

## Speech Communication 324 Legal Communication

(Spring 2017)

Instructor:	Timothy Gartin	Class meets: MW 5:10-6:20
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### **Course description**

One purpose of this class is to provide an introduction to oral communication before, during, and after the trial process: interviewing clients, negotiating, jury selection, opening statements, examination of witnesses, closing arguments, jury behavior, and appellate advocacy. The second (and most important) purpose of the class is for you to grow in your public speaking ability. Speech Communication 212 is a prerequisite.

### **Course requirements**

1. Quizzes. I will use periodic quizzes to assess your understanding of the material.
2. Writing assignment. There will be one paper at least five pages in length.
3. Reading assignments. You will be responsible for all assigned reading.
4. Speaking assignments. The primary assessment tool for this class will be various speaking assignments, including a trial at the end of the semester.

### **Course policies and grading**

1. Class attendance is mandatory. Your overall class grade will be reduced by two percentage points for each absence beyond three. For example, eight unexecuted absences would lower your grade by ten percent. E-mail me before you miss a class whenever possible.
2. Be prompt. I will start and stop class on time. Tardiness communicates to me that you are not serious about your work.
3. Weight of assignments  
Speaking assignments 70%
  - Opening statement 100 pts.
  - Examination 1 50 pts.
  - Examination 2 50 pts.
  - Closing argument 100 pts.
  - Final trial 300 pts.

Quizzes and small assignments	15%
Quiz 1 15 pts.	
Client interview 15 pts.	
Quiz 2 15 pts.	
Jury profile 10 pts.	
Quiz 3 15 pts.	
Quiz 4 15 pts.	
Oral argument analysis 10 pts.	
Paper	15%

4. The rules against academic dishonesty will be strictly enforced.

#### Course text

Mauet, Thomas A., FUNDAMENTALS OF TRIAL TECHNIQUES (9<sup>th</sup> edition, 2013).

#### Schedule

Jan. 9	M	Overview of the trial system; communication in the legal system Class activity: 2-minute persuasion speech Assign.: Read Chapter 1 – The Trial Process.
11	W	Quiz 1 over lecture on the trial system and comm. in the legal system Interviewing the client Class activity: interviewing exercise Assign: “client” interviews
16	M	University holiday
18	W	Negotiation Class activity: Negotiating. Assign: Read Chapter 11 – Trial Preparation and Strategy
23	M	Guest speaker on negotiations. Quiz 2 over lecture on negotiating. Lecture on case assessment and trial preparation Assign: Read Chapter 2 – The Psychology of Persuasion
25	W	The Psychology of Persuasion Assign: Read case material for your trial team
30	M	Class activity: Work in trial teams on case analysis Assign: Read Chapter 3 – Jury Selection
Feb. 1	W	Jury selection Guest speaker on jury selection. Assign: Develop jury profile; read Chapter 4 – Opening Statements

6	M	Opening statements
8	W	Class activity: Opening statements (Plaintiff teams)
13	M	Class activity: Opening statements (Defense teams) Read Chapter 5 – Direct examination, Chapter 6 Cross-Examination, and part of Chapter 7 Exhibits (pages 271-84)
15	W	Direct examination
20	M	Cross examination and the rules of evidence
22	W	Class activity: direct and cross examination
27	M	Class activity: direct and cross (1st set)
Mar. 1	W	Class activity: direct and cross (1st set)
6	M	Class activity: direct and cross (1st set) Assign: Read Chapter 10 – Objections
8	W	Objections
13-17		Spring Break
20	M	Class activity: making objections; Class activity: direct and cross (2 <sup>nd</sup> set)
22	W	Quiz 3 over objections; Class activity: direct and cross (2 <sup>nd</sup> set)
27	M	Class activity: direct and cross (2 <sup>nd</sup> set) Assign: Read Chapter 9 – Closing Arguments
29	W	Closing arguments Contact witnesses for final trial confirmed
Apr. 3	M	Class activity: Closing argument analysis
5	W	Class activity: closing arguments (Defense teams)
10	M	Class activity: closing arguments (Plaintiff teams)
12	W	Class activity: closing arguments; <b>paper due</b>
17	M	Oral arguments
19	W	Quiz 4 over oral arguments; analysis of appellate oral arguments Assign: Oral argument analysis
24	M	TBD
26	W	Group trial (Adams v. Chandler Dept. Store)
May 1	M	Group trial (State v. Rausch)
3	W	Group trial (State v. Smithton)

## **Analysis of a Trial Movie**

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Your assignment is to watch a trial-oriented movie and analyze the trial portion in light of what you have learned from Mauet and Gartin. The paper should be at least five pages (double spaced). Where possible, footnote lectures or material from Mauet that supports your analysis. The paper is due Wednesday, **April 12** at midnight. You may submit the paper in class or send it by e-mail.

### **Options for movies**

My Cousin Vinny

Gideon's Trumpet

To Kill a Mockingbird

Witness for the Prosecution

Anatomy of a Murder

Judgment at Nuremberg

Inherit the Wind

A Few Good Men

If you have a suggestion not on the list, you must have the movie approved in advance.

### **A few pointers**

1. Read your paper aloud. Your ears will catch things that your eyes will not. (This is a very good editing technique.)
2. Remember this paper is not a movie review. You can provide a short summary of the plot, but the substance of your paper is to analyze the trial scenes in light of Mauet and Gartin. Imagine we are watching the moving with you. What would Mauet and Gartin say about the various trial scenes that you are watching?
3. Give support. For example, don't just tell me a cross examination is effective. Show me why. Provide footnotes referencing the lectures and/or Mauet.
4. This paper is an opportunity to demonstrate what you have learned about communication in the trial process.