

SPCM 4330

## **Communication in the Courtroom**

214 Terrell Hall  
MWF 11:15-12:05  
Spring 2008

Prof. Roger Stahl  
Office: 145 Terrell Hall  
Office Hours: Tuesday 10:00-11:30, Wednesday 1-2  
Email: [rstahl@uga.edu](mailto:rstahl@uga.edu)

While birds can fly, only humans can argue.  
Argument is the affirmation of our being.  
It is the principal instrument of human intercourse.  
Without argument the species would perish.  
As a subtle suggestion, it is the means by which we aid another.  
As a warning, it steers us from danger.  
As exposition, it teaches.  
As an expression of creativity, it is the gift of our selves.  
As a protest, it struggles for justice.  
As a reasoned dialogue, it resolves disputes.  
As an assertion of self, it engenders respect.  
As an entreaty of love, it expresses our devotion.  
As a plea, it generates mercy.  
As charismatic oration it moves multitudes and changes history.  
We must argue -- to help, to warn, to lead, to love, to create, to learn, to enjoy justice, to be.

-Cowboy Lawyer Gerry Spence

Boy: My dad's a liar. He goes to court and lies.  
Teacher: Oh, you mean he's a lawyer.

-*Liar Liar* (1997)

The courtroom is an intense place: a crucible of argument, a tinder box of emotions, a nexus of law enforcement and civil life. While we sometimes regard it as a place of our swarthiest scoundrels and profiteers, it also is the place where one of our greatest ideals is exercised. Our society has manufactured endless courtroom dramas for television – some real, some fictional. Some of our most moving public speeches come from closing arguments.

The courtroom has a very special relationship to the study of rhetoric. The beginnings of the study of rhetoric are often marked to be a court battle between two Athenians, Corax and Tisius. Corax had been teaching Tisius the art of rhetoric, which in those days meant the art of defending oneself in court. Tisius, feeling he had not gotten proper instruction in the craft, took Corax to court to get his money back. As the legend goes, Tisius argued that if he loses the court case, it proves his point – he did not get the proper instruction – and thus should win the case. Corax argued that if Tisius wins, it proves that he *did* get the proper instruction, and thus Tisius should lose the case. The story ends there, but it can be reasonably assumed that, at that point, the court spontaneously combusted. We'll try not to let this happen in this class.

This course will primarily be a practicum in courtroom law. That is, the majority of the course will be spent engaging in the forms of courtroom argument – as lawyers, witnesses, judges, and jury members – in the legal practicum we call the mock trial. The first few weeks, we will spend on a number of ethical dilemmas of the modern legal system. Then we will jump into honing our rhetorical skills within the courtroom itself.

**Nuts and Bolts:**

All assignments will be preceded with a handout. You will be responsible for:

1. Attendance, reading, participation, and discussion of issues on WebCT. 10%
2. One review paper detailing your visit to Athens-Clarke County Municipal Court as an observer (not as a criminal, hopefully). 10%
3. One mock trial – acting as both attorney and witness. 30%
4. One trial law issue exploration research paper. 20%
5. One midterm exam. 30%

**Required Texts:**

Reading packet, assembled by Dr. Stahl for SPCM 4330. Available at Athens Blue Print on the corner of Pulaski and Prince/Dougherty.

**The following was written by REAL lawyers:**

All academic work must meet the standards contained in *A Culture of Honesty*. Each student is responsible to inform themselves about those standards before performing any academic work.

The course syllabus is a general plan for the course; deviations announced to the class by this instructor may be necessary.

Schedule  
4330: Communication Strategies in the Courtroom

| <u>Week</u>   | <u>Topic</u>  | <u>Readings/Due</u> |
|---------------|---|---------------------|
| <b>Week 1</b> | The Theatrical Courtroom  |                     |
| Mon, Jan 7    | Course Intro  |                     |
| Wed, Jan 9    | The Art<br>A little history and theory from the Greeks and Romans |                     |
| Fri, Jan 11   | Navigating the Court System                                       |                     |

|               |   |  |
|---------------|---|--|
| <b>Week 2</b> | The Court System                                      |  |
| Mon, Jan 14   | System Limitations                                    | Drop/add period ends Jan 18                        |
| Wed, Jan 16   | Watch Bill Moyers: “And Justice for All?”             | Darrow, “Address to Prisoners in Cook County Jail” |
| Fri, Jan 18   | Philosophical Problem #1<br>Watch: To Defend a Killer | McIntyre, “But How Can You Sleep Nights?”          |

|               |   |   |
|---------------|---|---|
| <b>Week 3</b> | Ethics in the courtroom   |   |
| Mon, Jan 21   | No Class, Day ON – MLK Day  |   |
| Wed, Jan 23   | To Prosecute, or Not to Prosecute?  | Gershman, “A Moral Standard for the Prosecutor’s Exercise of the Charging Discretion” |
| Fri, Jan 25   | Does Money Buy Innocence?<br>And...What’s wrong with a little theater in the courtroom?<br>Watch: Trial Consultants | Couric, <i>The Trial Lawyers</i> , “James F. Neal”                                    |

|               |  |   |
|---------------|--|---|
| <b>Week 4</b> | TV and The News  |   |
| Mon, Jan 28   | OJ!  | Chancer, “O.J. Simpson and the Trial of the Century? Uncovering Paradoxes in Media Coverage”                      |
| Wed, Jan 30   | Media and Sensationalism<br>Watch: Dawn of the Eye   | Perrello, “What Ever Happened to the Fair Trial? The American Justice System’s Obsession with Punishment”         |
| Fri, Feb 1    | Cameras in the Courtroom: OJ<br>Watch: Bill of Rights – Rape Trial<br><b>Court Visit Paper Due</b> | Russell, “Undercurrents of Judicial Policy: Demystifying the Third Branch of Government and the O.J. Simpson Case |

|               |  |                          |
|---------------|--|--------------------------|
| <b>Week 5</b> | Argumentation, Language, and Delivery                        |                          |
| Mon, Feb 4    | Modes of Argument<br>Logical and Artistic Proofs<br>Evidence | “Selection of Arguments” |

|            |   |                         |
|------------|---|-------------------------|
| Wed, Feb 6 | Argumentative Fallacies<br>Linguistic Devices | “Selection of Evidence” |
| Fri, Feb 8 | Delivery                                      |                         |

|               |                                     |  |
|---------------|-------------------------------------|--|
| <b>Week 6</b> | Useful Storylines                   |  |
| Mon, Feb 11   | Trial as Theater<br>You as Director | Vinson, “Putting on the Case”                                      |
| Wed, Feb 13   | Constructing a Narrative            | Pennington and Hastie, “The Story Model for Juror Decision Making” |
| Fri, Feb 15   | Constructing Blame or Guilt         | Christie, “The Ideal Victim”                                       |

|               |  |  |
|---------------|--|--|
| <b>Week 7</b> | Opening Statements   |  |
| Mon, Feb 18   | Mechanics and Techniques<br>Establishing Theme and Theory            | Rieke & Stutman, “The Opening Statement” |
| Wed, Feb 20   | Trying on the Opening Statement                                      | Vinson, “Opening Statements”             |
| Fri, Feb 22   | Introducing Evidence<br><br>Watch: The Case of the Cursing Canoe-ist |  |

|               |  |   |
|---------------|--|---|
| <b>Week 8</b> | Witness Examination  |   |
| Mon, Feb 25   | Direct Examination<br>Pre-trial interviewing<br>Constructing a Story<br>Objections                               | Jones and Varner, “Direct Examination: Making the Facts Understandable” |
| Wed, Feb 27   | Cross Examination<br><br>Hostile Witnesses<br>Questioning Techniques<br>Lying Witnesses<br>Going for the Jugular | Nations, “Integration of Goals of Witness Examination”                  |
| Fri, Feb 29   | Cross-Ex   |   |

|               |   |                                 |
|---------------|---|---------------------------------|
| <b>Week 9</b> | Witness Examination and Closing Arguments |                                 |
| Mon, Mar 3    | Closing Arguments                         | Chapter 14, “Closing Arguments” |

|            |                       |   |
|------------|-----------------------|---|
| Wed, Mar 5 | Tricks and Techniques | Rieke and Stutman, "The Closing Argument<br><br>Medgar Evers's Trial Closing Arguments, "Justice Delayed, but Not Denied" |
| Fri, Mar 7 | <b>Midterm Exam</b>   |   |

|                |              |  |
|----------------|--------------|--|
| <b>Week 10</b> |              |  |
| Mon, Mar 10    | Spring Break |  |
| Wed, Mar 12    | Spring Break |  |
| Fri, Mar 14    | Spring Break |  |

|                |             |  |
|----------------|-------------|--|
| <b>Week 11</b> |             |  |
| Mon, Mar 17    |             |  |
| Wed, Mar 19    | Mock Trials |  |
| Fri, Mar 21    | Mock Trials |  |

|                |             |  |
|----------------|-------------|--|
| <b>Week 12</b> |             |  |
| Mon, Mar 24    | Mock Trials |  |
| Wed, Mar 26    | Mock Trials |  |
| Fri, March 28  | Mock Trials |  |

|                |             |  |
|----------------|-------------|--|
| <b>Week 13</b> |             |  |
| Mon, March 31  | Mock Trials |  |
| Wed, Apr 2     | Mock Trials |  |
| Fri, Apr 4     | Mock Trials |  |

|                |  |  |
|----------------|--|--|
| <b>Week 14</b> |  |  |
|----------------|--|--|

|             |             |                           |
|-------------|-------------|---------------------------|
| Mon, Apr 7  | Mock Trials |                           |
| Wed, Apr 9  | Mock Trials |                           |
| Fri, Apr 11 | Mock Trials | <b>RESEARCH PAPER DUE</b> |

|                |             |  |
|----------------|-------------|--|
| <b>Week 15</b> |             |  |
| Mon, Apr 14    | Mock Trials |  |
| Wed, Apr 16    | Mock Trials |  |
| Fri, Apr 18    | Mock Trials |  |

|                |                   |  |
|----------------|-------------------|--|
| <b>Week 16</b> |                   |  |
| Mon, Apr 21    | Mock Trials       |  |
| Wed, Apr 23    | Mock Trials       |  |
| Fri, Apr 25    | Finishing Touches |  |

|                |                   |  |
|----------------|-------------------|--|
| <b>Week 17</b> |                   |  |
| Mon, Apr 28    | Finishing Touches |  |
| Wed, Apr. 30   |                   |  |
| Fri, May 2     |                   |  |