However, the genre of legal letters of demand is

'typically hidden', 'out of sight' or 'occluded' from the public gaze" (Swales, 1990, p.46) due to the confidential information of parties involved in disputes related to money recovery. In addition, legal letters of demand published in online resources tend to be used as references by material developers and students as obtaining authentic letters of demand is often difficult due to the occluded nature of the genre. Nevertheless, moves and steps in many legal letters of demand in online resources tend to be different from the moves and steps in Sri Lankan legal letters of demand. Further, writing legal letters of demand seems to be a challenging task for many law students and apprentices. They tend to find difficulties in identifying appropriate communicative functions of the genre organization. Therefore, as a remedy, 30 authentic legal letters of demand used in the prospective contexts of apprentice lawyers were analyzed to identify moves and steps and to create a move-step model for the genre. The proposed model can be used to create authentic lesson materials for teaching legal letters of demand writing. Thus, the two research questions that guided the study were:

1.   What are the typical moves and steps in authentic legal letters of demand?

2.   What are the differences in the frequency of occurrences of moves and steps in the legal letters of demand?

A move-step model for the genre of legal letters of demand has not been created by previous move analysts in the ESP literature. In the current study, a deeper understanding of the move-step realizations of the legal letters of demand provided specific insights about the rhetorical patterns (moves and steps) and types of moves and steps, which are beneficial to provide explicit instructions of

the genre organization.

Literature Review

Letters† have been a major concern of ESP move analysts (a six-move discourse structure for fundraising letters, Bhatia (1998); direct mail letters, Upton, (2002); birthmother letters‡, Upton & Cohen, (2009); business request letters, (Lai, 2012); letters of appeal written by postgraduate students, Sadegi & Samuel, (2013); letters of the administrative domain, da Cunha & Montané, (2019), job application letters, Thumnong & Tongpoon-Patanasorn (2017) and business quotation call letters by non-native and native employees, Qasim et al. (2015). Further, move analysts have also been interested in comparative move analyses of letters: cover letters written by Taiwanese and Canadian college students, Hou (2013), English and Persian business enquiry letters, Jalilifar & Beitsayyah (2011) and English business letters written by Vietnamese EFL (English as a Foreign Language) students and authentic business letters, Nguyen & Miller, (2012).

In analyzing welcome addresses of professional events in Sri Lanka, Kithulgoda & Mendis (2020) argue that there is a lack of suitable pedagogical materials, which has made the teaching of specialized genres a challenging task; so that lecturers tend to draw on individualistic knowledge structures or intuition to construct model texts which may or may not reflect prototypical features of the genre (pp.140-141). Similarly, Nguyen & Miller (2012) addressing this gap, emphasize that the classroom instruction fails to provide exposure to authentic writing tasks in workplaces (p.17), and they were shown to be misrepresenting workplace communication requirements (Conrad, 2017, p.193). Therefore, as a remedy, in recent literature of genre-based ESP teaching, many researchers have emphasized the value of incorporating authentic genres used in students' future careers

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† The term 'letter' refers to a genre which includes a greeting, an opening, and a closing and signs off (Nguyen & Miller, 2012, p.4).

‡ Letters written by prospective adoptive parents to expectant mothers

into the ESP lessons (*i.e.* Albi, 2013; Amnuai & Wannaruk, 2013; Derewianka, 2015; Conrad et al., 2015; Conrad, 2017; Hadavi & Moghaddam, 2015).

Many researchers have analyzed authentic legal genres in order to understand their generic characteristics (*i.e.* the structure of law reports, Durrant & Leung (2016); court room interaction, Bhatia (1993); legal cases, Maley (1987) & Ahmad (2009); analysis of EC directives, Rasmussen & Engberg (1999); appeal letters, Derahvasht (2011) and court documents, Albi (2013). Those studies have examined textual, lexico-grammatical and discoursal features of the legal genres. Devitte (2015) claims "that aspiring student scholars generally want and need straightforward descriptions of discourse forms, which, as classroom practice indicates, play a significant role in their understanding and use of the genre" (p.4). These move analysts advocate the necessity of providing explicit instructions on move-step organization of genres to ESP students.

Hanel (2007) analyzed a collection of business letters of demand and introduced a set of six communicative purposes shared by business professionals: Opening, Laying the Foundation, Attempting to Maintain a Business Relationship, Requesting/Demanding Payment, Stating Likely Future Consequences and Closing (p.16). This set of communicative purposes is the rationale for the genre of business letters of debt collection that constrain the choice of content. In this study, the sequence of moves introduced by Hanel (2007) was not used to code the 30 legal letters of demand. Instead, the CGT methods, were employed, and an inductive analysis was conducted to explore the rhetorical patterns in this unique unexplored genre, which resulted in a move-step model for teaching legal letters of demand writing.

Methodology

This study is a qualitative genre analysis that intersected the move analysis approach (Swales, 1990) and the Constructivist Grounded Theory (CGT) methods for data collection and analysis (Charmaz, 2006). The 30 letters were read, coded for moves and steps, and

the communicative purpose of each move and step was defined. The CGT methods (*i.e.* coding, memo writing, constant comparative methods, theoretical sampling, creating categories) were helpful to study data, compare them, write memos and interpret the data. In the current study, the interactive nature of the CGT methods made the researcher interact with the data, and then with the analysis (Charmaz, 2006). The qualitative coding software QDA Miner Lite was used to save the letters and obtain frequencies of the coded moves and steps.

The lawyers who provided letters for the analysis had their law offices (chambers) in Panadura, Wattala and Colombo which are urban areas of Sri Lanka. The 30 legal letters of demand, written in English, were collected from 15 lawyers, specialized in Civil Law (i.e., land matters, testamentary related issues, divorce and matrimonial), and Commercial Law (*i.e.* company contract matters, contractual obligations, intellectual property matters and writs (orders from superior courts). They worked in district courts and appeal courts or higher courts (*i.e.* High Court, Court of Appeal and the Supreme Court, Colombo). All of them had more than five years of experience in the profession. Nine of them were senior lawyers with more than seven years of experience, and seven of them had been training apprentice lawyers. Most lawyers had a template for writing the letters of demand, which had been designed by them or given by a senior lawyer. They all had consultation or conversations with clients prior to writing a letter of demand. They also often request documents needed from their clients to ensure the accuracy of the facts provided by clients.

At the initial stage of data collection, the purposive sampling was used to select the letters of demand. The inclusion criteria of the letters were based on the following two typical communicative purposes of the genre:

> a) Inclusion of a demand statement (*i.e.* the exact sum of money due and owing or compliance with a legal obligation)

> b) Consequences for non-compliance (informing legal actions)

The data collection process of this study was later driven by the

theoretical sampling of the CGT methodology that is sampling of data that informs their categories (Charmaz & Thronberg, 2020). The aim of the theoretical sampling was to construct tentative ideas (focused codes) about the data and to examine those ideas through further data collection (Charmaz, 2014, p.192). It involves searching data (people, place) and scholarly literature that can provide more information about the focused codes (Hadley, 2017, p.267). In the current study, theoretical sampling was based on further strengthening the constructed categories (moves and steps) with more data elicited from the letters and similar studies. Charmaz (2006) emphasizes that theoretical sampling is exclusively concerned with conceptual and theoretical development, and it is not about reflecting a population or improving the statistical generalizability of results (p.106). Thus, the sample size of the letters of demand was decided as per the point of theoretical saturation of the categories of data (moves and steps) (Charmaz, 2006, 2014). Theoretical sampling was used to determine the saturation point of the categories in which no new data emerged.

The 30 letters of demand analyzed were based on three different types of demands that are presented in Table 1.

Table 1. *Types of Legal Letters of Demand*

Type of Demand	Number of Letters(n=30)
To claim damages/compensation	11
To perform an action	10
To claim for money receivable	9

The three types of demand letters increased the scope of data employed to create the move-step model. The QDA Miner Lite software, a data management tool, facilitated coding the letters and obtaining frequencies of the moves and steps to categorize them into obligatory, conventional and optional. Kanoksilapatham's (2005) decision criterion, which has been used by other move analysts (*e.g.* Amnuai & Wannaruk, 2013), was employed for the

analysis of move-step frequencies, and it differentiated the boundaries of the rhetorical patterns explicitly in percentages. Kanoksilapatham (2005) argues that a move or step that occurs more than 97% is obligatory, if it occurs more than 60%, it is conventional, and if it occurs less than 60%, it is optional (p.272). Moreover, two lawyers were contacted at two stages of the coding (*e.g.* focus coding and theoretical coding) to check if the researchers' subjective understanding of the move-step realizations were compatible with the lawyers' experiences in organization of facts. Further, to ensure confidentiality of the content of the letters, all identifying information (*i.e.* names of the client, addresses, policy numbers etc.,) were pseudonymized.

Results

The moves and steps were segments of the letters that served "a unified micro-purpose" which construct the overall purpose of the text" (Conrad, 2017, p.195). The moves and steps of 30 legal letters of demand were identified in order to create a move-step model useful for legal letters of demand writing pedagogy. The 30 legal letters of demand were organized in a consistent move-step organization which included 5 moves (*i.e.* Opening, Stating Background Details, Stating the Cause of Action, Demanding, and Closing) and 14 steps that are described under each move below.

Move 1: Opening

Move 1: Opening was an obligatory move that consisted of two obligatory steps: *M1S1: Mentioning the topic* and *M1S2: Introducing the client who provided instructions.* The communicative purpose of *Move 1* was to introduce the subject matter and client who provided instructions to the lawyer. The first step *M1S1: Mentioning the topic* consisted of two types of formats. The first form of the topic consisted of general terms) (*e.g.* "Letter of Demand", Re: Obstruction to Land Sales), which occurred in 11 out of the 30 letters). The second form of the topic consisted of specific terms (*e.g.* "CHEQUE DISCOUNTING AGREEMENT BEARING NO: FAC/083", "ILLEGAL ATTEMPT TO OCCUPY LAND, LOT 4 PLAN NO 1223", which occurred in 19 out of the 30 letters. The topics of those letters consisted of specific details such as

application numbers and deed or policy numbers related to the dispute, which informed the subject matter of the dispute. Moreover, most of the letters had the topic written in full block letters, which was a convention of the lawyers. Also, a few topics included noun phrases with negative adjectives to introduce 'the wrongful act' of an opponent (*i.e.* UNLAWFUL NON-PAYMENT OF, WRONGFUL FILING, UNAUTHORIZED CONSTRUCTION, FAILURE TO RENEW DOMAIN, ILLEGAL ATTEMPT, UNAUTHORISED STRUCTURE).

The second step *M1S2: Introducing the client* was a mandatory step. Its communicative purpose was to introduce the name of the client and his or her address in order to enable the recipient to identify the client represented by the lawyer. Each of the following examples of *M1S2: Introducing the client* presents the client's name and address.

> 1.   I write on the instructions of Mr. Sunil Jayanath of No.11, Galle Road, Panadura." (L6)

> 2.   I write on the instructions of my client Mr. Daya Fernando, No.22, School Lane, Wadduwa, Vehicle No. WP PP - 1845/Claim No. CVCSL 2020-42321/ Insurance Policy No. VCJL 2020-611822. (L1)

It was identified that the formulaic expression that were used to introduce the client (*e.g.* "I write on the instructions of my client…") was consistent across the 30 lawyers' letters. The example 2 from the letter 1 that was based on an unpaid insurance claim(L1) consisted of details pertaining to the claim (*i.e.* vehicle number, claim number, insurance policy number), which made M1S2 in Letter 1 different from the typical use of the name and address of the client. Overall, *Move 1*: *Opening* consisted of the above described two conventional steps of introducing the subject matter and the client, and it could be regarded as a lead in for the rest of the letter.

Move 2: Stating Background Details

Move 2: Stating Background Details was an obligatory move as it occurred in all the 30 letters. Its communicative purpose was to

inform details of a dispute and it was realized in three steps: informing the client's role, his or her opponent's involvement in the transaction, and the agreement made between them. Examples for *M2S1: Informing the role of the client* are illustrated below.

1. I am instructed that my client has submitted a building application bearing No. BA/35/2010 to construct a building at the aforesaid address of my client. (L21)

2. Our client instructs us that as per the said Contracts, our client has supplied to you agricultural equipment amounting to Rupees Thirty-Nine Million Five Hundred and Fifty Two Thousand Three Hundred and Ninety Seven (Rs. 39,552,397/-). (L6)

Both examples present a client's involvement in a transaction, and it is 'the client's side of the story', which seems more favorable to a client. The typical sentence beginning of M2S1 was also consistent across the 30 letters informing that all instructions were provided by the clients:

1. "I am instructed that my client has in the year 1983, purchased Lot No. 2 of Plan No. 2342. (L2)

2. "I am further instructed that my clients made arrangements to sell the said property to a prospective buyer. (L2)

The above two examples are from the letter 2, and the formulaic sentence beginnings "I am instructed that my client…" and "I am further instructed that my clients…." depict that the lawyer repeatedly reiterates the fact that he followed the instructions given by the client in *M2S1: Informing the role of the client.*

The second step of *Move 2* (*M2S2: Mentioning the role of the opponent*) was a conventional step, which occurred in 15 letters (50%). The communicative purpose of M2S2 was to inform the actions performed by an opponent in a transaction, which did not occur in some letters. The following example illustrates M2S2.

"We are instructed by our clients to state that you placed an order for the supply of 50 metric tons of Par Boiled Rice for

the value of US$ 37,600.00 from our clients." (L8)

The third step of *Move 2, M2S3: Informing the summary of the agreement was* an obligatory step, and its communicative purpose was to introduce an agreement made between a client and opponent though the opponent/recipient was aware of the agreement. The example below from Letter 8 illustrates M2S3.

> "As you are aware, with the execution of the said Lease Agreement dated 02/11/2011, my client had legitimate rights and hoped to do good business and obtain substantial profits out of the same" (L8).

The above example presents details related to the agreement (*i.e.* the type of the agreement, date, the terms or specific sections of the agreement). In few letters the agreement made was verbal (*e.g.* my client and yourself had agreed to have the matter resolved on 19th February 2014, with the presence of both parties (L20). Compared to other moves, *Move 2* was more descriptive as it provided background details of the actions of the parties and the agreement made.

Move 3: Stating the Cause of Action

Move 3: Stating the Cause of Action was an obligatory move and its communicative function was to mention the reason for the demand by providing a convincing justification for the demand. This presents the 'wrongful action' of an opponent, which was contrary to the law. Move 3 was realized in three steps. First, M3S1: *Mentioning the breach of contract/ legal obligation* stated an opponent's failure to perform a legal obligation, which is illustrated in the following example.

> But very unfortunately you have breached your promise and failed to honour the Lease Agreement and provide with the necessary licenses/infrastructure to my client to commence the business(L12)

The second step of *Move 3, M3S2: Informing the loss or damage* occurred in 25 letters (83%) as a conventional step. The communicative purpose of *M3S2* was to describe the damage or loss incurred to the client. An example for *M3S2* is presented

below.

> Hence the delay has caused accumulation of interest, which also has added to the losses incurred by the company. (L23)

The damages claimed are not only based on money, they were physical damages caused by accidents as well as psychological (i.e., humiliation, damages to reputation). The following example from Letter 7 illustrates both monetary and psychological damages to a client whose loan application was rejected due to his opponent's' wrongful act'.

> I am instructed that this extreme negligence at the hands of your bank has put my client in great difficulty, embarrassment, and pain of mind when he had applied for the Personal Loan from the Community Bank and the same was rejected (L7)

The last step of *Move 3, M3S3: Criticizing the breach of contract* was optional and occurred only in 6 letters (20%). The communicative purpose of M3S3 is to present a lawyer's negative criticism on an opponent's 'wrongful action'. An example for M3S3 is presented below.

> "Hence the removal of the same from the quarters is illegal, wrongful and an act of criminal breach of trust, which would draw criminal charges."(L29)

Compared to other steps, *M3S3* was less prevalent in the 30 letters of demand since most of the lawyers have not criticized the opponent's breach of contract impolitely, yet they tended to be rational in their demand, which was confirmed accurate to the practice by the two lawyers interviewed.

Move 4: Demanding

Move 4: Demanding was an obligatory move, in which a recipient of a letter was informed about the desired response/specific actions to be made by him or her. *M4S1: Mentioning the specific demand* was the most important obligatory communicative strategy of a legal letters of demand, which is illustrated below.

> "In the said circumstances I am instructed to demand from

> you to immediately stop the construction of the aforesaid apartment complex…"(L13).

In the example from Letter 13, the lawyer on behalf of the client demands the halt to a construction which had caused damages to his client.

M4S2: Stating the deadline given provided a duration (usually 14 days) to fulfill the demand. It occurred in 26 letters (87%) as a conventional step. An example for M4S2 is presented below.

> "Should you fail to abide by the demand within 14 days of from this date hereof…" (L12)

The third most important obligatory step in Move 4 is *M4S3: Informing the legal actions to be taken.* Its communicative purpose is to state consequences for nonfulfillment of a demand. The following is a typical example of M4S3.

> "If you and/or your office fails to abide by the law or neglects to do so, I have been further instructed to institute legal action against you and your office without further notice." (L23)

The last step *M4S4: Stating the cost of litigation* was an optional step that occurred in 6 letters (20%). The communicative purpose of M4S4 was to inform fees or other expenses incurred for the filing of a case. The following is an example of M4S4.

> "Our client will be compelled to seek recourse to the remedies available in law to recover the said sum together with costs of suit." (L7).

Move 5: Closing

Move 5: Closing occurred in 15 letters (50%) as an optional move. The communicative purpose of *Move 5* was to present a closure to the letter. However, *Closing* did not occur in 15 letters and they ended with *M4S3: Informing the legal actions to be taken.* The first optional step of *Closing* was *M5S1: Requesting to acknowledge the receipt of the letter* (*e.g.* "Please acknowledge the receipt of this letter") that occurred in 14 letters (47%). According to a lawyer interviewed, as a legal letter of demand is sent in the registered

post, the receipt of the letter is assured, and it was mentioned as the reason for the non-request to acknowledge the receipt of the letter. Further, the second step *M5S2: Thanking* (*e.g.* "Thanking you") occurred in 15 letters (50%) as it was not a conventional step in a letter of demand. "Enclosing documents" or enclosures, which frequently occurred in letters of appeal (Sadeghi & Samuel, 2013) did not occur in the 30 legal letters of demand analyzed.

Discussion

This inductive analysis of the moves and steps in the 30 lawyers' letters created a move-step model for the genre, which was checked for accuracy with the writing experience of two lawyers who were contacted at the focused coding and theoretical coding stages of the CGT process. Swales (1990), Bhatia (1993) and Moreno & Swales (2018) suggest contacting specialist informants "to have insights into those processes and products" (Swales, 1990, pp.71-72) of writing genres. Disciplinary experts were employed to verify the analysts' interpretations through their deeper knowledge of the subject matter and their stronger intuitions regarding the typical rhetorical structure and language used in texts (Moreno & Swales, 2018, p.3). Table 2 below presents the proposed move-step model for the legal letters of demand.

Table 2. *The Proposed Move-Step Model for the Legal Letters of Demand*

Move/Step	Name of the move/step	Communicative Purpose	Type/ Status
Move 1	Opening	Introducing the particulars of the dispute	Obligatory
M1S1	Mentioning the topic	Informing the subject matter	Obligatory
M1S2	Introducing	Mentioning the	Obligatory

	the client who provided instructions	name and address of the client represented	
Move 2	Stating Background Details	Informs the details of the key issue	Obligatory
M2S1	Informing the role of the client	Presenting the client's involvement	Obligatory
M2S2	Mentioning the role of the opponent	Presenting the actions of the opponent	Conventional
M2S3	Informing the summary of the agreement	Stating the details of the agreement/contract	Obligatory
Move 3	Stating the Cause of Action	Mentioning the reason for demanding	Obligatory
M3S1	Mentioning the breach of contract/ legal obligation	Stating the failure to perform a legal obligation	Obligatory
M3S2	Informing the loss or damage	Describing the damage or loss incurred to the client	Conventional
M3S3	Criticizing the breach of contract	Mentioning negative remarks on the opponent's	Optional

		action	
Move 4	Demanding	Stating the specific action to be taken to avoid litigation	Obligatory
M4S1	Mentioning the specific demand	Mentioning the action to be done	Obligatory
M4S2	Stating the deadline given	Mentioning the duration to fulfill the demand	Conventional
M4S3	Informing the legal actions to be taken	Stating the consequences for nonfulfillment of the demand	Obligatory
M4S4	Stating the cost of litigation	Stating the cost to be paid for the legal suit by the opponent	Optional
Move 5	Closing	Informing the ending of the letter	Optional
M5S1	Requesting acknowledge of the receipt of the letter	Informing to acknowledge the receipt of the letter	Optional
M5S2	Thanking	Denoting gratitude to the recipient	Optional

This proposed move-step model could be used by law students and apprentice lawyers as a resource for writing legal letters of demand. It could be used by ELP lecturers to provide explicit instructions on structuring a legal letter of demand. In addition, it could be used by them as a useful rubric in assessing genre organization. This model confirms Swales's (1990) and Bhatia's

(2012) conceptualization of a genre as a recognizable communicative event that are characterized by a set of communicative purpose(s), which are mutually understood by members of a discourse community in which they regularly occur.

Swales (1990) claims that the purpose of identifying the frequencies of moves and steps is to provide a basis for prioritizing teaching elements in the materials (p.2). The lawyers had used an agreed set of communicative functions in writing the letters of demand, yet they also had variations as per their private intentions. Law students should be made aware of the use of optional steps and the move *Closing* in Table 2 in which a lawyer may deviate from the standard way of organizing the content of a letter depending on individual preferences.

Each step in the model functions to achieve the overall communicative purpose of demanding an outstanding amount of money or fulfillment of an obligation. Swales (1990) asserts that the communicative purpose as the privileged property of a genre. He defines a genre in terms of a set of communicative purposes that it is meant to serve in a specific academic or professional setting. Following him, scholars in the ESP tradition (Swales,1990; Dudley-Evans, 1998; Bhatia, 1993, 2012) consider communicative purpose as a basis of defining a genre (cited in Bhatia, 1997, p.46). Accordingly, the use of the moves and steps in the above model is driven by a set of communicative purposes, which is "the prototypical criteria for genre identity" (Swales,1990, p.10). The communicative purposes of the elements "are recognized by the expert members of the parent discourse community, and thereby constitute the rationale for the genre" (Swales, 1990, p.58). Similarly, Flowerdew & Wan (2010) claim that several communicative functions of a genre exhibit typical conventionalized verbalization patterns, or realizations (p.80). Therefore, writing a legal letter of demand requires a novice to adhere to the expert use of the moves and steps presented in the above model.

The emergent moves in the current study differed from the moves in the Hanel's model (2007) for the business demand letters. For

example, in Hanel's (2007) model, the move "Stating Likely Future Consequences" is a separate move followed by the move "Demanding". In the current study "Stating Likely Future Consequences" was considered as a step (M4S3: Informing the legal actions to be taken) within the move *Demanding* since the results of the nonfulfillment of the demand was considered as a strategy/step of the move *Demanding.* The inclusion of the *step M4S3: Informing the legal actions to be taken* in the *Move: Demanding* was consistent to the opinion of the lawyers interviewed.

In this study, Hanel's (2007) model was also not used to analyze the legal letters of demand due to the differences in the communicative functions in a business letter of demand and a legal letter of demand. "Communicative purpose is both a privileged criterion and one that operates to keep the scope of a genre" (Swales, 1990, p.58). For example, the third move in the Hanel's model (2007), "Attempting to Maintain a Business Relationship" did not occur in a legal letter of demand since it is sent as the final warning for a nonfulfillment of a demand. In addition, to retain goodwill and relationship with the debtor is not a communicative purpose of a legal letter of demand. Further, Hanel (2007) presents that the most frequently used strategy in a business letter of demand is requesting the debtor to communicate with the creditor, which did not occur in the legal letters of demand, since a letter of demand is sent as a final warning, and no further contact of an opponent is made by a client. It was evident that legal letters of demand have a unique set of moves and steps which are different from the communicative functions of other genres such as business demand letters (Hanel, 2007). It is similar to the view of Bhatia (2012) who claims that all disciplinary and professional genres have integrity of their own, which is often identified in reference to a combination of textual, discursive, and contextual factors" (p.241). Similarly, Parodi (2014) claims what gives a genre its identity and distinguishes it from other genres is the distinctive way its moves are put together (p.67). Therefore, a genre is highly conventionalized and structured with restrictions on what could be added in terms of its form, function, positioning,

and intent (Bhatia, 1993, p.13).

Conclusions

In this study, the CGT method of inductive coding was employed to identify the emergent moves and steps of the 30 legal letters of demand. A CGT study should offer new insights, "a fresh conceptualization of a recognized problem, and establishing the significance of the analysis" (Charmaz & Thronberg, 2020). The newly introduced move-step model for the legal letters of demand contributes to the body of knowledge of ESP genre analysis and move analysis and to the field of teaching English for Legal Purposes. It can be used to develop materials to help novices learn the rhetorical structure and discursive practices associated with writing letters of demand. In future studies, the proposed model could be applied to analyze a large corpus of letters of demand in order to identify frequencies of each move/step occurrence and to suggest modification to the proposed model. The use of statistical tests will confirm and modify the move-step model, and it will draw generalizable conclusions on the moves and steps in legal letters of demand. Future ethnographic studies could focus on in-depth interviews to explore lawyers' practices related to legal letters of demand writing.

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