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## Language and Law 01:615:481:90

### Spring 2018

**Instructor:** Prof. Crystal Akers (cakers@rutgers.edu)

**Office Hours:** Please see my Google calendar for dates and times when I am on campus. Google Hangout office hours are available by appointment (send invitation to email address above)  
Google calendar: [provide link]

**Credits:** 3

**Prerequisites:** One of the courses from (B): 305, 315, 325, or 350

You will be required to read, analyze, discuss, and present information working closely in small groups. The prerequisite ensures a background in experience and skill analyzing language.

**Course Website:** access via sakai.rutgers.edu

**Course Meeting Time:** This course is online and asynchronous. See the course site for due dates.

### Course Description

A teenage girl disappears, but her parents continue to receive text messages sent from her phone. Are they from her, or her kidnapper? An airline employee is accused of calling in fake bomb threats to his employer. Can his dialect exonerate him? A patient requests medical records in a suit against a hospital. Does the hospital's carefully-worded response reveal an intent to conceal information?

Determining “whodunnit” can involve language at every step of the legal process, from analyzing the linguistic evidence of ransom notes, bomb threats and corporate denials, to interrogating suspects, cross-examining witnesses, and instructing juries. This course provides an introduction to forensic linguistics, or the application of linguistics within legal settings, and examines how language is used in laws and in courts. Topics such as syntax, semantics, phonetics, phonology, morphology, pragmatics, and sociolinguistics will inform our examination of language from evidence to courtroom.

## Department learning goals met by this course

Students will:

- reason about language
- demonstrate knowledge about language in the world including a sophisticated understanding of linguistic and cultural variation
- extend knowledge about theoretical linguistics into other domains of linguistic research

## Learning goals for this course

By the end of this course, you will be able to:

- discuss, given examples of laws, testimonies, interrogations, or other uses of language in legal settings, the effect on the legal process of at least three different linguistic concepts – such as presupposition, conversational implicature, structural and semantic ambiguity, syntactic complexity, and lexical variation.
  - *Assessed through discussion and/or exam*
- discuss the use of at least three different linguistic concepts -- such as syntactic structure, choice of lexical items, register, voice qualities, phoneme production, and prosody – for analyzing language as forensic evidence
  - *Assessed through discussions and/or exam*
- discuss at least two limitations of authorship analysis as forensic evidence
  - *Assessed through discussion and/or exam*
- collaborate with a small group on a WikiEd project to summarize and provide references for a case or issue in which forensic linguistics or language in the legal process figures prominently.
  - *Assessed in the creation of the WikiEd project*

## Required Materials

- Solan, L. & Tiersma, P. (2005). *Speaking of crime: The language of criminal justice*. Chicago: The University of Chicago Press.
- Other materials may be accessed through links provided in the syllabus or through e-reserves at the Rutgers library.

## Course Structure and Requirements: Assessments

This course will require you to spend roughly the same amount of time on the instructional materials, activities, and assessments each week as you would in a traditional classroom course, about 8 hours per week.

### Reading quizzes – 12% (10 quizzes, 1.2% each)

- Short reading quizzes generally will assess factual knowledge, like the definitions of key terms from each unit. Prepare by completing the assigned instructional materials, which may include readings, videos, audio recordings, and screencasts. Quizzes will be available from Monday through Thursday, and you will have 90 minutes to complete the quiz once you begin. You are not permitted to consult with others as you work, but you are expected to refer to the course materials as you take the quiz. The lowest quiz grade will be dropped.

### Discussion – 28% (7 quizzes; 4% each)

- Frequent interaction is vital to building an online learning community. In our course, interaction will primarily take place in eight small-group and full-class discussions. Sometimes you will be

required to respond to a specific question I ask. Other times, you will have the opportunity to explore your personal interests in the topics we cover by suggesting your own discussion question and responding to your classmates'. Though I will evaluate that you are using the assigned materials to inform your discussion posts, I view the act of discussion itself as part of the process of learning, and for that reason the discussion rubric emphasizes qualities that lead to sustained, thoughtful engagement over the course of the week. Your initial response to the discussion will be due on Thursday night, with all required responses due by Sunday night of the given week. The lowest discussion grade will be dropped. I strongly encourage you to review the Discussion Rubric, posted on our course site, as you work on your discussion posts.

#### **Midterm exam – 20%**

- The midterm exam is 1.5 hours, closed-book, and will be taken in-person at the New Brunswick campus. Some questions may be taken from the reading quizzes. The midterm will include at least one essay-style question reflecting on the role of language in the legal process.

#### **Final Exam – 25%**

- The final exam is 2.5 hours, closed-book, and will be taken in-person at the New Brunswick campus. Some questions may be taken from the reading quizzes. The final exam will include at least one essay-style question discussing language as forensic evidence.

#### **WikiEd Project – 15%**

- Authorship analysis is a common task for forensic linguists, who may be called to present the evidence of whether a suspect wrote a ransom note – or whether one novelist plagiarized another. Plagiarism is a frequent concern of educators, too, and to some, Wikipedia pages can seem like the primary source of plagiarized term papers. This semester-long project flips the Wikipedia experience: this time, you will be the contributor. Your work will enable you to learn more about one case or topic involving the language and law, and your contributions to a real Wikipedia article will ensure that your work has a lasting effect. Along the way, you will learn more about the consequences for authorship attribution on Wikipedia. This project will be completed as a series of weekly tasks, including training in using the Wikipedia contributor interface, responding to editors, drafting a contribution, peer reviewing another article, and presenting your article contributions in a class VoiceThread.

#### **Course Structure and Requirements: Attendance and Late Work Policy**

Because all work will be completed asynchronously for this course, there is no formal attendance policy; however, regular class engagement will be assessed through the assigned activities and assessments. All quizzes are available for multiple days. Please take note of the availability periods on the attached schedule and plan accordingly. Except for documented cases of illness or religious observance, **no credit will be awarded for late work on quizzes, discussions, or peer reviews. For milestones in the WikiEd project, your work will lose 20% of the maximum points possible for each day late.**

## Academic Integrity Policy

Collaboration and interaction are expected and integral aspects of work in this course and outside of it in the highly-connected world we live in today. I encourage you to work together whenever possible and to make the most of the collaborative tools available on our course site and social media – or just get together in person if you're on campus.

To collaborate in a way that ensures the contributions of each person are acknowledged, I expect you to be familiar with and abide by Rutgers University's Academic Integrity Policy

(<http://academicintegrity.rutgers.edu/academic-integrity-policy/>). Violations of the Academic Integrity Policy include: cheating, fabrication, plagiarism, denying others access to information or material, and facilitating violations of academic integrity. The interactive [Camden Plagiarism Tutorial](#) will provide you with more information about what constitutes plagiarism. In addition, for our class you are required to:

- Avoid working on quizzes together
- Avoid talking about quiz questions and answers during quiz availability periods.
- Cite your sources, including classmates whose thoughts have informed your own opinions.
  - *This point is especially important for discussions. Identifying classmates who have changed or expanded your thinking in some way not only gives them proper attribution, it helps us build an online learning community that recognizes and values participation.*

Consult the following links for tips on how to improve your note-taking to avoid accidental plagiarism:

- [http://www.libraries.rutgers.edu/avoid\\_plagiarism](http://www.libraries.rutgers.edu/avoid_plagiarism)
- <http://academicintegrity.rutgers.edu/resources-for-students>

**Any** collaboration with other students to answer quiz questions is a violation of Rutgers' Academic Integrity Policy. Students caught cheating or committing plagiarism will be penalized, as per Rutgers policy.

### **Student-Wellness Services:**

#### **Just In Case Web App**

<http://codu.co/cee05e>

Access helpful mental health information and resources for yourself or a friend in a mental health crisis on your smartphone or tablet and easily contact CAPS or RUPD.

#### **Counseling, ADAP & Psychiatric Services (CAPS)**

(848) 932-7884 / 17 Senior Street, New Brunswick, NJ 08901/ [www.rhscaps.rutgers.edu/](http://www.rhscaps.rutgers.edu/)

CAPS is a University mental health support service that includes counseling, alcohol and other drug assistance, and psychiatric services staffed by a team of professional within Rutgers Health services to support students' efforts to succeed at Rutgers University. CAPS offers a variety of services that include: individual therapy, group therapy and workshops, crisis intervention, referral to specialists in the community and consultation and collaboration with campus partners.

#### **Violence Prevention & Victim Assistance (VPVA)**

(848) 932-1181 / 3 Bartlett Street, New Brunswick, NJ 08901 / [www.vpva.rutgers.edu/](http://www.vpva.rutgers.edu/)

The Office for Violence Prevention and Victim Assistance provides confidential crisis intervention, counseling and advocacy for victims of sexual and relationship violence and stalking to students, staff and faculty. To reach staff during office hours when the university is open or to reach an advocate after hours, call 848-932-1181.

**Disability Services**

**(848) 445-6800 / Lucy Stone Hall, Suite A145, Livingston Campus, 54 Joyce Kilmer Avenue, Piscataway, NJ 08854 / <https://ods.rutgers.edu/>**

Rutgers University welcomes students with disabilities into all of the University's educational programs. In order to receive consideration for reasonable accommodations, a student with a disability must contact the appropriate disability services office at the campus where you are officially enrolled, participate in an intake interview, and provide documentation:

<https://ods.rutgers.edu/students/documentation-guidelines>. If the documentation supports your request for reasonable accommodations, your campus's disability services office will provide you with a Letter of Accommodations. Please share this letter with your instructors and discuss the accommodations with them as early in your courses as possible. To begin this process, please complete the Registration form on the ODS web site at: <https://ods.rutgers.edu/students/registration-form>.

**Scarlet Listeners**

**(732) 247-5555 / <http://www.scarletlisteners.com/>**

Free and confidential peer counseling and referral hotline, providing a comforting and supportive safe space.

## Weekly Schedule

Activities and assessments are described briefly below. Please see the appropriate unit on the course site to find detailed information about each assignment, including rubrics and specific due dates. Instructional Materials prefaced with "Optional" are optional; all others are necessary for completing the assigned activities and assessments within a unit. Information provided on the course site supersedes details provided here.

| Week      | Topic  | Activities & Assessments  | Instructional Materials   |
|-----------|--|---|---|
| 1<br>1/16 | Course Introduction  | VT: Self-Introduction<br><br>Quiz: Course Intro<br><br>WikiEd: Week 1 Tasks (Create Account; Training: Wikipedia Essentials & Editing Basics)   | <b>Read:</b> Syllabus<br><b>Read:</b> S&T Ch 1, 2<br><br><b>View:</b> Introductory Screencast<br><br><b>View:</b> Solved: Forensic Linguistic:<br><a href="http://bit.ly/2hlvXno">http://bit.ly/2hlvXno</a>   |
| 2<br>1/22 | Interacting with Police (I) – Consent to Search                            | Reading Quiz 1<br><br>WikiEd: Week 2 Tasks (Training: Critique “Consent Search”)  | <b>Read:</b> S&T Part 2 Intro, “Gathering the Evidence”; Ch 3, “‘Consensual’ Searches”<br><br><b>View:</b> Lewis, “Language: Gricean Pragmatics”<br><br><b>Read:</b> “Consent Search”<br><br><b>Optional View:</b> <a href="#">Search and Seizure</a> |
| 3<br>1/29 | Interacting with Police (II) – Interrogation, Confession, Right to Counsel | Reading Quiz 2<br><br>Discussion 1: How accurately are the pragmatics of consent or request for counsel portrayed in popular media (given a short clip)? What consequences, if any, do depictions like these have for how people understand the use of indirect speech with police?<br><br>WikiEd: Week 3 Tasks (Training: Add to an article) | <b>Read:</b> S&T Ch 4<br><br><b>View:</b> Screencast  |
| 4<br>2/5  | In Court: Rules of Questions   | Reading Quiz 3<br><br>WikiEd: Week 4 Tasks (Choose Topic & Find Sources)  | <b>Read:</b> O&L 13<br><br><b>View:</b> Screencast  |

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| 5<br>2/12 | In Court: Dialect & Testimony                             | <p>Reading Quiz 4</p> <p>Discussion 2: Consider Rickford and King's analysis of Rachel Jeantel's testimony. First, how does the information from last week's unit (O&amp;L Ch 13) add additional insight to Jeantel's testimony? And second, in your opinion, are there recommendations for the courts that could correct some of the problems that Rickford and King identify? Post an initial response and reply to at least two other responses.</p> | <p><b>View:</b> Rickford &amp; King (2/19/2014)</p> <p><b>Optional Read/View:</b> Famous Trials: Zimmerman</p> <p><b>Optional View:</b> Rickford &amp; King (2/10/2014)</p> <p><b>Optional Read:</b> Rickford (2013)</p> |
| 6<br>2/19 | In Court: Jury Instructions                               | <p>Reading Quiz 5</p> <p>WikiEd: Week 6 Tasks (Begin draft)</p>   | <p><b>Read:</b> Randall (2014)</p> <p><b>View:</b> Screencast</p>  |
| 7<br>2/26 | In Court: The meaning of laws                             | <p>Reading Quiz 6</p> <p>Discussion 3 (VT): Reflecting on the assigned materials for weeks 5-7, post one question about the real-life consequences for language in legal settings, then respond to at least two other questions.</p> <p>WikiEd: Week 7 Tasks (Expand draft)</p>   | <p><b>Read:</b> O&amp;L Ch 16 (pdf)</p> <p><b>Read:</b> Solan (1993)</p>   |
| 8<br>3/5  | <b>Midterm</b>  | Multiple Choice & Essay Format  |  |
| 3/12      | <i>Spring Break</i>                                       |   |  |
| 9<br>3/19 | Crimes with words (I) – Solicitation, Conspiracy, Bribery | <p>Reading Quiz 7</p> <p>Discussion 4: Link to an example in popular media (fictional or non-fictional) of a dispute involving a speaker's words and the intent behind those words. Explain how you personally evaluate the intent in your example and the factors that inform your judgment, then comment on at least two other student examples.</p> <p>WikiEd: Week 10 Tasks (Peer Review, Respond to Peer Reviews)</p>                              | <p><b>Read:</b> S&amp;T Ch 9</p> <p><b>View:</b> Screencast</p>  |

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| 10<br>3/26 | Crimes with words (II) - Perjury           | <p>Reading Quiz 8</p> <p>Discussion 5 (VT): Examine the testimony, transcripts and other written evidence for the Clinton impeachment trial. Post a question about this material to expand upon S&amp;T Ch 11, then respond to at least two other questions.</p> <p>WikiEd: Week 11 Tasks (Move draft to Wikipedia mainspace)</p>   | <p><b>Read:</b> S&amp;T Ch 11</p> <p><b>View:</b> Screencast</p> <p><b>Read/ View:</b> Famous Trials: Clinton Impeachment</p>   |
| 11<br>4/2  | Authorship Analysis (I) – Written Texts    | <p>Reading Quiz 9</p> <p>WikiEd: Week 12 Tasks (Editing)</p> <p>Discussion 6: Review the James Earl Reed statements and police report (O&amp;L Ch 10). Is there reason to doubt the authorship of Reed’s statement? What is the most compelling evidence? Post your own response, then evaluate the evidence of at least two other posts.</p>   | <p><b>View:</b> Weiner 2013; 4:00-22:00</p> <p><b>Read:</b> O&amp;L Ch 10 (Exercise 10.2; pdf)</p> <p><b>Optional Listen:</b> Vuolo, M. &amp; Garfield, B. (2012)</p> |
| 12<br>4/9  | Authorship Analysis (II) – Limitations     | <p>Reading Quiz 10</p> <p>Discussion 7: In your opinion, how reliable are the tools and techniques for authorship analysis that you’ve learned about this week? Support your discussion with examples from the texts and real-life cases from this week’s sources as well as your experience with last week’s analysis of the Reed statements.</p> <p>WikiEd: Week 13 Tasks (Editing)</p> | <p><b>Read:</b> S&amp;T Ch 8</p> <p><b>Read:</b> Olsson Ch. 4</p> <p><b>View:</b> Screencast</p> <p><b>Listen:</b> Rehm (2015)</p>                                    |
| 13<br>4/16 | Authorship Analysis (III) - Voice Analysis | <p>Reading Quiz 11</p> <p>WikiEd: Week 14 Tasks (Present article on VT; final revisions)</p>  | <p><b>Read:</b> S&amp;T Ch 7</p> <p><b>Read:</b> O&amp;L Ch 6 (Excerpts; pdf)</p> <p><b>View:</b> Screencast</p> <p><b>Read:</b> Olsson Ch 3, 6, 21</p>               |
| 14<br>4/23 | Wrap-Up                                    | WikiEd: Week 15 Tasks (Final Project complete)  | <p><b>View:</b> Weiner (2015); 9:50-18:42</p>   |



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|            |                   | Discussion 8 (VT): Given what you've learned this semester, and the discussion by the forensic linguists in Weiner (2015), in what aspect of the legal process is a linguist's knowledge of language most critical, and why? Post one response, and reply to at least two others. |  |
| 15<br>4/30 | <b>Final Exam</b> | Cumulative; multiple-choice and essay format  | To be scheduled during exam period; <i>May 3-9</i> |

## References

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