

COURTROOM ORATORY – THE RHETORIC OF COURTROOM ADVOCACY

Instructor:
Email:
Phone:
Office hrs:
Office Location:

Big Picture:

Although public perceptions of the legal system are vitally important, that's not what this course is about. This course uses only real cases as examples for study, not dramatizations from TV or movies. Because real court cases aren't wound up neatly in an hour or two, the videos I've selected to show in class normally run 10-30 minutes in order to fully demonstrate and analyze the action involved. I hope you'll help us find other videos as well; this is meant to be a *joint exploration*. 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.

Course Objectives:

Broadly, the objectives of this course are to jointly explore:

- The nature of legal advocacy in trials and appeals;
- Major rhetorical approaches applicable to legal advocacy; and
- Effectiveness of legal advocacy in real cases.

Office Conferences:

- It's not required, but I would like you to make an appointment early in the semester to meet and get acquainted individually. My office hours are posted on Blackboard and are by appointment only.
- *I'm here to help you succeed.* Anytime you need help with completing an assignment, want to talk about your progress or anything else *please* ask me for an office appointment. My hours are posted on Black Board. I'll do my best to accommodate meetings outside of regular hours if you request one.
- Appointments: Please make appointments in advance to assure that time has been allotted to you for your visits. Please cancel appointments in advance so the time allotted to you is available for someone else.
- I don't double book appointments, so wait for my confirmation of your date and time.

Required Reading:

Due dates for each required reading are shown in the Course Schedule.

Text: Schuetz, J. 2006. *Communicating the Law: Lessons from Landmark Legal Cases*. Long Grove, IL: Waveland Press.

Readings and Videos posted on BlackBoard per the course schedule. Most often it will be your responsibility to print your own copies of material on Black Board, but I will provide some of them to you advance where possible. Videos may be assigned.

Blackboard

- Content: syllabus and announcements, assignment materials, readings, Power Points, resources, video and audio.

Disability Resource Center: If you are registered with the disability resource center please notify me and have them notify me so that I may make accommodations as needed.

(Now for the fine print. "What the large print giveth and the fine print taketh away" – as quoted by Tom Waits)

Electronic Communication:

Course Q&A Forum:

This is the electronic equivalent of asking a question during class. This Forum is for questions and answers about this course, assignments, the syllabus, grading and anything else you may have questions about through the course of the semester. It is intended to be an easy way for you to ask me questions and for everyone to benefit from knowing answers to what may be FAQs.

- **Always** read the syllabus, schedule and assignment descriptions **before** posting questions. If the answer's there, I'll tell you to go read it – that would be embarrassing, wouldn't it?
- **Please subscribe to this Forum right away to avoid missing important course information.** By subscribing, you'll receive an email update each time questions or answers are posted.
- **Subject line of your post:** state the specific subject of your question.
- When **NOT** to use this forum and to send me an email instead: emails pertaining specifically to your class group, or an emergency and matters that are strictly personal or that you want to keep confidential (e.g., about grades or an absence).
- I'll read and reply to posts promptly.

Email:

- I check and respond to email M-F 8AM - 6PM, Saturday 11-2. Except during Finals, I don't usually read emails on Sunday.
- Check your email daily.
- No spam pledge: I only email the class about important and time sensitive matters.
- Your emails to me:
 - Don't email me assignments unless I tell you otherwise.
 - **Don't Email me general course questions – use Course Q&A instead.**
 - ***Format for the subject line of your emails: COM 225, Section Number (SLN) and concise statement of the specific topic of your message.***

A Few Basic Ground Rules for Class Conduct

Using Electronic Devices Is Hazardous to Your Grade: For the duration of EVERY class all electronic devices will be turned off, put away, not handled or used in any manner without my express permission. **1st Offence: Out for the Day. 2nd Offence: Out for a Week. 3rd Offence: Out for Good.**

Academic Integrity and Plagiarism

The College of Liberal Arts and Sciences and the Hugh Downs School of Human Communication

strongly believe in academic integrity; thus, instructors in the College and School do not tolerate cheating and plagiarism. Instructors who find compelling evidence of academic dishonesty will actively pursue one or more of the following actions: assigning a grade of XE (“failure through academic dishonesty”) to the student, advocating the suspension or expulsion of the student from the College, and/or referring the student to Student Judicial Affairs. If a student who is charged with academic dishonesty is found to be in violation, then one or more of these disciplinary actions will be taken. For further information, please read the Student Academic Integrity policy and the code of conduct for the Hugh Downs School of Human Communication at: <http://www.asu.edu/clas/communication/acadintpol/>

Disruptive Student Conduct Policy:

I want to build a classroom climate that is comfortable for all. In a communication class, it is *especially* important that we (1) display respect for all members of the classroom; including the instructor and students, (2) pay attention to and participate in all class sessions and activities; (3) avoid unnecessary disruption during class time (e.g. having private conversations, reading the newspaper, surfing the internet, posting on Facebook, making and receiving cell phone calls or text messages, etc); and (4) avoid racist, sexist, homophobic or other negative language that may unnecessarily exclude members of our classroom or campus. This is not an exhaustive list of behaviors; rather, it represents examples of the types of things that can have a dramatic impact on the class environment. Your final grade may be reduced by 1% *each time* you engage in these sorts of behaviors. Further, students who are verbally or physically aggressive towards the instructor, the TAs (if there are TAs in your class), or another student before, during, or after class will have their grade lowered by 25% *each time* they engage in this sort of behavior (and, students engaging in such behaviors will be permanently removed from the class and the proper authorities notified).

Students are required to adhere to the behavior standards listed in the Arizona Board of Regents Policy Manual Chapter V – Campus and Student Affairs: Code of Conduct http://www.abor.asu.edu/1_the_Regents/policymanual/chap5/index.html, and the ACD 125: Computer, Internet, and Electronics Communications <http://asu.edu/aad/manuals/acd/acd>

Attendance and Participation:

Required? No. Advisable? ***HIGHLY***

- What *you* get out of this class (alas, yes, including your grade) depends on what you put into it. Everyone’s enthusiastic participation is vital to this class’s success. Come to every class. Read all readings and do any required preparation before each class. Be active in class. Help your peers and support their progress.
- Never be afraid of speaking up in class. *We need your perspective.*
- Reading quizzes may be taken in advance if necessary but can’t be made up without a satisfactory excuse.
- Don’t arrive late if you can help it. Class starts promptly. I will not repeat announcements made at the start of class.
- You are accountable for all material discussed in class whether or not you are there so I recommend you have a friend in class who can bring you up to date on days you miss class.
- Never ask me “did I miss something?” The answer is always yes.

Assignments, Quizzes and Tests:

- In class reading and viewing quizzes @ 5 points each (see schedule)

- 3-5 page short essay – Public perceptions of the legal system
- 6-8 page essay Midterm
- 3-5 page short essay on Narrative
- 8-10 page essay Final Exam
- Essay page ranges: The low end is mandatory minimum and the least number of pages in which you can write a good paper. The high end is a suggestion; you can exceed that number if you've got more to say. Basically that means be thorough, be on point, be concise, stop when you're done.
- Essay instructions will be handed out in class well in advance of the due dates.
- Readings and Viewing: You are responsible for reading course readings and viewing assigned videos or presentations by the dates indicated in the syllabus schedule.

Handing in Assignments:

- Assignments are due properly formatted **at the beginning of class** on the scheduled due date.
- Written assignments **must** be uploaded to Safe Assign **not later than midnight of their due date on paper.**
- Assignments are not considered handed in until received on paper **and** uploaded to Safe Assign, **whichever occurs later.**
- **Late Penalty:** 10% per calendar day.
- I don't accept assignments via E-mail. I will only read hard copies of your work.
- Computer difficulties are not an excuse for late work. Back up your work and fill up on paper, ink or toner.

Alternate Due Dates

- You can always submit assignments early if your circumstances require. Alternate due dates for late submissions are **only** available for absences having one of the following **documented** excuses. We will determine the alternate due date in light of all the circumstances.
 - **University sanctioned or legally mandatory absences:** Prior notice and documentation of a university-sanctioned activity, or legally mandatory absence (e.g., witness subpoena, jury duty, trial or court hearing).
 - **Unanticipated major life disturbances** (e.g., medical, car accident, household or family emergency, legal obligation – alien abduction, not so much): timely notice and such documentation as I may require.
 - **Religious observance** To schedule an alternate due date due to a religious observance you need not provide documentation, just let me know in advance.
- **Non-emergency personal travel plans** (e.g., around holidays) **never** excuse you from any due date. Review the course schedule now and either plan to submit assignments early or make any adjustments to your discretionary plans as necessary.

- **Typed**, with 1-inch **margins** all around, double-spaced in black print on white paper.
- **Use only one of these fonts:** Verdana 10 point or Times New Roman 12 point.
- **Number** each page at the **bottom center**. Page count **does not** include the cover page or endnotes and reference pages. Page numbering starts with the first page of text (i.e., the first page of your writing is page 1 of a paper).
- Must have a **cover page** with your name, "COM 326", and the date and title of the assignment.
- **Must be STAPLED together in one package** (no paper clips, folded corners or covers/binders). *I do not carry a stapler to class. An unstapled assignment will be treated as having not been handed in.*
- **Please Don't** put papers in **binders** of any kind.

Academic Writing Standards:

Writing quality is a **significant** factor in grading essays in this class.

- Before writing your first essay view my presentation on Academic Writing.
- Unacceptable quality writing is returned ungraded and the student will be referred to the Writing Center.
- **I'll assist** you with outlining and planning papers if you make an appointment **well before** the due date. Owing to my time constraints, I can't do extensive review and may direct you to the Writing Center.
- ASU's Writing Center provides a variety of services. If you have serious difficulty with writing, make an appointment to take a draft paper to their one-on-one Tutoring Service before handing in any papers for this course.

Plagiarism and Citation: In every written assignment, cite all sources using regulation APA or MLA (as you prefer) in-line and bibliography formats. If you need to make legal citations I'll show you how to do that. Transcript and video citation formats are given below.

- **Over cite, never under cite.** Short rule: "If you didn't write it then cite it."

Essential links in BlackBoard General Resources folder on plagiarism and citations:

- **Plagiarism.Org** is the first best place to go for quick overviews and answers on when and how to cite sources. Use **Duke University's Avoiding Plagiarism** for more detailed explanations.
- Use **Purdue's Online Writing Lab (OWL)** for help with citation formats, grammar, punctuation.

Citing Trials

- **Trial transcripts** may be cited by line number and page number. If there is no numbering then just cite like this: (Proceedings of State v. X, <any other citing information>, <source>)
- **Videos:**
 - **In-line Cites for Video Sources.** Use this as a template for an initial cite:
At the beginning of its closing statement, the prosecution used a home video clip of Casey Anthony playing with Kaylee to begin contrasting Casey Anthony's character with that of a proper parent

(WESH TV, "State's Closing: Part 1", 0:50-1:40, Youtube 7/3/11).

- Subsequent cites to the *same* source: (WESH TV, "State's Closing: Part 1", 0:50-1:40)
- *Bibliography Cites for Video Sources.* Use this as a template:
WESH TV. "State's Closing: Part 1". Youtube 7/3/11.
<http://www.youtube.com/watch?v=uMZ47Fmq-Ts>
- Points are deducted for failing to cite sources properly in your papers. Substantial failure to properly cite sources constitutes plagiarism.
- Material that you "Copy and Paste" from any source is a direct quotation of such material and must be properly cited. Paraphrasing is often better.

Barrett Honors College Students

I will *gladly* supervise a paper or project for you following Barrett Honors College requirements if you request it within 2 weeks of the start of the semester.

Accommodations

Disability Resource Center: Students seeking accommodations due to special needs must be registered with the Disability Resource Center (DRC) located on the first floor of Matthews Center. <http://www.asu.edu/drc/> or 480-965-1362 (voice) / 480-965-9000 (TTY). Consult me for any other disability assistance and I'll endeavor to provide it.

Grading and Assessment

Assignments and Points: There are several sources of evaluation for this course, as listed below. Letter grades and the +/- grading scale in this class are as calculated by Blackboard Gradebook (see the chart below for break points) and those calculations are final.

Low quiz score dropped: *Provided* that you take all reading quizzes, your lowest score will be dropped in calculating your final grade.

Quizzes RQs 9@5 points,	50	points
VQ 1@5pts		
Short Essay – Public Perceptions	25	points
Midterm	50	points
Short Essay – Narrative	25	points
Final	75	points
Total Points Possible:	225	points

Black Board Letter Grade Scale					
98% and above	A+	87% and above but less than 90%	B+	76% and above but less than 80%	C+
94% and above but less than 98%	A	84% and above but less than 87%	B	70% and above but less than 76%	C
90% and above but less than 94%	A-	80% and above but less than 84%	B-	60% and above but less than 70%	D
				Less than 60%	E

("Content" includes formal features of academic writing including composition, grammar, word choice, use of contractions and other informalities, spelling, citation format. *Serious flaws in these can result in up to a 10%-20% penalty, so take care in your writing. Tip: don't rely on your word processor's spell check feature; just because a word is spelled correctly doesn't mean it's the *right* word in context – e.g., "there," and "their").*

A range grades = advanced level: Work satisfies criteria for B level and shows **exceptional** thought and creativity. **Little or no room for improvement.**

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.

C range grades = average level: Work addresses every point in the assignment and demonstrates only minor deficiencies in content, coherence of thought, analysis, argument or evidence.

D grade = minimally adequate: Work incompletely addresses some substantial requirements of the assignment. Work demonstrates substantial deficiencies in content, coherence of thought, analysis, argument or evidence.

E grade = unacceptable: Work ignores and/or incorrectly addresses all requirements of the assignment. Work is carelessly written/presented, disorganized. Plagiarism is grounds for an E or XE grade.

Additional Readings On Black Board

(Links and Files are on Black Board)

Required Readings

Journals, Chapters, Reference Sources

- Brizee, A. (2013, March 01). Stasis theory. Retrieved from <https://owl.english.purdue.edu/owl/resource/736/1/>
- Burton, G. (n.d.). *Silva Rhetoricae*. rhetoric.byu.edu.
- Gardner, J. A. (2007). "The Major Premise." In *Legal Argument: The Structure and Language of Effective Advocacy, 2nd Ed.*, pp.37-48. Newark, NJ: Matthew Bender & Co.
- Gross, D. D. (1996). "Creating juror participation and the Ruby Ridge incident: The narrative strategy in Gerry Spence's closing argument." *Trial Diplomacy Journal* 19: 259-267. John Wiley & Sons.
- Mazzocco, P. and Green, M. (2011). "Narrative persuasion in legal settings: What's the story?" *The Jury Expert*. 23/ 3, pp. 27-38.
- Rowland, R. (2009). "The Narrative Perspective." In Kuypers, J. (Ed), *Rhetorical Criticism: Perspectives in Action*, pp. 117-130, 138-142. Lanham, MD: Lexington Books.
- Weida, S., & Stolley, K. (2013, March 11). Using rhetorical strategies for persuasion. Retrieved from <https://owl.english.purdue.edu/owl/resource/588/04/>

Background Articles

- Death of Caylee Anthony. (2013, July 25). In *Wikipedia, The Free Encyclopedia*. Retrieved 14:57, July 25, 2013, from http://en.wikipedia.org/wiki/Death_of_Caylee_Anthony
- Hollingsworth v. Perry*. (2013, July 25). In *Wikipedia, The Free Encyclopedia*. Retrieved 14:57, July 25, 2013, from http://en.wikipedia.org/wiki/Hollingsworth_v._Perry
- Ruby Ridge. (2013, July 25). In *Wikipedia, The Free Encyclopedia*. Retrieved 14:57, July 25, 2013, from http://en.wikipedia.org/wiki/Ruby_Ridge
- State v. Zimmerman* readings or links posted in the *State v. Zimmerman* folder on Blackboard

Optional Reading

Optional (useful but not assigned)

- Hill, F. I. (2009). "The Traditional Perspective." In Kuypers, J. (Ed), *Rhetorical Criticism: Perspectives in Action*, pp. 39-50, 59-61. Lanham, MD: Lexington Books.
- Linder, D. (n.d.). "The OJ Simpson Murder Trial (1995)". *Famous Trials*. <http://law2.umkc.edu/faculty/projects/ftrials/Simpson/simpson.htm>
- Linder, D. (n.d.). "Oklahoma City Bombing Trial (1997)". *Famous Trials*. <http://law2.umkc.edu/faculty/projects/ftrials/mcveigh/mcveightrial.html>