

COMM 421: Legal Communication (4.0 units) Syllabus

The course will examine the rhetoric of American legal discourse by exploring the analytical and communicative aspects of legal argument, the philosophy and techniques of appellate advocacy, and the law's impact on social justice movements. In addition to attending weekly lectures, students will research, prepare, and present news articles, case briefs, and one mock judicial opinion.

Instructor:

William (Bill) Blum, JD, Retired Administrative Law Judge

Class time:

Wednesday, 2:00-4:50 pm

Class location:

ANN 406

Instructor contact info:

The best way to contact me is via e-mail:

wblum@usc.edu. Secondary email: wbluml@aol.com

Phone consultations can be arranged, as needed.

Texts:

This course will not use a textbook. Recommended and extra-credit reading materials are listed below. Additional reading materials will be provided as handouts or via online links each week.

Course Description:

The course will utilize a combination of lecture and video presentations. We will look at how lawyers and judges communicate in the formal structure of courtrooms, and how others (journalists, politicians, political activists, TV and radio reporters, academics, etc.) talk about the law outside of the courtroom. We will also examine how litigants, lawyers and judges are viewed in popular culture, in movies, television, books, magazines, and music. An emphasis throughout the course will be placed on the story-telling content of major lawsuits, and on the social, moral and political values such cases reflect and

influence. We will also explore how the law affects movements for social change.

No later than the fourth week of the course, each student will select a case from this United States Supreme Court's current term for which s/he will be a "lawyer" and a "journalist/commentator" for the remainder of the semester. Students will use the briefs on file in that case as the basic material for applying the concepts and skills discussed in class.

We will also actively monitor legal news during the semester. Starting in October, we will update the latest developments at the Supreme Court, looking at the oral arguments the court has held in the previous week, the decisions (if any) the court has issued during the current term, and any new big cases it has decided to hear on the merits.

Students are encouraged visit either the United States Court of Appeal in Pasadena, or the California Court of Appeal or the California Supreme Court in downtown Los Angeles to observe an appellate court in action. Students may earn extra credit by writing a short paper about their visits and the oral arguments observed. Students may also earn extra credit by writing book reports on any of the recommended texts listed below.

For written assignments, students will prepare one brief news article or op-ed, one short legal memo, one mock appellate brief, and one mock Supreme Court opinion. Students will also engage in a mock appellate oral argument on their selected US Supreme Court cases, acting as lawyers in the cases, while other students and the instructor act as Justices of the Supreme Court.

Course Objectives:

1. To understand and apply argumentation, persuasion, and rhetorical skills in a legal framework.
2. To explore how audience and context affect legal communication.
3. To explore what it means to "write like a lawyer" and "argue like a lawyer".
4. To explore how legal communications are made outside the courtroom in academic, journalistic and popular media (radio, TV, Internet, music and song) contexts.
5. To explore the role and impact of legal communication on social justice movements.

Grading:

400 ...Attendance and overall participation.

200...Mock news article or op-ed on the death-penalty cases of Glossip and Buck.

300... Mock legal memo.

400...Mock appellate Brief.

400...Oral appellate argument, performance as attorney and/or judge.

400...Mock judicial Opinion, majority and/or dissenting.

2100... Total Points.

200...Extra Credit Points total: Reports on court visits or book reviews, maximum of two submissions.

Final:

The final paper in the form of a mock judicial opinion will be due on or before the last day of class. For good cause, students may request to submit their opinions via email by the end of the final examination period.

Academic Integrity Policy:

The Annenberg School is committed to upholding the University's academic integrity code as detailed in the USC campus guide. It is the policy of the School of Communication to report all violations of the code to the Office of Student Conduct. Any serious violation or pattern of violations of the academic integrity code will result in the student's expulsion from the Communication major or minor.

ADA Compliance Statement

Any student requesting academic accommodation based on a disability is required to register with Disability Services and Programs (DSP) each semester. A letter of verification for approved accommodations can be obtained from DSP. Please be sure the letter is delivered to your instructor (or TA) as early in the semester as possible. DSP is located in STU 301 and is open 8:30 a.m. – 5:00 p.m., Monday through Friday. The phone number for DSP is 213-740-0776.

Attendance and Participation

Regular attendance is essential to success in this course; however, you may miss one class during the semester. Any additional absences, will lower your course grade, and may cause the student to fail the course. The two oral assignments must be delivered on the date assigned.

Arriving late and leaving early are extremely disruptive and, such behavior may be counted as an absence. You may arrive late or leave early one time during the semester; any additional late arrival/early departure will lower your participation score.

Any assigned readings should be completed *before class* on the day assigned. Lectures will not cover all portions of the assigned readings, and may cover additional materials not in the assigned readings; nonetheless, you are responsible for *all* materials, both those in the readings and in lecture. You must be prepared to answer substantive questions about content covered in the assigned readings. Following in the long tradition of students of the law being actively engaged by their teacher, the instructor will call upon students to answer questions, and the quality of your participation will be noted.

Recommended Reading:

Legal Research: How to Find & Understand the Law, Nolo Press

Extra-Credit Reading:

1. *Thinking Like a Lawyer*, Frederick Schauer, Harvard Univ. Press
2. *The Case Against the Supreme Court*, Erwin Chemerinsky, Viking Press
3. *The Federalist Society: How Conservatives Took the Law Back from Liberals*, Michael Avery and Danielle McLaughlin, Vanderbilt Press
4. *Law and Popular Culture*, 2nd Edition, Michael Asimow and Shannon Mader, Peter Lang Pub.
5. *Uncertain Justice: The Roberts Court and the Constitution*, Laurence Tribe,

Joshua Matz, Henry Holt.

6. *Madison's Music: On Reading the First Amendment*, Burt Neuborne, New Press

7. *They Know Everything About You*, Robert Scheer, Nation Books.

8. *Injustices: The Supreme Court's History of Comforting the Comfortable and Afflicting the Afflicted*, Ian Millhiser, Nation Books.

9. *The Presumption of Guilt: The Arrest of Henry Louis Gates, Jr., and Race, Class, and Crime in America*, Charles Ogletree, St. Martin's Press.

10. *Gunfight: The Battle Over the Right to Bear Arms in America*, Adam Winkler, W.W. Norton.

Course Outline:*

Week 1:

Introduction and class Overview. What is legal communication? Review of our court systems, federal and state.

Introduction of course theme: *Every lawsuit tells a story about people and their values: legal, social, and political*. To illustrate the theme and emphasize the urgency of the issues raised in the biggest legal cases pending before the Supreme Court, we'll have a short discussion about capital punishment and the cases of Richard Glossip, a white inmate from Oklahoma, and Duane Edward Buck, an African American inmate from Texas.

First assignment: Due the third week: A brief paper or op-ed (500 words approx.) on either the Glossip or Buck case, or both.

Week 2:

The Supreme Court and the Constitution, an overview. Who sits on the current court? How are the Justices selected? What are the politics of the current Justices?

How did the death of Justice Antonin Scalia affect the court? Why has the Senate failed to act on the president's appointment of a successor to Scalia?

How would the election of either Donald Trump or Hillary Clinton affect the future of the Supreme Court?

We will also review of last term's biggest Supreme Court cases and look at this term's biggest cases.

Week 3:

Submission of student papers on the *Glossip* and/or *Buck* cases.

Lecture topic: The Supreme Court in action. How did the court decide last term's biggest cases? What are this term's major cases?

Begin selection of current cases to be followed by students during the semester.

New Assignment: Students will review at least two legal briefs submitted to the Supreme Court in last term's biggest cases by logging onto scotusblog.com in order to finalize their case selections, facilitate further discussion of the cases, and to become familiar with the style, formatting and content of legal briefs.

Week 4:

Continue with discussion of Supreme Court cases and any other legal cases and issues that are making headlines. Students will announce in class which case they will monitor and analyze in depth for the remainder of the semester.

Begin discussion of the nuts and bolts of legal memo and legal brief writing. Examples and handouts will be provided.

New Assignment: preparation of a mock legal memorandum on a pending Supreme Court case. Memo should be in the range of 500 words, due week 6.

Week 5:

Discussion of the issues, both legal and social, that are raised by the cases selected by the students to follow during the semester. Discussion of the

problems/questions students have in connection with brief writing.

Discussion of latest legal developments in the news, including the *Glossip* and *Buck* cases, the presidential election and the controversy surrounding the appointment of a successor to Justice Scalia.

Week 6:

Submission of legal memos.

Lecture topic: Trials versus appeals? What's the difference? What are the steps involved in each? Direct versus cross examination. Closing arguments. The role of juries. Fact-finding versus legal errors. The role of appellate judges.

Up-close look, by means of videos, at famous trials, including the Chicago Eight, OJ Simpson, Rodney King, and Dzhokar Tsarnaev, the Boston Marathon bomber.

Week 7:

Weekly Supreme Court Update, followed by a video presentation of the oral argument held before the Second Circuit US Court of Appeals in September 2014 in the case of **ACLU v. Clapper**, an important case dealing with the issue of government surveillance. The video will be followed by discussion of the argument, with an emphasis on how the lawyers and judges used logic, story-telling, legal precedent, analogy and other rhetorical devices to get their points across.

Week 8:

Continue with discussion of ACLU v. Clapper and our weekly Supreme Court update.

Begin discussion of the relationship between **law and popular culture** with an emphasis on how law shapes popular beliefs, as reflected by news articles, books, movies, and even music. The class will consider both opinion-type articles/books, and so-called viewpoint-neutral or "straight news" articles.

Week 9:

Continue with our weekly Supreme Court updates and our exploration of the intersection between law and popular culture. The class will view the movie **Dead Man Walking**, an award winning feature film on the death penalty starring Sean Penn and Susan Sarandon. Discussion to follow.

New assignment: students will convert their legal memos into more formal appellate briefs. Briefs are due in class, week 12.

Week 10:

Law and social change: Class will consider various movements for equal rights and social change, with special emphasis on the Civil Rights movement, the labor movement, women's rights, the Second Amendment, capital punishment, and immigration.

Week 11:

Brief class discussion of problems encountered, challenges overcome in the preparation of the briefs.

Continue our examination of the role of law in movements for social change. Discussion of the movers and shakers in the legal movement for equal rights and the protection of civil liberties. A look who's who in the world of public interest law, from the NAACP to the ACLU and the Federalist Society to public defender and district attorney offices, the federal Department of Justice and legal aid societies.

Week 12:

Submission of appellate briefs.

Lecture Topic: International Law: As the world's most powerful nation, the US is involved in international legal disputes involving trans-national legal bodies such as the World Court and the International Criminal Court. The class will take a brief look at these institutions and examine the question of whether law and diplomacy can replace war as the primary means of achieving international justice.

Final Assignment, due week 15: Students will begin to prepare mock judicial opinions on the Supreme Court case they have been monitoring

throughout the semester.

Weeks 13-14:

Mock oral arguments on the Supreme Court cases that students have been monitoring, with students playing alternating roles of attorneys and justices. Instructor will perform as chief justice.

Week 15:

Finals Week.

In lieu of a final exam, **submission of a written mock judicial opinion**, minimum 1000 words, on one of the selected cases.

***PLEASE NOTE:** The schedule is subject to change, based on the needs and interests of the class as well as any late-breaking legal developments of major significance, including newly announced Supreme Court decisions.

Statement on Academic Conduct and Support Systems

Academic Conduct

Plagiarism – presenting someone else’s ideas as your own, either verbatim or recast in your own words – is a serious academic offense with serious consequences. Please familiarize yourself with the discussion of plagiarism in *SCampus* in Section 11, *Behavior Violating University Standards* <https://scampus.usc.edu/1100-behavior-violating-university-standards-and-appropriate-sanctions/>. Other forms of academic dishonesty are equally unacceptable. See additional information in *SCampus* and university policies on scientific misconduct, <http://policy.usc.edu/scientific-misconduct/>.

Discrimination, sexual assault, and harassment are not tolerated by the university. You are encouraged to report any incidents to the *Office of Equity and Diversity* (<http://equity.usc.edu/>) or to the *Department of Public Safety* (<http://capsnet.usc.edu/department/departement-public-safety/online-forms/contact-us>). This is important for the safety whole USC community. Another member of the university community – such as a friend, classmate, advisor, or faculty member – can help initiate the report, or can initiate the report on behalf of another person. *The Center for Women and Men*

(<http://www.usc.edu/student-affairs/cwm>) provides 24/7 confidential support, and the sexual assault resource center webpage (sarc@usc.edu) describes reporting options and other resources.

Support Systems

A number of USC's schools provide support for students who need help with scholarly writing. Check with your advisor or program staff to find out more. Students whose primary language is not English should check with the American Language Institute (<http://dornsife.usc.edu/ali>), which sponsors courses and workshops specifically for international graduate students. The Office of Disability Services and Programs (http://sait.usc.edu/academicsupport/centerprograms/dsp/home_index.html) provides certification for students with disabilities and helps arrange the relevant accommodations. If an officially declared emergency makes travel to campus infeasible, USC Emergency Information (<http://emergency.usc.edu>) will provide safety and other updates, including ways in which instruction will be continued by means of blackboard, teleconferencing, and other technology.