

**Linguistics 412**  
**Linguistic Interpretation of the Law**  
**Fall 2013**

**Time:** Tuesdays and Thursdays, 12:30 – 1:50 pm

**Place:** GFS 212

**Instructor:** Prof. Sandra Ferrari Disner  
GFS 301n  
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**Office hours:** Mondays 1 - 2 p.m., Tuesdays 2 - 3 p.m., and by appointment

**Course description:** Language is the attorney's primary tool in activities such as arguing a case, drawing up a contract, or defending a trademark.

Attorneys typically pride themselves upon the precision and clarity with which they use language. Yet ambiguities abound in legal documents. (Someone accused of “knowingly selling a prohibited substance to a minor” may, for example, insist that the scope of the adverb ‘knowingly’ only extends to the illegality of the substance, not to the age of the purchaser.) The clever use of conversational implicatures can be misleading. Studies have revealed that jurors do not always understand fully the instructions given to them by judges. And the Plain English Movement, which seeks to make legal documents understandable and accessible to all, has encountered resistance from attorneys who are concerned about – of all things – precision and clarity.

Linguistic analysis, and in particular the study of semantics and pragmatics, can shed considerable light on the complexities of legal language. Linguistics can be used to explain just how legal language differs from ordinary language in referring to the same concept. It can point out all the promises implied, but never actually specified, in a contract. It can justify the use of a sentence such as, "It depends on what the meaning of the word 'is' is."

All of the linguistic concepts and methodology needed to analyze the legal language under discussion will be taught early on in class. *There are no prerequisites for this course.*

Grades will be based on homework assignments (supplemented by occasional in-class quiz questions), two midterm exams, attendance, and a final project.

**Course objectives:**

- Demonstrate the ability to critically analyze legal discourse, including threats, warnings, and promises.
- Relate characteristics of legal language to their historical origins and contemporary functions.

- Evaluate the proposed “Plain Language” reforms, and their likelihood of adoption.
- Distinguish various types of ambiguity: lexical, syntactic, referential.
- Demonstrate an understanding of language-based infractions, including false advertising and plagiarism, as well as the role of the forensic linguist in legal matters such as perjury, trademark infringement, bribery, and threats.

**Textbooks:** *Legal Language*, by Peter M. Tiersma (Chicago 2000), and *Ling 412 Course Reader* (published and sold by USC Bookstore)

Copies will be available on loan in Leavey Library. These texts will be supplemented by articles provided on Blackboard by the instructor.

**Grade components:**

1. Attendance and participation (10% of final grade). In a seminar setting, timely attendance and active participation are important. Attendance will be taken during the first 10 minutes of class; no credit will be awarded for late arrival. Advance notification is required for any planned absences.
2. Homework assignments (and occasional in-class questions). (30% of grade) Points will be deducted for late submission without a valid and documented reason, such as illness.
3. Midterm quiz (25% of grade)
4. Final project, minimum 10 pages, and an oral preview presented during the last week of class (35% of grade)

**Academic integrity:**

Students are expected to uphold the USC Student Conduct Code (<http://web-app.usc.edu/scampus/university-student-conduct-code/>). Violations of the code (see <http://web-app.usc.edu/scampus/1100-behavior-violating-university-standards-and-appropriate-sanctions/>) harm every student in the class. Any student who is found cheating on an exam or homework, or who facilitates cheating by another student, will receive no credit for that work. Further action will also be taken if necessary.

**Students with disabilities:**

Students needing special accommodations (e.g., longer exam time) due to a physical or learning disability should contact the instructor as early in the semester as possible, and should also contact Disability Services and Programs (DSP). See their webpage at [http://sait.usc.edu/academicsupport/centerprograms/dsp/home\\_index.html](http://sait.usc.edu/academicsupport/centerprograms/dsp/home_index.html))

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**Tentative Course Schedule:**

- August 27: Course introduction.
- August 29: Invocation of Miranda rights.

Read article in Course Reader by Janet Ainsworth: "'You have the right to remain silent ...' but only if you ask for it *just so*". International Journal of Speech, Language and the Law 15.1, 2008, pp. 1-21.

September 3: The linguistics of silence.

Read article in Course Reader by Janet Ainsworth: "The meaning of silence in the right to remain silent". From "Oxford Handbook of Language and Law", pp. 287-298.

September 5: Consenting to a search.

Read excerpt posted on Blackboard from an article by Peter Tiersma and Lawrence Solan, "Cops and robbers". From "Law & Society Review" 38(4), 2004. Pages 229-239

September 10: The interpretation and meaning of legal terms.

Tiersma, chapter 7.

September 12: Narrative structure of trials.

Tiersma, chapter 10.

September 17: Conversational implicatures.

Read article in Course Reader by Deborah Davis and Richard Leo: "Interrogation through pragmatic implication: sticking to the letter of the law while violating its intent". From "Oxford Handbook" pp. 354-36.

September 19: First encounters with witnesses and suspects

Read Coulthard chapter in Course Reader

September 24: Courtroom practices. Guest speaker: William Weiss, Esq., Chief Public Defender (ret.), Los Angeles County Courthouse, Van Nuys.

September 26: Courtroom discourse

Read pages from Shipman trial transcript, posted on Blackboard.

Also [http://www.dailymotion.com/video/xjl0\\_vicky-pollard-courtroom\\_fun](http://www.dailymotion.com/video/xjl0_vicky-pollard-courtroom_fun)

October 1 and 3: Linguistic mechanisms of asserting power: the rape trial.

Read article in Course Reader by Conley & O'Barr: "The Revictimization of Rape Victims". From "Just Words" pp. 15-38.

October 8 and 10: The Nature of Legal Language

Read Tiersma, chapters 4 ("Talking like a lawyer"), 5 ("The quest for precision"), and 6 ("The legal lexicon").

October 15: Midterm exam
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October 17: The intelligibility of jury instructions.

Guest speaker: Bethany Dumas, J.D., Ph.D., Professor (Emerita) of Linguistics,

University of Tennessee, Knoxville.

October 22: History of legal language  
Read Tiersma, chapters 1, 2 and 3.

October 24: Impenetrability of legal language  
Read Tiersma, chapter 12.

October 29: The value of precision  
Guest speaker: Gerold W. Libby, Esq., Zuber, Lawler & DelDuca, LLP, Los Angeles

October 31: The Plain Language Movement  
Read chapter in Course Reader by Lawrence Solan: "When the language is clear",  
from "The Language of Judges" pp. 93-117. Also read Tiersma, chapter 13.

November 5: Syntax, semantics, and ambiguity  
Blackboard readings to be announced.

November 7: Ambiguity  
Guest speaker, Saurov Syed, USC

November 12 & 14: Introduction to forensic linguistics: speaker identification and authorship.

November 19: Plagiarism and authorship analysis  
Read excerpts from article "On Textual Borrowing", posted on Blackboard.

November 21: Defamation  
Guest speaker: Prof. Edward Finegan. Director, USC Center for Excellence in Teaching.

November 26: Course summary.

November 28: [Thanksgiving Day, no class]

December 3 & 5: Previews of final projects to be presented in class

December 17 (11 am-1 pm): Written final projects to be submitted during exam period.