

Communication in the Justice System
Communication 4220 Section 003

Fall 2016

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Course Description

The purpose of this class is to develop students' understanding of communicative practices and problems in the justice system. We will examine communication-sensitive actions in the judicial system—in the courts, in policing, and corrections. In the seminar we will discuss *emotion labor* by judges, 9-1-1 operators, and corrections staff; *questioning strategies* during interrogations, trials, and appeals; *storytelling and deliberation* in small claims court and in juries; and the management of *face* in community policing and during crisis standoffs. We will consider how race and gender affect what happens in different sites, and will examine the structure of a typical trial, how media technologies are changing what happens, and consider the alternative dispute resolution processes of mediation and restorative justice.

Our class goal is to understand how the justice system uses different forms of communication and to consider how the content and design of communicative practices affect the delivery of justice, both in desired and problematic ways. An especially important part of this class is the fieldwork component. In addition to visits from experts and several short field observations, you and several students will select a site to observe for 8 hours. A final presentation will be given based on this observation.

Required Readings & Viewings:

There is no textbook for this course; reading will be journal articles and book chapters, and there also will be videos to view. All materials will be available on D2L in the weekly readings/video folder.

1. Ainsworth, J. E. (2013). Silence, speech, and the paradox of the right to remain silent in American police interrogation. In M. Freeman & F. Smith (Eds.), *Law and Language* (Vol. 15, pp. 371-385). Oxford, UK: Oxford University.
2. Anesa, P. (2012). *Jury trials and the popularization of legal language: A discourse analytical approach*. Bern, Switzerland: Peter Lang.
3. Bayley, D., H., Davis, M. A., & Davis, R. L. (2015). Race and policing: An agenda for action *New perspectives in policing bulletin* (pp. 1-13). Washington, DC: U.S. Department of Justice, National Institute of justice.
4. Colorado Courts at a Glance. (2011). Colorado judicial branch: Office of the State Court Administrator.

5. Conley, J. M., & O'Barr, W. M. (1990). Rules versus relationships in small claims disputes. In A. D. Grimshaw (Ed.), *Conflict talk: Sociolinguistic investigations of arguments in conversations* (pp. 178-196). Cambridge: Cambridge University Press.
6. Conley, R. (2013). Living with the decision that someone will die: Linguistic distance and empathy in jurors' death penalty decisions. *Studies in Law, Politics, and Society*, 49(2), 25-56. doi:10.1917/S00047/404513000064X
7. Diamond, H. A. (1990). Reasonable doubt: To define, or not to define. *Columbia Law Review*, 90(6), 1716-1736.
8. Dixon, T. L., Schell, T. L., Giles, H., & Drogos, K. L. (2008). The influence of race in police-civilian interactions: A content analysis of videotaped interactions taken during Cincinnati police traffic stops. *Journal of Communication*, 58, 530-549.
9. Feigenson, N., & Spiesel, C. (2009). *Law on display: The digital transformation of legal persuasion and judgment*. New York: New York University Press. [chapter 2]
10. Menkel-Meadow, C. (2007). Restorative justice: What is it and does it work? *Annual Review of Law and Social Sciences*, 3, 161-187. Georgetown Public Law and Legal Theory Research Paper No 1005485
11. Moore, C. W. (2003). *The mediation process: Practical strategies for resolving conflict* (3rd Ed.). San Francisco: Josey-Bass.
12. Proppen, A. D., & Schuster, M. L. (2009). Understanding genre through the lens of advocacy: The rhetorical work of the victim impact statement. *Written Communication*, 22, 3-35.
13. Rahr, S., & Rice, S. K. (2015). From warriors to guardians: Committing American police culture to democratic ideals *New perspectives in policing bulletin* (pp. 1-13). Washington, DC: U.S. Department of Justice, National Institute of justice.
14. *State of Florida v. George Zimmerman*. (2013, December 17). In Wikipedia, The free encyclopedia. Retrieved 21:11, January 1, 2014, from http://en.wikipedia.org/w/index.php?title=State_of_Florida_v._George_Zimmerman&oldid=586566804.
15. Schuetz, J. (2007). *Communicating the law: Lessons from landmark legal case*. Long Grove, IL: Waveland Press [Chapter 11: Roe v. Wade Arguments]
16. Sunwolf (2007). Facilitating death talk: Creating collaborative courtroom conversations about the death penalty between attorneys and jurors. In L. R. Frey & K. M. Carragee (Eds.), *Communication activism: Communication for social change* (Vol. 1, pp. 287-323). Cresskill, NJ: Hampton Press.
17. Tracy, K. (1997). Interactional trouble in emergency service requests: A problem of frames. *Research on Language and Social Interaction*, 30, 315-343.
18. Tracy, K., & Caron, M. (2016). How the language style of small-claims court judges does ideological work. *Journal of Language and Social Psychology, Online First*. doi:10.1177/0261927X16652191
19. Tracy, S. J. (2005). Locking Up emotion: Moving beyond dissonance for understanding labor discomfort. *Communication Monographs*, 72, 261-283. doi:10.1080/03637750500206474
20. Tracy, S. & Tracy, K. (1998). Emotion labor at 911: A case study and theoretical critique. *Journal of Applied Communication*, 26, 390- 411.

Required Audio & Videos

A. Available through D2L

1. DWB Video; Driving While Black Frontline video.
2. Ducic Trial and Jury Deliberation
3. Irons, P., & Guitton, S. (Eds.). (1993). *May it please the Court: Live recordings and transcripts of oral arguments made before the Supreme Court since 1955*. New York: New Press. [Audio of Roe v. Wade]
4. Video, Interrogation of Michael Crowe.

B. Available Online

5. *Scott v. Harris*: <http://www.supremecourt.gov/media/media.aspx>
6. *Florida v. Zimmerman (Fl v Z)*:
<http://www.wftv.com/news/news/local/george-zimmerman-video-blog-archive/nYHgf/>

Disability Services: If you qualify for accommodations because of a disability, please submit a letter from Disability Services in a timely manner so that your needs may be addressed. Disability Services determines accommodations based on documented disabilities. Contact: 303-492-8671, Willard 322, and www.Colorado.EDU/disabilityservices.

The Honor Code. All students of the University of Colorado at Boulder are responsible for knowing and adhering to the academic integrity policy of this institution. Violations of this policy may include: cheating, plagiarism, aid of academic dishonesty, fabrication, lying, bribery, and threatening behavior. All incidents of academic misconduct shall be reported to the Honor Code Council (honor@colorado.edu; 303-725-2273). Students who are found to be in violation of the academic integrity policy will be subject to both academic sanctions from the faculty member and non-academic sanctions (including but not limited to university probation, suspension, or expulsion). Other information on the Honor Code can be found at <http://www.colorado.edu/policies/honor.html>. *Note: You are encouraged to talk with each other about homework and take-home exams; direct sharing of writing, though, is a violation of the honor code.*

Seminar Assignments & Assessment

Participation: This class is **a seminar**. As such, the quality of our discussion depends on each of you being here, engaging with readings thoughtfully, and sharing your reactions to those readings and the in-class activities. Participation per se is not graded; however, if you are a good attendee and your verbal participation regularly aids the class in having interesting discussions, you can expect 4-8 bonus points. If you miss more than 2 classes, there will be 3 points deducted for each class missed. Being late for class or leaving early will count as a ½ absence.

Observations (120 points)

Mini-observations (70 points). Over the course of the semester there will be three short observations, two in the field and one virtually. The virtual observation will involve an oral report of segments of the Zimmerman trial in which Zimmerman was charged with the murder of Trayvon Martin. (20 pts). The second observation will be of activities (you pick) in a courtroom (20 pts) and the last observation will involve a contrast between communicative work in a 911-police emergency center and the county jail (30 pts). Observations #2 and #3 will involve short papers (2-4 pages) linking what you saw with a couple of readings.

Major Observation/Group Presentation (50 points). In addition to the short field observations, each of you will do a major observation (7-8 hours) in a justice-related site. Selection of a site will be done by groups of 3 students, and the site will become the focus of a group presentation. Possibilities include the following: (a) each student in a group does a ride-along with a police officer for a shift, (b) a group of students collectively observes a 1-2 day trial; (c) a group volunteers to serve as community members in the campus restorative justice program; (d) a group of students visit centers or events of a particular type (emergency communications, victims' assistance, traffic court, jails, restraining order hearings, etc.) or (e) make a proposal that relates to the class focus and your interests. During the last week of the class, groups will make 20-30 minute presentations that weave together their experiences in the field with several readings. At the presentations, groups are expected to use PowerPoint and turn in a copy of the slides.

Reading and Class Lecture/Discussion Assessment (200 points)

You have a choice as to how you will be assessed: (1) two conventional tests or (2) write-as-you-go assignments. For class readings that are not connected to observations or argument papers, there will be a question posted on D-2L. These questions are to help you prepare for class discussion and to guide you for the testing or write-as-you-go options. You may choose to do the write-as-you-go for the full semester or for one-half of the class.

Conventional tests: There will be a midterm and a final take-home exam. The take-homes will address issues discussed in class, in readings, and in videos. The take-home will involve 3-4 essay questions, and you will receive the questions a week in advance. Each exam will be 10 pages in length.

Write-as-you-go: To do write-as-you-go, you would write a 1.5 (+/- ½) page response to the issue posed for the reading(s) and/or video. The response is to be turned in the day the assignment is due. Questions will include summary of information and reaction/position-taking. These will be assessed (√, or √-, √+, 0). If you have a √ average on these assignments, you would receive a low B (83,) for this part of the class assessment. Each √+ above would receive a +2). Each √- below an overall average of √, results in a -2. Late assignments will be accepted up to one-week after their due date with a -2 pts given to whatever assessment is earned. Missing assignments will be given -5 points.

Papers (180 points)

Short Argument Paper (50 pts). You will analyze a 1.5-hour video of an actual trial (Marc Ducic) and the jury deliberation that occurred in it, addressing questions about jury deliberation and conduct during capital trials. Papers will be 5-7 pages in length.

Research Paper and Presentation (130 points). The major assignment for the class will be a library research paper based on a question/topic related to communication and the justice system broadly (100 pts). The paper is to review what we know about a selected communication-justice practice (e.g., plea bargaining, interrogations, jury deliberation). Each of you will meet with me individually to negotiate your paper's focus (5 pts). The paper is expected to be about 10 pages

with a minimum of 8 references. Annotated notes for bibliography sources will be required to help you prepare a strong paper (20 pts). The day the paper is due, each of you will give a short report about your paper (5 pts). Details will be provided later.

Final grades: Determined by point accumulation (500 points total) as follows:

A = 462 and higher	C+ = 388-399
A- = 450-461	C = 362-387
	C = 350-361
B+ = 438-449	D+ = 338-349
B = 412-437	D = 312-337
B- = 400-411	D- = 300-311

F = Below 300

Tentative Schedule

The schedule will be adapted to accommodate outside visitors. Modifications will be noted in class, and posted on D2L. *Readings marked with asterisks are write-as-you-go assignments.*

	TOPICS	ASSIGNMENTS
Key Communicative Activities in a Trial		
Week 1 (8/23-25)	Course introduction <i>Florida v. Zimmerman</i> Voir dire & jury consulting	8/25 Read: Trial of George Zimmerman Obs #1 start
Week 2 (8/30-9/1)	Phases of a trial Plea Bargaining	8/30 Read Ansea Obs #1 continue 9/1 Read Emmelman Ob#1 continue
Week 3 (9/6-8)	Court Observation Report Jury Deliberation	9/6 Read Colorado courts at a glance Obs# 2 due 9/8 Read: Conley
Week 4 (9/13-15)	<i>Restorative Justice Visit</i> <i>Tyler Keyworth, Restorative Justice Coordinator, CU</i> Issues in capital cases <i>Argument paper assigned</i>	9/13 Read: Menkel-Meadow 9/15 Watch Ducic trial Read: Sunwolf
Week 5 (9/20-22)	“Reasonable Doubt” <i>Attorney Visit, Mr. John Springer</i> Telelitigation & CSI Effect	9/20 Read: Diamond 9/22 Argument Paper due
Week 6 (9/26-28)	Allocution & Victim Impact Statements Video in trials <i>Take-home Midterm Assigned</i>	9/28 Read: Proppen & Schuster 9/30 Read: Feigenson & Spiesel & watch Supreme court video

Communicative Issues in Policing		
Week 7 (10/4-6)	Visits to Jail and emergency center	10/4 & 10/6 <i>Individual meetings regarding research paper</i> 10/6 Take-home midterm due
Week 8 (10/11-13)	Discuss visits	10/11 Obs#3 due
	Communicative issues in calling 911	10/13 Read: Tracy
Week 9 (10/18-20)	Traffic Stops & Searches	10/18 Read: Read Dixon et al. and watch Driving while Black
	Race and policing	10/20 Read: Bayley, Davis & Davis
Week 10 (10/25-27)	Miranda & Interrogations	10 /25 Read Ainsworth
	Improving Policing practices	10/27 Rahr & Rice
Special Topics		
Week 11 (11/1-3)	<i>Visit with Sergeant Everett, Boulder Policer Department Training Supervisor</i>	11/1 Annotated readings for paper due
	Oral argument in the Supreme Court	11/3 Read Schuetz and listen to Irons
Week 12 (11/8-10)	Small Claims Court	11/8 Read: (a) Conley & O'Barr, (b) Tracy & Caron
	NCA Conference	11/10 no class
Week 13 (11/15-17)	Mediation	11/15 Read Moore
		11/17: Research papers due; informal reports
Week 14 (11/22-24)	Thanksgiving Break—Enjoy!	
Week 15 (11/29-12/1)	Gender & Justice	11/29 no reading, Take-home final assigned
	<i>Visit with Judge Brodsky</i>	12/1 Judge Visit
Week 16 (12/6-8)	Group Presentations	Group Presentations
<i>Take-home final is due no later than Tuesday December 13th by 5 PM</i>		