

COMM 421: Legal Communication (4.0 units) Syllabus

Do you want to learn to think, write and talk like a lawyer or a judge? Well, you've come to the right course.

Utilizing a combination of lectures, PowerPoint presentations, selected videos, and student-participation exercises, the course will examine the rhetoric of American legal discourse. Students will study how lawyers and judges communicate in the courtroom; how legal issues are discussed by lay people; and how lawyers and judges are viewed in popular culture.

Four themes will be emphasized throughout the semester:

- 1. *"Everything old is new again."* (songwriter Peter Allen, the movie "All That Jazz"): In the biggest legal cases and controversies, old issues reappear in new forms.
- 2. *"There is hardly a political question in the United States which does not sooner or later turn into a judicial one."* Alexis de Tocqueville, Democracy in America, 1835, 1840
- 3. *Every lawsuit tells a story* about people, values, issues, and the nature of justice.
- 4. *Big Picture, Little Picture*: The biggest Supreme Court cases concern issues not only about particular parties, but that affect society in general.

Each member of the class will select a case currently pending before the Supreme Court and follow the case throughout the semester, researching, writing and presenting op-ed articles, case briefs, judicial opinions, and oral arguments on their cases. Whether heading for law school after graduation or just to further their understanding of the law, students will find the course an invaluable asset for understanding the analytical and communicative aspects of legal argument, the philosophy and techniques of appellate advocacy, and the law's impact on social justice movements, and popular culture.

Instructor:

William (Bill) Blum, JD, Retired Judge, Attorney, Author

Class time:

Tuesday, Thursday, 2:00-3:20 pm

Class location:

ONLINE

Communication and 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. However, students will be assigned readings and suggested resource materials related to the Supreme Court, available on the Internet, on a regular basis. In addition, students will be provided with sample student-written op-eds and briefs as guides for preparing their own submissions.

Course Description:

This course focuses on communication and discourse about law. We will look at how lawyers and judges communicate in the formal structure of courtrooms and in the world outside of courtrooms. We will also examine how law and legal issues are discussed by lay people outside of courts; and how lawyers and judges are viewed in popular culture. An emphasis throughout the course will be placed on the story-telling content of major lawsuits, and on the social, moral and political values they reflect and influence. Toward that end, we will explore how communication inside and outside of the formal legal system impacts social justice goals.

By the fourth week of the course, each student will select a case from the United States Supreme Court's current term for which s/he will be a "lawyer" and ultimately a Supreme Court justice for the remainder of the semester. Students will use the actual briefs filed in that case in the Supreme Court as the base material for applying the concepts and skills discussed in class to their selected cases. In subsequent weeks, after the case selections have been made, the instructor will provide lectures on each case.

Throughout the semester, we will also actively monitor the news on the latest

legal issues affecting the country as the news breaks on a weekly basis. We will focus particular attention on late-breaking news from the Supreme Court, looking at the oral arguments the court has held in the current term, the decisions the court has issued during the term, and any big cases that remain undecided.

For written assignments, students will prepare one brief op-ed article, one short legal memo, one mock appellate brief, and one mock Supreme Court opinion. Students will also engage in mock appellate oral arguments on their selected US Supreme Court cases while other students serve as Justices of the Supreme Court during the mock arguments. Students will also be required to watch one legally-themed full-length movie. Students may earn extra credit by writing a review about the movie they watched.

Student Learning Outcomes:

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

Grading:

300 ...Attendance and overall participation, 15 % of grade.

200...Mock op-ed, 10 % of grade.

300... Mock legal memo, 15% of grade.

400...Mock appellate Brief, 20% of grade.

400...Oral appellate argument, performance as attorney and/or judge, 20 % of grade.

400...Mock judicial Opinion, majority and/or dissenting, 20% of grade.

2000... Total Points...100%.

Extra Credit: Review of a legally-themed movie. Worth 100-200 points.

Final:

The final paper in the form of a mock judicial opinion will be due on or before the day scheduled for the final exam. All assignments should be submitted via email. There will be no final exam.

You will receive details about each assignment/exam separately. All assignments must be completed and handed in on time to avoid a failing grade or a grade reduction. If you are unable to turn in an assignment due to illness or a personal emergency, you must provide written documentation that will allow you to be excused, or discuss your situation with the instructor in a timely manner. Do not wait until the end of the semester to sort things out.

In order to pass this class, students need to complete ALL of the assignments. Failure to complete one or more of them will result in an F in the class.

Grades will be assigned as follows:

A/A- outstanding, thoughtful and enthusiastic work

B+/B above average work, demonstrating good insight into assignment

B-/C+ needs improvement on ideas, argument and follow through

C and below fulfilling the bare minimum and showing little understanding of the material

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B+/B above average work, demonstrating good insight into assignment

B-/C+ needs improvement on ideas, argument and follow through

C and below fulfilling the bare minimum and showing little understanding of the material

Each assignment will be converted to a percentage score depending upon the weight assigned to each. Your percentage scores won the assignments will be totaled and translated to a letter grade per the scale shown below:

A = 100-94 C = 76-74

A- = 94-90 C- = 73-70

B+ = 89-87 D+ = 69-67

B = 86-84 D = 66-64

B- = 83-80 D- = 63-60

C+ = 79-77 F = 59-0

If you have concerns regarding a grade on a given assignment, you must appeal it in writing, stating the reasons why you feel the grade is inaccurate, within one week of receiving the graded assignment. No late appeals will be accepted for review.

Attendance and Participation

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

Arriving late and leaving early are extremely disruptive acts 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 departures 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 law students being actively engaged by their instructors, the instructor will call upon students to answer questions; and the quality of your participation will be noted.

Assignment Submission Policy

- A. All assignments are due on the dates specified. Absent an agreement with the instructor, late assignments will receive a grade of F.
- B. Assignments must be submitted via email.
- C. Students will receive briefs written by past students to use for assignments.

Add/Drop Dates/Wellness Days:

Friday, February 5: Last day to register and add classes for Session 001

Friday, February 5: Last day to drop a class without a mark of “W,” except for Monday-only classes, and receive a refund for Session 001

Tuesday, February 9: Last day to drop a Monday-only class without a mark of “W” and receive a refund for Session 001

Friday, March 5: Last day to drop a course without a mark of “W” on transcript.

Friday, March 5: Last day to change pass/no pass to letter grade.

Friday, April 9: Last day to drop a class with a mark of “W.”

Wellness Days for this class: March 23, April 22.

COURSE SCHEDULE

Week 1 (1/15-1/21): 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 values: legal, social, and political. To illustrate the theme, we’ll discuss some of the cases currently pending before the Supreme Court, and look at some of the biggest cases decided last term.

We will also discuss what is meant by “the rule of law” and the peaceful transition of power in a democracy.

First Assignment: Due week 4. Each student will write an op-ed article of approximately 600-750 words either on one of the cases currently pending before the Supreme Court, or the controversy surrounding the nomination of

Amy Coney Barrett, the impact and importance of the Black Lives Matter Movement, the impact of the Trump presidency on the rule of law, or any other topic approved by the instructor.

Week 2 (1/22-1/28): The Supreme Court and the Constitution: an overview. Who sits on the current court? What are the politics of the Justices? Discussion of last term's biggest Supreme Court cases, as well as this term's big cases.

The Constitution:

<http://constitutioncenter.org/constitution>;

<http://law2.umkc.edu/faculty/projects/ftrials/conlaw/billofrightsintro.html>

The Supreme Court:

https://ballotpedia.org/History_of_the_Supreme_Court

<https://oxfordre.com/americanhistory/americanhistory/view/10.1093/acrefore/9780199329175.001.0001/acrefore-9780199329175-e-448>

<http://law2.umkc.edu/faculty/projects/ftrials/conlaw/supremecourtintro.html> The Justices, Past and Present:

<http://www.supremecourt.gov/about/members.aspx>;

<http://www.supremecourt.gov/about/biographies.aspx>;

https://en.wikipedia.org/wiki/List_of_Justices_of_the_Supreme_Court_of_the_United_States; Some Landmark Decisions:

https://en.wikipedia.org/wiki/List_of_landmark_court_decisions_in_the_United_States

Professor Blum's UCLA Lecture on the Supreme Court and Kavanaugh:

<https://vimeo.com/uclaextension/review/295469618/42db20bf02>

The Black Lives Matter Movement:

<https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>

Week 3 (1/29-2/4): Continue with lecture on the Supreme Court and the Constitution. What are the political orientations of the Justices? How have recent appointees Gorsuch, Kavanaugh and Barrett

affected the court and the future of American law? What impact has Donald Trump had on the court? What impact has Trump had on the rule of law and the peaceful transition of power?

Discussion of last term's biggest Supreme Court cases, as well as this term's big cases.

Resource Materials:

Scotusblog list of pending cases: <https://www.scotusblog.com/case-files/terms/ot2020/>

Week 4 (2/5-2/11): Submission of op-ed papers. Students will be asked to discuss their op-eds in class.

Students will select the case they will follow for the rest of the semester.

Continue with our review of last term's biggest Supreme Court cases, and our examination of this term's biggest cases, and any other significant legal issues. Begin discussion of the **nuts and bolts of legal writing** for both legal memos and appellate briefs.

Resource Materials:

Students will review at least two legal briefs submitted by the attorneys to the Supreme Court in this term's cases by logging onto:

<https://www.scotusblog.com/case-files/terms/ot2020/> to facilitate further discussion of the cases, and to become familiar with the style, formatting and content of legal briefs.

Sample Legal Memos:

<http://www.law.cuny.edu/legal-writing/students/memorandum/memorandum-3.html>; Sample Opening Brief from California

Appellate Project:

https://www.lacap.com/Knowledge_Base/Documents/PDF/sampleaob1.pdf

Appellate Brief Content and Style Requirements:

<http://www.courts.ca.gov/documents/2DCA-SHM-Ch4.pdf>

New Assignment: Due week 8: preparation of a mock legal memorandum

on the case students have selected to follow. Memo should be in the range of 750-1000 words. The instructor will email students a sample memo drafted by a student from a past semester of this class.

Week 5 (2/12-2/18): Continue with discussion of pending Supreme Court cases and any other legal cases or issues that are making headlines. Instructor will begin lectures on the cases students have elected to follow.

Continue discussion of **the nuts and bolts of legal memo and legal brief writing**, with emphasis on how to format and cite legal authorities (cases and statutes) in memos and briefs.

Discussion of key legal concepts, such as “due process” and “equal protection.”

Week 6 (2/19-2/25): Continue with discussion of pending Supreme Court cases and any other legal cases or issues that are making headlines. Instructor will continue with lectures on each of the cases students have elected to follow.

Continue discussion of **the nuts and bolts of legal memo and legal brief writing**, with emphasis on how to format and cite legal authorities (cases and statutes) in memos and briefs.

Week 7 (2/26-3/4): Continue with discussion of pending Supreme Court cases and any other legal cases or issues that are making headlines. Instructor will continue with lectures on each of the cases students have elected to follow.

Continue discussion of **the nuts and bolts of legal memo and legal brief writing**, with emphasis on how to format and cite legal authorities (cases and statutes) in memos and briefs.

Week 8 (3/5-3/11): Submission of legal memos.

Continue with discussion of the issues, both legal and social, that are raised by the cases students have selected to follow.

Discussion of problems encountered in writing the legal memos. Students

encouraged to discuss their memos in class.

Week 9 (3/12-3/18): 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 at some famous trials and appeals, including the Chicago Eight, OJ Simpson, and Rodney King.

New Assignment: Preparation of mock appellate brief, **due week 12.** Students will be emailed a sample student-written brief.

Week 10 (3/19-3/25): Continue with discussion of trials versus appeals. Weekly Supreme Court update, followed by a video presentation and in-class discussion of the oral argument held before the California Supreme Court in the case of In re Sergio Garcia (2014), dealing with whether an undocumented immigrant can be licensed to practice law in California:

Resource Material: <http://www.courts.ca.gov/documents/S202512.PDF>
<https://www.youtube.com/watch?v=uZEgYFN-EEk>

Further discussion of the nuts and bolts of appellate brief writing.

Discussion of the mechanics of oral argument.

Week 11 (3/26-4/1): Further discussion of the difference between trials and appeals. Discussion of the mechanics of oral argument.

What is the relationship between law and popular culture?

The class will examine how law shapes popular beliefs, as reflected by news articles, books, movies, etc. The class will consider both opinion-type articles/books, and so-called viewpoint-neutral or “straight news” articles.

New Assignment: Each student will watch a legally themed full-length motion picture for class discussion in week 12. Instructor will suggest some movies, but students may pick their own.

Resource Material:

Law and the Movies from the ABA Journal:

<http://www.abajournal.com/gallery/top25movies/89>

Adam Liptak, legal journalist, New York Times:

<http://www.nytimes.com/ref/us/bio-liptak.html>

Further discussion on appellate brief writing.

Resource Material:

<http://sblog.s3.amazonaws.com/wp-content/uploads/2015/06/14-452-ts.pdf>

Week 12 (4/2-4/8):

Student-led discussion of the movies that students have watched.

Begin discussion of the relationship between **law and movements for social change**. The class will consider various movements for equal rights, with special emphasis on Civil Rights movements.

Resource Material:

Dread Scott Case, upholding slavery:

<http://www.ourdocuments.gov/doc.php?flash=true&doc=29>;

<http://www.ourdocuments.gov/doc.php?flash=true&doc=29>

Plessy v Ferguson, upholding the separate but equal doctrine:

http://www.pbs.org/wnet/jimcrow/stories_even_ts_plessy.html;

<https://www.law.cornell.edu/supremecourt/text/163/537>; Brown v Board of Education,

overturning separate but equal:

http://www.pbs.org/wnet/supremecourt/rights/landmark_brown.html;

<https://www.law.cornell.edu/supremecourt/text/347/>

[483](#);

Loving v Virginia, striking down bans on interracial marriage:

http://www.oyez.org/cases/1960-1969/1966/1966_395;

Voting Rights Act upheld in *South Carolina v. Katzenbach*:

http://www.oyez.org/cases/1960-1969/1965/1965_22_orig;

Voting Rights Act gutted in *Shelby County v. Holder*:

http://www.oyez.org/cases/2010-2019/2012/2012_12_96

Black Lives Matter: <https://blacklivesmatter.com/herstory/>

LatinX: <https://www.history.com/topics/hispanic-history/hispanic-latinx-milestones>

Women's Rights: <https://www.history.com/topics/womens-history/womens-history-us-timeline>

Gay Rights: <https://www.britannica.com/topic/gay-rights-movement>

Asian Rights: <https://jacl.org/wordpress/wp-content/uploads/2015/01/Unnoticed-Struggle.pdf>

Week 13 (4/9-4/15):

First Session: Submission of appellate briefs. Discussion of problems and challenges encountered in the preparation of the briefs.

Further discussion of the mechanics of oral argument.

Continue discussion of the relationship between law and social movements.

Second Session: How to write a judicial opinion.

Week 14 (4/16-4/22): Mock Oral Arguments.

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.

Oral arguments will continue in Week 15.

Final Written Assignment, due finals week: Students will begin to prepare mock judicial opinions on the Supreme Court case they have been monitoring throughout the semester. Students will be emailed sample student-written opinion.

Resource Material: https://www.supremecourt.gov/opinions/15pdf/14-449_9o7d.pdf

Weeks 15 (4/23-29): Mock oral arguments continue, as needed.

Depending on class size and the number and pace of oral arguments, week 15 may also examine international law. We will also have an end of term wrap-up discussion, summarizing what we've learned, and identifying future areas of student interest in legal careers and education.

Finals Exam Period (5/5-5/12):

Submission of a written mock judicial opinion, minimum 1000 words, on the selected cases.

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 Part B, Section 11, "Behavior Violating University Standards" policy.usc.edu/scampus-part-b. Other forms of academic dishonesty are equally unacceptable. See additional information in campus and university policies on scientific misconduct, policy.usc.edu/scientific-misconduct.

Support Systems:

Student Health Counseling Services - (213) 740-7711 – 24/7 on call
engemannshc.usc.edu/counseling

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention.

National Suicide Prevention Lifeline - 1 (800) 273-8255 – 24/7 on call
suicidepreventionlifeline.org

Free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week.

Relationship and Sexual Violence Prevention Services (RSVP) - (213) 740-4900
– 24/7 on call engemannshc.usc.edu/rsvp

Free and confidential therapy services, workshops, and training for situations related to gender-based harm.

Office of Equity and Diversity (OED) | Title IX - (213) 740-5086 equity.usc.edu, titleix.usc.edu

Information about how to get help or help a survivor of harassment or discrimination, rights of protected classes, reporting options, and additional resources for students, faculty, staff, visitors, and applicants. The university prohibits discrimination or harassment based on the following protected characteristics: race, color, national origin, ancestry, religion, sex, gender, gender identity, gender expression, sexual orientation, age, physical disability, medical condition, mental disability, marital status, pregnancy, veteran status, genetic information, and any other characteristic which may be specified in applicable laws and governmental regulations.

Bias Assessment Response and Support - (213) 740-2421
studentaffairs.usc.edu/bias-assessment-response-support

Avenue to report incidents of bias, hate crimes, and microaggressions for appropriate investigation and response.

The Office of Disability Services and Programs - (213) 740-0776 dsp.usc.edu

Support and accommodations for students with disabilities. Services include assistance in providing readers/notetakers/interpreters, special accommodations for test taking needs, assistance with architectural barriers, assistive technology, and support for individual needs.

USC Support and Advocacy - (213) 821-4710 studentaffairs.usc.edu/ssa

Assists students and families in resolving complex personal, financial, and academic issues adversely affecting their success as a student.

Diversity at USC - (213) 740-2101 diversity.usc.edu

Information on events, programs and training, the Provost's Diversity and Inclusion Council, Diversity Liaisons for each academic school, chronology, participation, and various resources for students.

USC Emergency - UPC: (213) 740-4321, HSC: (323) 442-1000 – 24/7 on call
dps.usc.edu, emergency.usc.edu

Emergency assistance and avenue to report a crime. Latest updates regarding safety, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible.

USC Department of Public Safety - UPC: (213) 740-6000, HSC: (323) 442-120 – 24/7 on call dps.usc.edu.