LING/LEST 383-010: Language, Power and the Law  
Fall 2009

General Information:

Professor: Dr. Nancy Schweda Nicholson

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Room 203 (Jane (secretary) x6806)

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Office Hours: 1:00-2:30 Tuesday; 9-10:30 Thursday  
and by appointment

Words: Law, Language, and Power. Chicago:  
University of Chicago Press. (Second Edition)

Additional readings from journals, books, websites and  
newspapers will be assigned throughout the semester.

Course Format: LING/LEST 383 is organized as a seminar. Students  
will have daily reading assignments and discussion questions to  
prepare. Coursework stresses analysis of new material and  
integration with preceding topics. Instructor will provide  
introductory comments and lead discussions, but the majority of  
each class session will be devoted to a student-focused, in-depth  
treatment of the subject. As a result, preparation and  
participation are critically important. (See Evaluation.) Guest  
speakers will supplement our readings and discussions.

Programmatic Learning Goals for the B.S. In Cognitive Science

By the end of the Cognitive Science Major, students will...
1. Communicate scientific ideas and methods (i.e., discuss and  
solve scientific problems and/or provide data or arguments in  
support of a scientific hypothesis) clearly and effectively,  
both orally and in writing. (Gen Ed Goal 1)
2. Critically assess scientific research (primary source articles  
and/or lab reports), methods, and/or problem solving related to  
cognitive science, linguistics, and speech pathology. (Gen  
Ed Goal 2)
3. Synthesize multiple methodological or disciplinary research  
perspectives to analyze a scientific problem and make  
improvements that advance the issue, debate, or research (Gen  
Ed Goals 3 and 5).

Course Objectives:

This class is designed to provide students with a broad  
overview of the role and POWER of language in the judicial system.  
Course work includes: (1) a general introductory discussion of  
language- and law-related issues; (2) the USA Patriot Act and civil
liberties; (3) the influence of the "Plain English" movement on the legal profession; (4) the language of mediation; (5) legal patriarchy and gender issues, especially in the revictimization of rape victims; (6) how question style can affect witness memory; (7) the rebirth of shaming as punishment; (8) the role of the court interpreter in cases where non-English-speakers are involved; (9) the language of a felon’s plea for leniency (Rabbi Fred Neulander of Cherry Hill, NJ); (10) the power of expert witness testimony (“My Cousin Vinny”); (11) the challenges of serving as a juror; and (12) clause analysis to determine authorship in the Unabomer case. Other topics will also be treated.

Students will be required to apply the knowledge gained by preparing (1) a Midterm Article Critique and (2) a “Prof for a Day” Oral Presentation.

**Evaluation:**

Midterm Article Critique* = 1/3

“Prof for a Day” Oral Presentation* = 1/3

Preparation of Assignments and Participation in Class Discussions** = 1/3

*NOTE: The Midterm Article Critique (hard copy) will be due in class on October 15. “In class” means just what it says: NOT via e-mail or dropped off at my office later that day. If the Critique is not submitted on time as indicated, your grade will drop a full letter grade for every day it is late. If you turn in your paper after class sometime on October 15, the same rule applies. Your grade will drop a full letter grade as well. No extensions will be granted.

If a student does not appear at class time on the date he/she has drawn for the “Prof for a Day” Oral Presentation, he/she will receive a grade of zero.

However, in the event that a student has a compelling reason for not turning in the Midterm Critique on time and/or not appearing as scheduled for the Oral Presentation, he/she must contact his/her Dean’s Office and provide documentation to verify the reason for the absence. If the documentation is deemed acceptable by the Dean, a representative from that office will notify me that the absence has been excused. All excuses, documentation and requests must be directed to the student’s Dean.

**NOTE: Students are expected to prepare the assignments, attend class, and take an ACTIVE ROLE in class discussions. ATTENDANCE ALONE IS INSUFFICIENT. If you are a shy person and plan to use this as an excuse to avoid participation, you should
seriously consider enrolling in another course. Daily work is a critical component of the class, and it is weighted accordingly. Question Sheets for assigned readings may be collected at any time. No late sheets will be accepted. You will also be required to prepare discussion questions for our guest speakers. These may also be collected at any time, and no late questions will be accepted. If students must miss class due to illness or emergency, they are required to contact another student to get the assignment for the next class period so that they are prepared to be full participants. To this end, a list of students’ e-mail addresses will be distributed at the beginning of the semester so that everyone has contacts for missed assignments.
PRELIMINARY CLASS SCHEDULE
Fall 2009

COB = Conley and O'Barr

WEEK

9/1-3 Introduction to Course: Read COB: Chapter 1
(Background - no questions to prepare)

"Language and Law" (Gibbons: ARAL) + Question Sheet

9/8-10 Shaming (Handouts: Turley + News Journal 9/8/02
+ Martha Stewart - Court TV) + Question Sheet

Guest speaker: Umbreen Bhatti, Staff Attorney, Delaware ACLU
Topic: "The Power of Language: The USA Patriot Act and First Amendment Rights"

9/15-17 Plain English materials (Handouts)
Guest speaker: Mary Ellen Maatman, Associate Professor of Law and Director, Legal Writing Program, Widener University School of Law.
Topic: "The Plain English Movement"

Loftus ("Language and Memories. . .")
COB: pp. 166-169 + Question Sheet

9/22-24 Loftus (con’t)

Chapter 2: “The Revictimization of Rape Victims”
(COB) and Question Sheet

9/29-10/1 Language and Mediation: Current and Historical Perspectives on Gender Issues (COB-Chapters 3 and 4; and Handout: "State Your Case. . .")

Guest Speaker: Rory Godowsky, Esq. Green, Green, Godowsky, and McFadden + Resolutions, Inc.
Topic: "The Language of Mediation"

10/6-8 Allocutions: Rabbi Fred Neulander ("Mugshots" video/discussion)

Neulander (con’t): Sentencing plea for leniency – video) + Analysis and Question Sheet

10/13-15* Allocutions: Michael Skakel Sentencing Statement and Question Sheet
Guest Speaker: LeaNora Ruffin, Esq., Assistant Dean, Career Development, Widener University School of Law
Topic: “The Legal Interview: Exploring the Power of Words to Build or Break a Career”

*NOTE: Midterm Critiques due IN CLASS on October 15.

10/20-22 Guest Speaker: Dr. Louis Arena (Professor Emeritus of Linguistics, UD)
Topic: “Linguistics and Forensics: Structural Fingerprinting in the Unabomber Case”

NOTE: Prof. Arena’s presentation continues on 10/22.

I will be at a conference on Oct 29. I’ll announce an extra assignment for this class.

*NOTE: “Prof for a Day” Oral Presentation proposals due this week. (Submit as e-mail attachment in Word format by Oct. 30.)

11/3-5 Guest Speaker: Dr. Jack Vinson (Professor Emeritus of Mechanical Engineering, UD)
Topic: “My Experiences as an Expert Witness”

“What does ‘shall’ mean? (2005 Miccio article: The Denver Post - Handout)
Order in the Classroom” DVD + Jury Instructions

11/10-12 “Prof for a Day” Oral Presentations (3+3)
11/17-19 “Prof for a Day” Oral Presentations (3+3)
11/24 I will be away at a conference on Nov. 24. I’ll announce an extra assignment for this class.

11/26 Thanksgiving

12/1-3 “Prof for a Day” Oral Presentations (3+3)
12/8 “Prof for a Day” Oral Presentations (2)
Semester Wrap-up and Course Evaluations