

Courtroom Oratory: The Rhetoric of Courtroom Advocacy

Room: ED 336 (Farmer Hall)

Days/Time: M/W 1:30-2:45

Instructor: Carl A. Schuh, JD

Office: No office this semester due to the Great Stauffer Hall Flood of 2024

Email: carl.schuh@asu.edu

Don't use Canvas messaging. I don't use it.

Student hrs: Tues/Thurs; Fri after 2

Course Topic and Objectives

Overview

This discussion-based course examines rhetorical techniques used in high-profile criminal trials, focusing on jury selection, opening, and closing statements. We'll examine advocacy in these controversial cases: *People v. Orenthal James (O. J.) Simpson*, *State v. Casey Anthony*, and *State v. Zimmerman*. We also explore some of their social implications. While the cases involve violence, no graphic details will be shown or described.

The course utilizes trial videos to study lawyers' rhetorical techniques. In-class videos typically last 10-20 minutes for focused analysis, while weekly out-of-class segments can range from 30-120 minutes. Videos are paired with topical readings that help us explore and better understand the trial advocacy.

The objectives of the course require some fairly extensive reading, but we will spend plenty of time in class in using them so they won't just be a loose collection of unconnected abstractions; they'll be practical tools for us to make sense of legal advocacy and persuasion.

Our Objectives:

By the end of the course you'll be able to:

- *Articulate* fundamental principles of narrative and classical rhetoric as they're used in trial advocacy;
- *Explain* their meaning and application in jury trials;
- *Recognize* them in advocates' arguments to juries;
- *Analyze* their use in specific examples;

- *Frame and articulately defend* your own analyses of rhetorical advocacy in court cases.

Our Goal is To Empower you

- to construct and evaluate legal advocacy strategies,
- to engage critically in the public discourse surrounding the criminal justice system.

Readings and Required Viewing:

There is no book, all readings are on Canvas or online. A full list of readings is in the Reading List located on Canvas. The readings selected from this list are assigned in the Course Schedule that accompanies this Syllabus.

Videos are as assigned by announcement throughout the semester.

Student Hours:

- I'm here to help so meet with me whenever you might need a little guidance, help or want to discuss something relating to class. I welcome opportunities to work with you.
- I do not have an office this semester so meetings are on Zoom meetings are by appointment.
- The link to my Zoom office meeting and my hours of availability are in the *Individual Meetings* section on our Canvas Home Page.

English Language

Excellent comprehension, fluency and proficiency in written and spoken English is a fundamental requirement for this class. If you don't have that, this is not the class for you.

- All work in this course will be graded based on a common evaluation standard that **requires full fluency in written and spoken English.**
- If English is not your first language and you are having any difficulty in speaking, writing, or understanding, please seek assistance from the **International Students and Scholars Center**
<https://issc.asu.edu/student/resources/academic-support-services>.
- *Perfect* English language grammar and *excellent* composition are required in every written assignment. Writing standards are explained below. Writing assistance is available at **ASU Academic Success Programs** <https://tutoring.asu.edu/>

The Fine Print

This syllabus is part roadmap and part rules and general directions. Sorry it's so long. :-/
Read it anyway, like your grade depended on it; it kinda does.

Mode of Address

Believe it or not, some people need to be told that *I am to be addressed as Mr. Schuh or Prof. Schuh.*

Course Schedule

The printed course schedule that accompanies this syllabus controls due dates. If you ever note that a due date on Canvas doesn't agree with my printed schedule, please let me know asap so I can correct it on Canvas.

Electronic Communication:

I use a mix of the following three communication tools. **Don't use Canvas' built in messaging.**

- **The Course Q&A Forum**
 - **Ask General Course Questions here** such as clarifications on schedule, assignments, etc; anything that other students in the class might also benefit from knowing. Read assignments, the syllabus, etc., before posting a question.
 - **Subscribe to this forum right away** so that you get an email every time a Question or an Answer is posted.
 - In the Subject of your post, state the topic of your question. In the body of the post, clearly explain your question and what you need to know.
- **Announcements** I post Announcements containing important and time sensitive information.
- **Individual Emails to me**
 - **Don't use Canvas' built in messaging.** Email me **directly** at carl.schuh@asu.edu.
 - Use email if the topic concerns just you (or, for courses involving team semester projects, your team).
 - I'll get back to you within a reasonable amount of time. For emails received by 3 PM M-F, I'll usually get back to you the same day.
 - I don't accept assignments by email.

- No general course questions – use Course Q&A instead.
- **FORMAT FOR THE SUBJECT LINE of your emails:**
 - The course number, COM 326, followed by a concise statement of the specific topic of your message. “Urgent” or “Important” aren’t topics. They’re instructions to me about what my priorities should be. That’s rude and insubordinate and will delay a response.

How We Use Canvas

In face to face classes, I use Canvas Modules as libraries of essential materials to the course. I create the separate modules by categories suitable to the course, e.g., assignment instructions, videos, notes, readings, and one on writing, citation and plagiarism. Exact categories vary from course to course but some are always present. There is always a Course Q&A discussion board for general questions about the course.

Accommodations

SAILS: Students seeking accommodations due to special needs must be registered with SAILS located on the first floor of Wilson Hall, <https://eoss.asu.edu/accessibility> or 480-965-1234 (voice). Consult with me for any disability assistance and I’ll endeavor to provide it.

Barrett Honors College Students

I am a qualified Barrett Honors Enrichment Contract Mentor and Thesis Second Reader, and I’d be glad to work with you on either. If you're interested in an Honors Enrichment Contract in this class, discuss it with me by the second full week of class. You and I work out the details and our plan as follows:

- We’ll discuss it informally then you’ll follow a format that I’ll supply to propose the project to me
- You and I commit to at least 8 hours of collaboration on the project
- It is not extra credit in the course
- It's within the subject matter of the course but it's separate and distinct from regular coursework

Once we agree on a contract, you are responsible to follow the necessary administrative steps with Barrett Honors College relative to our agreement. Barrett has different requirements for Honors Thesis Second Reader. Contact them for details.

Attendance and Participation:

- I take attendance at the beginning of class. You will incur an absence if you arrive more than 15 minutes late, in my discretion.
- This is an in-person class. I do not permit remote attendance by Zoom.
- **Free Absences (woo-hoo):** free absences from class to use as you wish or to save for a rainy day (recommended). These have **no effect on due dates**. Excused absences are covered below.
 - For classes that meet more than once a week you get 2 free absences.
 - For classes that meet only once a week you get 1 free absence.
 - **After free absences are used up:** Point penalties will be deducted from your total class score as follows: **2** points per unexcused absence for classes that meet more than once a week; **5** points per unexcused absence for classes meeting once a week.
- **The collaborative learning approach for our class depends on everyone's active participation.** Come to every class prepared with your assignments and ready to jump into the discussion.
- Class starts promptly. **It's disrespectful to all of us for anyone to arrive late** so make every effort to avoid that.
- **Do Not enter** the classroom if a student (or a team) is delivering a presentation. Wait until they are finished.
- You are accountable for all material discussed in class whether you are there or not, so I recommend that you make some friends in class who can bring you up to speed if you miss class. If you're late or absent, don't ask me "Did I miss something?" *Seriously? Of course you did.*

Alternate Due Dates and Absences

One of the following **documented excuses** may excuse your attendance or allow rescheduling a due date. The first two are University-mandated and require prior notice. The first and third require such documentation as I request. Religious observances do not require documentation, just notice and prior arrangements. I will determine whether and when an assignment will be accepted, in my sole discretion.

- **University sanctioned activities or legally mandatory absences:**
University sanctioned activities *only apply to ASU teams, not to club teams.* Provide prior notice and documentation of a university-sanctioned activity or legally mandatory absence (e.g., military duty, witness subpoena, jury duty, arraignment, trial or court hearing).

- **Religious observance** These are always excused absences. To schedule an alternate due date due to a religious observance contact me ahead of time so we can work out any necessary rescheduling. You do not need provide documentation.
- **Medical and Unanticipated MAJOR life disturbances** (e.g., car accident, household, veterinary or family emergency, loss of a loved one, arrest). I will consider these on a case-by-case basis. I sympathize with all such major life happenings, but you will have to obtain and provide me with whatever documentation I request in order to be excused.
- **Non-emergency personal travel plans** (e.g., around holidays or end of semester) **never** excuse you from attendance, due dates or anything else. Review the course schedule and University Schedule for Final Exams now and either plan to submit assignments early or make adjustments to your travel plans plans to comply with them. These absences are not excused.

Graded Assignments

See point values at the end of the syllabus. Assignment instructions are posted in the *Course Assignment Instructions* Module (the first module) on Canvas.

Grading Standards:

In addition to the following writing and citation standards, see the **General Grading Guidelines** section at the end of this syllabus.

Writing Standards:

- **I can really help with planning**, but *I don't review draft papers*.
- **Follow the guidance I've provided** in my *Academic Writing Guidelines* located in the *Writing, Citation and Plagiarism* module on Canvas. It's always the last module on Canvas. (In some classes that module may be called *Studying, Writing, Citation and Plagiarism*.)
- **Advanced academic writing is required** in the assignments in this course. You may have to adjust your writing style or seek assistance from Academic Support Services.
- My assessment of writing quality is not stated as a point value separate from your score. It is a consideration in my assessment of overall assignment quality. Poor writing can cost up to 10% of the grade, so plan, outline, draft, review. If you have any doubt about your writing, review papers with a tutor at University Academic

Success Programs <https://tutoring.asu.edu/>

Formatting Written Assignments:

Follow these formatting requirements for all written assignments, including Canvas discussion posts if any:

- Basic Formatting
 - **Typed**
 - **DOUBLE-SPACED**
 - **Top left corner:**Your name, course number.
 - Assignment name (and number e.g., PCD 1) centered.
 - 8^{1/2} x 11 inch page format
 - **left justified**
 - **1-inch margins** all around
 - **Page number** at the **bottom center**.
 - **One of these fonts only:** This is **Verdana 10 point** or this is **Arial 11 point**.
- For **discussion posts (if any)** compose your post in a word processor then copy and paste it into your thread. All formatting and writing standards apply.

Handing in Assignments:

- All written assignments are handed in by upload. These must be uploaded to Canvas by 11:59 PM on the date indicated in the schedule posted with this syllabus. **Note: There are two exceptions to the due time just stated.** Many of my classes have a "Preparation for Class Discussion (PCD)" or a "Discussion Points (DP)" assignment. **The PCD and DP assignments are homework and have to be uploaded before class time** on the dates indicated on the schedule. (Note, consult the posted schedule. Please alert me if the posted schedule and the Canvas calendar do not agree.)
- In my discretion, late written assignments may be accepted up to 24 hours after the due date with a 5%.
- **I don't accept any assignments via E-mail.**
- **Don't wait until the last minute. Computer or connectivity difficulties are not an excuse for late work.**

Understanding Plagiarism/Academic Dishonesty/Generative AI Tools

ASU's Academic Integrity rules and procedures are fully applicable to this course. You should inform yourself about them at <https://provost.asu.edu/academic-integrity>

Please, Ask me for help: Sometimes good people are tempted to plagiarize because they're up against a due date they can't meet. Don't do it. Come to me as soon as you know you're in trouble; the sooner the better. We'll work through it. Do not risk a zero or my kicking you out of class.

Using Generative AI – IF Explicitly Permitted

Generative AI is a leap forward. I've been using it since early 2023. I want it to help you but not do your assignments for you. Let's talk about that in class.

It's possible that some assignments or activities in this course ***may*** allow use of Artificial Intelligence (AI), including ChatGPT, Google Gemini or other such generative AI tools ***if explicitly specified***. I will inform you when, where and how you may use generative AI tools for assignments. Generative AI must be cited in APA style; see Arizona State University [ASU Library – LibGuides](#).

Use of generative AI tools in any other context in this course will be considered a violation of the ASU [Academic Integrity Policy](#), and students may be sanctioned for confirmed, non-allowable use. If at any point you have questions about what is permitted, contact me to discuss before submitting work.

Plagiarism Generally

If you've played by the rules you've worked hard to get where you are at ASU. But for those who aren't playing by the rules, fair warning: ***Do not*** even think of trying me on plagiarism. **Ask me for help instead.**

Plagiarism Avoidance Tools

- It does **not** matter whether plagiarism was intentional or accidental – it's still plagiarism and both are treated equally.
- All work for this class must be original to this class. **You may not recycle papers or parts of work** from other courses you've taken. I treat it as plagiarism.
- It's **your responsibility to understand** the 10 types of plagiarism, how to avoid plagiarism, the meaning of "common knowledge" as explained in the resource in the *Writing, Citation and Plagiarism* module on Canvas, and how to properly credit and cite sources. Check the resources below before you ask me.
- Resources: I've posted the following citation essentials in the *Writing, Citation and Plagiarism* module on Canvas. Please familiarize yourself with **all** of them.

- “10 types of Plagiarism”. *Plagiarism isn't just copying, so know the other 9 types.*
- Purdue's OWL website for APA formats
- Plagiarism.org's website
- Link to an article on what is or is not “Common Knowledge” and when it needs citation.
- For law-related courses, necessary legal citation formats with examples are also in the *Writing, Citation and Plagiarism* module on Canvas.
- Check these sources first. If you're still unsure then ask me. It helps everyone if you post citation questions on Course Q&A.
- When in doubt, play it safe and cite.
- **Cite all** “Source Derived Material”. See next section.

Citing Source-Derived Material

As part of your plagiarism avoidance, I expect you to understand citation. Your writing must consist of your original ideas not those of others. Your analyses will necessarily draw on the work of writings in this class and those need to be properly cited in APA style, as follows.

- **Anything you know because of a source is "source-derived material"**. That is not limited to direct quotes. It includes **anything** you know or derive from readings, films and videos, another class or from any other place.
- All **source-derived material** has to be credited to the original source using in text and bibliographic citations using **APA** style and in text placement.
- **Do not rely** on something being **common knowledge**. There is a link to an article explaining what qualifies as common knowledge in the *Writing, Citation and Plagiarism* Module.
- **Short rule:** If you didn't write, invent, see it in person or think it up on your own then cite it. That includes any textbook. *Unless you're Aristotle*, don't mention anything about traditional rhetoric without citation. Don't quote *Purple Haze* without citation *unless you're Jimi Hendrix*.
- **Quotations and paraphrases:** Limit any continuous quotations from **secondary sources** to a maximum of 2 sentences. **Primary sources** may be quoted at greater length but do not count towards any specified page count. **Video primary sources.** All sources are to be properly cited in text according to APA style.

Climate, Courtesy and Productivity:

To succeed as a class, we need a classroom climate that is courteous and respectful. Together, we will foster a culture of collaboration and interaction. Rules of Classroom Conduct are posted with this syllabus.

Electronic Devices

There is **no laptop or electronic device use** in this class **for note-taking or anything else**. For the duration of EVERY class all electronic devices (including but not limited to laptops, tablets, phones, game consoles, drones, headsets and earbuds) will be turned off, stowed, not handled or used in any manner without my express permission. It's very disrespectful and discourteous to me and violating this rule is penalized. Sound recording, video recording and photography are **forbidden** and will be harshly sanctioned up to and including a failing grade for the course. See **gruesome** details in the Rules of Classroom Conduct.

Title IX Notice

Title IX is a federal law that provides that no person be excluded on the basis of sex from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity. Both Title IX and university policy make clear that sexual violence and harassment based on sex is prohibited. An individual who believes he or she has been subjected to sexual violence or harassed on the basis of sex can seek support, including counseling and academic support, from the university. If you or someone you know has been harassed on the basis of sex or sexually assaulted, you can find information and resources at <https://sexualviolenceprevention.asu.edu/faqs>

As a mandated reporter, I am obliged to report any information that I become aware of regarding alleged acts of sexual discrimination, including sexual violence and dating violence. ASU Counseling Services, <https://eoss.asu.edu/counseling>, is available to you to discuss any such situations, confidentially and privately, with a trained professional.

Weekly Workload

Weekly workloads outside of class will vary widely. A typical week would require 3- 4 hours outside of class; more if you're writing a paper. Time elements are estimated below.

Reading and taking notes on readings: varies widely 1 to 3 hours.

Video Viewing: 30 - 90 minutes when outside video viewing is assigned.

Homework: 30-45 minutes to write an engaging Prep for Class Discussion (PCD) if assigned.

Papers: approximately 8 to 10 discontinuous hours if using a proper methodical approach. (See Guidelines for Writing Academic Papers, in Modules|Writing, Citation and Plagiarism on Canvas.)

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### Grading and Assessment

|                                        |                    |
|----------------------------------------|--------------------|
| Syllabus Quiz                          | 10                 |
| Prep for Class Discussion (PCD) 8 @ 15 | 120                |
| Papers:                                | 250                |
| Public Perceptions    50 pts           |                    |
| Traditional analysis    100 pts        |                    |
| Narrative analysis    100 pts          |                    |
| non-attendance deduction               | <i>they add up</i> |
| Total                                  | 380                |

|           |                                 |           |                                 |           |                                 |
|-----------|---------------------------------|-----------|---------------------------------|-----------|---------------------------------|
| <b>A+</b> | 98% and above                   | <b>B+</b> | 87% and above but less than 90% | <b>C+</b> | 76% and above but less than 80% |
| <b>A</b>  | 94% and above but less than 98% | <b>B</b>  | 84% and above but less than 87% | <b>C</b>  | 70% and above but less than 76% |
| <b>A-</b> | 90% and above but less than 94% | <b>B-</b> | 80% and above but less than 84% | <b>D:</b> | 60% and above but less than 70% |
|           |                                 |           |                                 | <b>E:</b> | Less than 60%                   |

**Rounding:** Hundredths (.01s) of a point are rounded to next highest 10<sup>th</sup> (.1) of a point; .95 points and above is rounded to the next whole point. Percentages are rounded only to the nearest 10<sup>th</sup> (.1) of a percent.

**“Extra Credit work”:** Isn’t a thing.

**Note:** Canvas may display a letter grade. Those don’t always align with my percentage letter grade break-points. Use the above table to figure your grade at any point in the course. Add up all your points to date then divide by the total possible points for all assignments due to date. That’s your percent grade at that point in the course. Then, use that percent and these letter grade break-points and you have your current letter grade.

*Immune as to the sacrifice of straw dogs, entreaties to your GPA are unavailing.*

*In space, no one hears your screams.*

### General Grading Guidelines

These are the standards that I follow in order to determine a point and letter grade for each assignment. As explained previously, Advanced level academic writing is a threshold

expectation in all assignments.

**A range grades** = advanced level: Work satisfies criteria for B level and shows **exceptional** thought, creativity and no formal writing deficiencies. An A has little room for improvement. An A+ is for all intents and purposes perfect.

**B range grades** = superior level: Work thoughtfully addresses every point in the assignment with well founded and thoroughly developed ideas. Thoughts are supported, organization is clear, no deficiencies in content, coherence of thought, analysis, argument or evidence. Minimal formal writing deficiencies.

**C range grades** = average level: Work addresses every point in the assignment with minor deficiencies in content, coherence of thought, analysis, argument, evidence, writing.

**D range grades** = minimally adequate: Work incompletely addresses substantial requirements of the assignment or work demonstrates substantial deficiencies in content, coherence of thought, analysis, argument, evidence, and/or writing.

**E or F range grades** = unacceptable: Work ignores and/or incorrectly addresses all requirements of the assignment or demonstrates a maximal level of deficiencies in content, coherence of thought, analysis, argument, evidence, and writing.

Plagiarism results in a zero on an assignment and may result in a failing grade in the course.