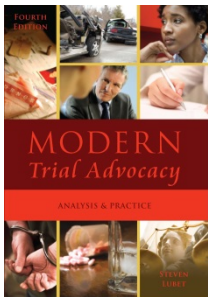


CMM 316
Legal Communication
Fall 2013

Instructor: Dr. Barbara J. Tarter (tarterb@marshall.edu)
Classroom: Smith Hall 261
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Personal Office: Smith Hall 271 Phone: (304) 696-2700

Office Hours: Monday – 3:00-4:30; 6:00-6:30; Tuesday –12:00-12:30; 3:15-4:15; Wednesday 12:00-4:00 (Sometimes scheduled faculty meeting from 12-1:00 or 2:00); Thursday – 12:00-12:30, 3:15-5:15 (Faculty Senate meets on September 26, 2013, October 24, 2013, November 21, 2013, and December 12, 2013 from 4:00-6:00)



TEXT: Lubet, S. (2009). *Modern Trial Advocacy: Analysis and Practice*, Fourth Edition, Indiana: National Institute for Trial Advocacy.

COURSE OBJECTIVES

Program Student Learning Outcomes

1. Understand the basic concepts associated with the primary theories of communication.
2. Write a clear, concise, and reasoned paper on topics dealing with the concepts of communication.
3. Understand the research literature underlying the discipline of communication.
4. Demonstrate speaking competencies by composing a message and providing ideas and information suitable to the theory and audience.
5. Basic understanding of the nature of scientific inquiry, as applied to human behavior.
6. Familiarity with the four research methods commonly used to study human communication behaviors.
7. Greater skill in analytical thinking and writing.
8. Demonstrate “sense-making,” the ability to apply knowledge to lived experience.

Degree Profile Outcomes

1. Knowledge: Specialized Knowledge
2. Knowledge: Broad Integrative Knowledge
3. Intellectual Skills: Analytic Inquiry
4. Intellectual Skills: Use of information resources

5. Intellectual Skills: Engaging diverse perspectives
6. Intellectual Skills: Quantitative fluency
7. Intellectual Skills: Communication fluency
8. Applied Learning
9. Civic Learning

Relationships among Course, Program, and Degree Profile Outcomes

Course Outcomes Students will . . .	How Accomplished in this Course	How Evaluated in this Course	Program Outcomes	Degree Profile Outcomes
Apply the principles of a variety of communication areas to the legal process	Class Discussions; Textbook Readings; In-Class Exercises; Case Studies	Exams; Opening & Closing Statements; Direct and Cross Exams; Modified Legal Brief	1,3,4,5,7,8	1,2,3,4,5,7,8
Recognize and Simulate the many facets of the legal system.	Class Discussions; Textbook Readings; In-Class Exercises; Case Studies	Opening & Closing Statements; Direct and Cross Exams; Modified Legal Brief	1,4,5,7,8	1,2,3,4,5,6,7,8
Collaborate with a partner in the complete development of a legal case.	Class Assignments; Discussions; Outside Research	Opening & Closing Statements; Direct and Cross Exams; Modified Legal Brief	4,5,7,8	2,3,4,5,7
Compose, Debate and Defend a position regarding a specified legal case.	In-Class Exercises; Outside Research; textbook; In-Class discussions	Opening & Closing Statements; Direct and Cross Exams; Modified Legal Brief	1,4,5,7,8	1,2,3,4,5,6,7,8
Explore the interpersonal relationships between the "players" of the legal process.	Class Discussions; Textbook Readings; In-Class Exercises; Case Studies	Exams; Opening & Closing Statements; Direct and Cross Exams; Modified Legal Brief	1,3,4,5,7,8	1,2,3,5,7,8
Distinguish between ethical and unethical practices in legal communication.	Class Discussions; Textbook Readings; In-Class Exercises; Case Studies	Exams; Modified Legal Brief	1,5,7,8	2,3,5,8

CLASS ASSIGNMENTS

DUE DATES: Assignments are due by midnight of the due date. Please submit all assignments to Blackboard. Please make sure that your name is on the assignment, not just the e-mail. The instructor will try to send out an e-mail indicating the assignment has been received within four days of the due date.

LATE ASSIGNMENTS: The semester will move very fast and it is difficult to stay on track unless you follow the syllabus closely. Assignments not received by the due date will be subject to a

reduced grading scale. Assignments will not be accepted more than one class period late, without special permission from the instructor.

COPIES OF ASSIGNMENTS: It is a good college practice to always keep copies of your work, both before and after grading, in case the assignment is accidentally lost in cyberspace. ☹

ATTENDANCE: Attendance is required for the course. A student that misses one class actually misses the equivalent of an entire week of classes.

Two *Unexcused* Absences will result in one entire final grade reduction.

A student that acquires 3 *unexcused absences* or that misses the equivalent of three weeks of class (25%) and will receive a failing grade for the class.

*Please see the university catalog for the definition of excused and unexcused absences.

CLASSROOM RESPECT

Late Arrivals: Given the nature of the class, it is important that you arrive to class on time. Late arrivals can significantly distract the class and the instructor. If you must arrive late during a performance day, please wait until the speaker sits down before entering the classroom.

Cell Phones: Please make sure that all cell phones are turned off before class starts. If you have an emergency call that you are expecting, please let the instructor know prior to the start of class.

Text Messaging: Please refrain from texting during class time. This is extremely distracting and disrespectful to the instructor and to other speakers, who expect your attention. Continual abuse of this policy may result in academic grade loss or even dismissal from the course.

Laptops: Feel free to bring a laptop to take notes during class BUT other uses of the computer such as e-mailing friends, gaming, or surfing the WEB for unrelated class material, may result in class dismissal.

ACADEMIC DISHONESTY

Plagiarism: Copying another's work without proper citation of the source constitutes plagiarism. Plagiarism in any form will not be tolerated. A student that is found plagiarizing another's work will automatically receive an "F" in the course and may be subject to further university discipline.

Cheating: According to university policy, cheating is defined as the use of any unauthorized materials during an academic exercise to include notes, study aids etc. Cheating also includes the viewing of another person's work or securing any part of an assignment or examination in advance of distribution by the instructor. Cheating will not be tolerated in this class and will result in an automatic "F" for the class and the possible recommendation of suspension or expulsion from the university.

COURSE EVALUATION

The Modified Legal Brief (20%) This may be the most important assignment in the class, as the determination of your story and your anticipation of the story of the opposition will affect all of the succeeding assignments. The modified legal brief should be prepared with your partner and the

grade will be shared. Make sure to adequately document all sources used, throughout the document. The legal brief should contain a minimum of twenty **(20)** outside sources and should be a minimum of fifteen **(15)** double-spaced pages. Specifically, make sure to include the following elements:

1. Facts of the Case
2. Voir Dire
 - a. Desirable and Undesirable jurors
 - b. Rationalization for Each
3. Theory to be Presented
4. Potential Counter Theories
5. Witnesses
 - a. Testimony
 - b. Potential Weaknesses with the Witness
6. Potential Opposition Witnesses
 - a. Testimony
 - b. Potential Weaknesses with the Witness
7. Potential Exhibits
8. The Story
9. Sources indicated in the appropriate APA or MLA style.*

*Please note that sources used throughout the brief should also be noted correctly within the content.

Opening Statement (10%) Each student will prepare a portion of the opening statement and will be graded individually on their development of the theme in their statement. Although students will be graded individually, it is important that both portions of the opening statement reflect a cohesive theme. Who will present which elements of the story? Who will address the jury first, second? How will the exhibits and witnesses chosen for this story affect the opening statement? Each student's opening statement should be between **8-10** minutes in length.

Direct Examination/ Cross Examination (10%) The direct examination of witnesses will include preparing each of your witnesses for their presentation without either leading them or changing any of the facts of the case. Each student will have the opportunity to question two witnesses in the case. The cross examination of witnesses will require a complete understanding of each of the witnesses that the opposing side has chosen to call. This requires an extensive history of the potential testimony of each witness and how these testimonies will be discredited or used in furthering your "story". Like the direct exam, each student cross-examines two witnesses.

Witness Testimony (2 @ 5% = 10%) Each student will have the opportunity to serve as a witness in two cases. This will require a review of everything that you can find about the particular witness so as to adequately convey the appropriate answers and mannerisms that they might have portrayed during the trial. Witnesses not included in the first trial can still be used, but their knowledge is limited to the time of the initial trial. If new technology now makes it possible to know things that were unknown at the time of the trial, the material cannot be used. Your witness assignment will be based on the choice of witnesses made by both the prosecution and defense in each case.

Closing Statements (10%) – This is an opportunity for both of the legal partners to pull the "story" together based on the witnesses that have been presented, the direct exam, the cross exam, exhibits and any other items that have been relevant to the case. Like the opening statements, this should be between **8-10** minutes in length.

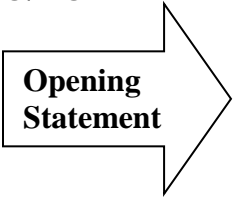
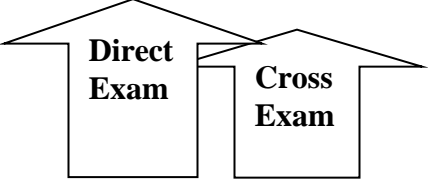
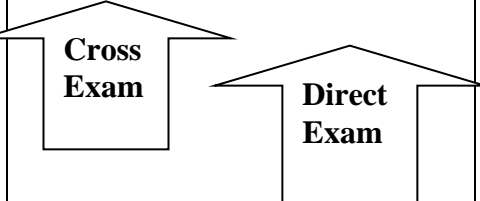
Exams (2 @ 15%) Each of the exams will consist of twenty questions that will be given to the students prior to the exam day. On the day of the exam, twelve questions will be randomly drawn and students will each answer ten of the twelve. The questions will focus on the application of theory to the legal process. Students will be graded on the following criteria for each question: 1) understanding the breathe and depth of the question, 2) appropriate application of communication theory, 3) thoroughness and completeness of the answer to each question, 4) ability to relate outside material to each question where appropriate, and 5) the overall quality of the answer to each question.

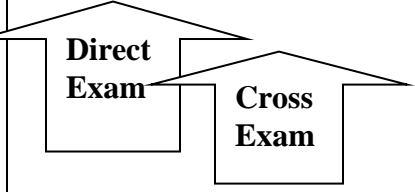
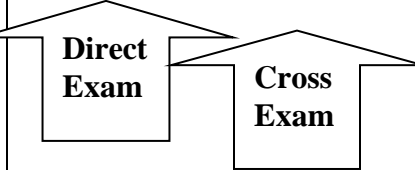
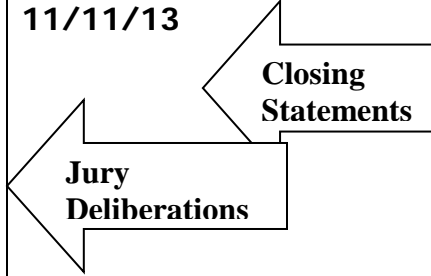
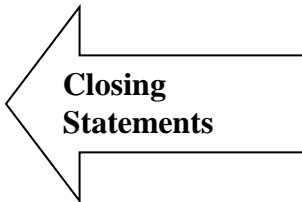

GRADED COURSE REQUIREMENTS

Assignment	Percent of Grade	Grade	Total Grade	Date Due
The Story				
Modified Legal Brief	.20			October 7, 2013
Opening Statement	.10			October 14, 2013
Direct/Cross-Exam	.10			October 28, 2013- November 4, 2013
Witness in Other Cases	.10			October 28, 2013- November 4, 2013
1 st Witness	.05			
2 nd Witness	.05			
Closing Statement	.10			November 18, 2013
Exams				
Exam I	.15			October 21, 2013
Exam II	.15			December 9, 2013
TOTAL	100%			

Tentative Schedule

Date	Focus	Assignment
8/26/13 The Story	Choosing Cases – Introduction to the Course Establishing the Story Review Potential Stories	Assign Prosecution and Defense Trial Cases <i>Modern Trial Advocacy</i> Chapter One

9/2/13 Labor Day Holiday – No Classes		
9/9/13	Establishing the Story Trial Advocacy – The Communication Tools Script Theory – Persuasion in the Courtroom Good and Evil – The root of evil	<i>Modern Trial Advocacy</i> Chapter Two Chapter Three
9/16/13	Jury Selection <i>Voir Dire</i> Planning Your Visual Aids The Use of Exhibits	<i>Modern Trial Advocacy</i> Chapter Fourteen Chapter Eleven
9/23/13 	Opening Statements	<i>Modern Trial Advocacy</i> Chapter Twelve Due: Witness Requests
9/30/13 	Direct Examination Cross Examination	<i>Modern Trial Advocacy</i> Chapter Four Chapter Five Witness Assignments Made
10/7/13 	Nuremburg Trials Direct and Cross-Examination in Practice Exam Questions Distributed	<i>Modern Trial Advocacy</i> <i>Modern Trial Advocacy</i> Chapter Seven Chapter Eight Due: Modified Legal Brief
10/14/13	CASES: Opening Statements – Trials 1, 2, 3, 4	Due: Opening Statements

<p>10/21/13</p>	<p>EXAM #1 Witness Final Preparation</p>	<p>EXAM #1 Chapters 1, 2, 3, 14, 11, 12</p>
<p>10/28/13</p> 	<p>CASES: Trial 1 – Direct Exam/Cross Exam Trial 2 – Direct Exam/Cross Exam</p>	<p>Due: Direct Exam/ Cross Exam Due: Witness Testimony</p>
<p>11/4/13</p> 	<p>CASES: Trial 3 – Direct Exam/Cross Exam Trial 4 – Direct Exam/Cross Exam</p>	<p>Due: Direct Exam/ Cross Exam Due: Witness Testimony</p>
<p>11/11/13</p> 	<p>Closing Statements Jury Decisions</p>	<p><i>Modern Trial Advocacy</i> Chapter Thirteen Chapter Fourteen</p>
<p>11/18/13</p> 	<p>CASES: Closing Statements Presented – Trials 1, 2, 3, 4</p> <p>Class Wrap Up – Jury Deliberations Final Review</p>	<p>Due: Closing Statements Jury Deliberations</p>
<p>Thanksgiving Holiday – No Classes (11/25/13 - 11/30/13)</p>		
<p>12/2/13</p> 	<p>Jury Deliberations</p> <p>MOCK TRIAL Huntington Attorney</p> <p>Exam Questions Distributed</p>	
<p>12/9/13</p>	<p>Monday 6:30-9:00</p>	<p>Chapters 4, 5, 7, 8, 13 & 14</p> <p>Some Questions Based on</p>

Exam II		Previous Material Same Format as Exam I
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Syllabus subject to changes based on the needs of the instructor and the class.

Developed by Tarter, B. (2008)

Opening Statement

Exhibits

Closing Statement

Jury Selection (Voir Dire)

**LEGAL
Communication**

Jury Deliberation

**Direct
Examination**

The Story

**Cross
Examination**

