

Goals:

This course promises to make you a skilled *forensic rhetorician*. In particular, you will learn the skills of:

1. *Storytelling*: How to tell a story that is accurate to the facts, sufficient to meet the requirements of the law, and persuasive to your hearers.
2. *Questioning*: How to elicit facts from cooperative and uncooperative people, so your hearers can understand.
3. *Arguing*: How to establish your position on contested issues, in order to convince your hearers.
4. *Ethical Reflection (Thinking)*: How to raise for yourself and consider questions like: What is the worth (good or bad) of these skills and what they accomplish? Is this course making you a worse person?

Starting point:

I presume that you can give a clear, well-organized and well-delivered speech; that is, that you've taken Sp Cm 212, or had equivalent experience. I also presume that you can write clear, well-organized and well-presented short papers.

Two principles guiding us from starting point to goals:

1. *Accommodation*. Everyone learns differently. Therefore everything in this class can be changed—if you ask, and give me a good reason. Hint: Tell me how the change will help you learn.
2. *Professionalism*. It's my job to do everything I can to help you learn. But fundamentally, your progress is in your hands. It's up to you to take advantage of the opportunities and freedoms this class will offer. I strongly encourage you to think of yourself as a professional, planning your activities thoughtfully, carrying them out carefully, and taking responsibility for the results, good and ill.

Here is one conclusion you can draw from these two principles: If you have a problem or need, it can usually be accommodated *in advance*, but few excuses will be accepted *after the fact*. Or to put it in the technical terms you'll learn in this course, I encourage you to use deliberative rhetoric, not forensic rhetoric.

General overview of the path to come:

Weeks 1 & 2	Introduction.
Weeks 3-4	Unit 1: Storytelling.
Weeks 5-8	Unit 2: Arguing.
Weeks 9-11	Unit 3: Questioning.
Weeks 12-14	Trials.
Week 15	Concluding matters.

Resources to help you get from here to there:

1. *Peer group ["Law Firm"]*. Each of you will be assigned to a roughly 6 person work group for the semester. Your group will be responsible for taking a side in one of the final trials, and for engaging in a variety of practice activities to prepare for it. It's likely that you will learn more from your groupmates than from anything else in this course (see the student comments at the end of this syllabus). So I strongly advise you to take your participation in the group very seriously indeed. A formal group contract, required minutes of all group meetings and a midterm group assessment (8th week) should help you keep on track.
2. *Class time*. Some class days, you and your fellow students will be practicing the basic skills of this class. These days are marked with a "*" on the syllabus. Prompt attendance on these days is required: you owe it to your groupmates if you are speaking, and to those who are speaking, if you are in the audience. Therefore, each lateness not excused *in advance* will receive a -1 point penalty, and each absence not excused in advance will receive a -2 point penalty. In addition, attendance the last day of class is required, subject to a full step (e.g., "B" to "B-") grade penalty.
3. *The instructor*. It is easiest to reach me via email (goodwin@iastate.edu). I also *strongly* encourage you to come to my office hours with any concerns: **Mondays 10-12, Wednesdays 3-5, and freely by appointment, in 223 Ross.**
4. *Readings*. Two books (Wiehl, *Winning Every Time* and Robinson, *Would You Convict?*) are already available at UBS. Also at UBS is a case packet for the case you will be assigned on Thursday, the first week of class. There will also be a "packet" of other materials, available on the course website.
5. *Course webpage*. Grades will be put on WebCT. The non-WebCT course webpage will contain the "packet," and store copies of all course assignments. Check it out also for hints for the first quiz: <http://goodwin.public.iastate.edu/spcom324/index.html>
6. *Your fellow students, the ISU community, and the rest of your life*.

What is expected of you as we proceed:

In line with the general policy for college courses, this class will demand 2-3 hours of preparation for every hour in class. This works out to about 5-7 hours per week. Now, I understand that you have heard this sort of thing many times before, and may not believe it. To test out my claim, see the last page of this syllabus, for comments from students who took this class last time.

Each of the three main units (Storytelling, Arguing and Questioning) will start with a week in which we think (theorize) how to do the activity. The rest of the time will be devoted to you practicing your skills informally before being tested formally.

- In the Storytelling unit, your group will present an opening statement (story) for your final trial; individually, you will prepare your own, written (graded) version.
- In the Arguing unit, your group will present closing arguments in two cases; individually, you will write an argued (graded) decision for a third case.
- In the Questioning unit, you will perform your direct examination skills individually in class (orally), using a groupmate as a witness.

In addition, there will be a brief short-answer (essay) exam at the end of each unit. See the schedule for the dates of each of these exercises.

The course will culminate in two three class-day trials. You'll be assigned one trial at the end of 1st week. By the end of the term, your group will take responsibility for presenting one side—for performing as advocates giving opening and closing statements, for producing and questioning your witnesses, and cross-examining the witnesses on the other side. The groups not

participating will serve as the jury, and give the final verdict. It's likely that this trial will be the hardest task you have ever done in college; you should expect to put in quite substantial time preparing for it, both individually and in your group.

Finally, you should expect to put some thought into the ethical "bigger picture," of which this course gives you just a brief introduction. There are significant reasons to think that many aspects of what we'll be studying are fundamentally unethical and unsound. Ethical questions will be raised frequently both in the course packet and in class; they'll include:

- Is forensic rhetoric inherently aggressive?
- What would it take to give a fair trial to Saddam Hussein? Is that even possible or necessary?
- Do lawyers bamboozle juries with their persuasive stories?
- Should we take a person's character into account when deciding whether they're guilty?
- If people view excuses differently, how can we achieve a single, just resolution of disputes?
- Does the jury system work?

You will be required to pick one of these ethical questions, prepare your thoughts on it, and come and talk to me about it in a formal, half-hour tutorial at some point between 7th and 15th week.

Final Grading:

I am convinced that each of you can reach the highest level of accomplishment on the skills of forensic rhetoric, and I am committed to doing anything I can to helping you do so—that's what you can expect from me.

By University rule, I am also required to give you a letter grade at the end of the semester reflecting your actual level of accomplishment in meeting the course goals. To make things easier on us, the following will be the basic or "default" method of assessing your accomplishments in order to assign letter grades:

Storytelling paper (opening statement)	10 points
Argument paper (case decision)	10
Oral questioning	10
Exams (3 x 10 points)	30
Final trial (group grade)	30
Ethics tutorial	10
Quiz on syllabus	<u>1</u>
TOTAL	101 points
Lateness/absence penalties	-1/lateness; -2/absence on "star" days

"Normal" letter grade cutoffs will be applied (e.g., 80-82="B-"; 83-86="B"; 87-89="B+" etc.).

In accordance with the Principle of Accommodation, I am willing to change this scheme to meet your individual learning needs. I will accept any method for grading that assesses your level of accomplishment on all course goals. It may include activities beyond the regular assignments in the course—what would usually be called "extra credit." But in any case, it will reflect the high expectations I have for every student in this class.

You must request a personalized grading scheme on or before Monday of 10th week—no exceptions. In accordance with the Principle of Professionalism, do not wait until the end of the semester to realize you have problems!

Finally, please note that class attendance is required (1) on Tuesday of second week with your Case File, and (2) the last day of class—subject to a one step grade penalty (e.g., B to B-).

Schedule in detail:

Day	Date	What to read before class	What to expect in class: topics, activities & assignments due
1 T	10 Jan	Packet, chap. 1 (handout)	Introduction. Ethical question: Do we need justice? About this course.
R	12 Jan	This Syllabus. Packet, chap. 2 (online)	Quiz on this syllabus. What is "forensic rhetoric"? Groups assigned; trials assigned. First group task: figure out what happened in your case.
2 T*	17 Jan	Groups 1 & 3: <i>Delaney Case</i> File Groups 2 & 4: <i>Wyatt Case</i> File Wiehl, Introduction, chap. 1 and chap. 3	Bring your case packet to class, or else receive a one step grade penalty. Groups report on what happened in their case. Finding your theory of the case in the mixed mass of evidence.
R	19 Jan	Packet, chap. 3	The trial process, starting with the accusation. Ethical question: What is a fair trial—for Saddam, for example? Ethical question: Do trials establish <i>truth</i> ?
3 T	24 Jan	Wiehl, chap. 7 "About Group Work" (online)	Unit 1: Storytelling. Group contract and first meeting minutes due. Storytelling: linking law, facts and jurors.
R	26 Jan	Wiehl, chap. 2 and 4 (up to p. 88)	The same, continued. Opening statement mechanics; addressing your jurors.
4 T*	31 Jan	---	Story Trials.
R	2 Feb	Packet, chap. 4	Ethical question: Are stories really reliable? If not, what else is there? Storytelling exam.
5 T	7 Feb	Packet, chap. 5 & 6	Unit 2: Arguing. Storytelling paper due. Introduction to argument. One useful tool; commonplace arguments (topoi). Ethical question: Is the accused's character relevant?
R	9 Feb	Packet, chap. 7-10 Wiehl, chap. 8	Another tool; the stasis system. Closing argument mechanics.
6 T*	14 Feb	Robinson, chap. 3	Argument Trials. <i>Green</i> , Group 1 (A) v. Group 2 (D), Group 3 writes a decision.
R*	16 Feb	Robinson, chap. 4	Argument Trials. <i>Kingston</i> , Group 3 (A) v. Group 4 (D); Group 1 writes a decision.
7 T*	21 Feb	Robinson, chap. 2	Argument Trials. <i>Marrero</i> . Group 2 (A) v. Group 3 (D), Group 4 writes a decision. First day for Ethics Tutorials.

R*	23 Feb	Robinson, chap. 5	Argument Trials. <i>Sandifer</i> . Group 4 (A) v. Group 1 (D); Group 2 writes a decision.
8 T	28 Feb	Packet, chap. 11	Argument paper due. Midterm group assessment. Ethical question: What if people see excuses differently?
R	2 Mar	Wiehl, chap. 6	Final trials: organization. Arguing exam.
9 T	6 Mar	Wiehl, chap. 4	Unit 3: Questioning. The "simple" act of asking questions.
R	8 Mar	Packet, chap. 12	Selecting evidence: <i>which</i> facts? Questioning exam (take home) assigned.
Spring Break			
10 T*	21 Mar	---	Last day to request a personalized grading scheme. Questioning Trials.
R*	23 Mar	---	Questioning Trials.
11 T	28 Mar	Wiehl, chap. 5	Take-home Questioning exam due. Trial #1 Pretrial Documents due. Cross-examination and impeachment.
R	30 Mar	---	Final Trials. No class; trial prep time. Trial #1 Pretrial Conference.
12 T*	4 Apl	---	Trial #1 (Groups 1 & 3) begins.
R*	6 Apl	---	Trial #1 cont. Trial #2 Pretrial Documents due.
13 T*	11 Apl	---	Trial #1 concluded. Trial #2 Pretrial Conference.
R*	13 Apl	---	Trial #2 (Groups 2 & 4) begins.
14 T*	18 Apl	---	Trial #2 cont.
R*	20 Apl	---	Trial #2 concluded.
15 T*	25 Apl	Packet, chap. 13	We review what happened. Ethical question: Do trials achieve justice?
R*	27 Apl	Wiehl, chap. 11 Packet, chap. 14	Ethical question: Are trials gendered? Final review and course evaluation. Attendance required subject to a one step grade penalty.
16 R	4 May		Final self-assessment due, before noon in my mailbox in 203 Ross. Last day for Ethics Tutorials.

Last Time's Student Comments

At the end of the course, I'll ask you to say a few words to future students, which I will put in the syllabus exactly as you write them. Here are all the responses from the last time I taught this course (Spring '04).

Be prepared for a lot of group work! If you don't have a flexible schedule or are unable to work in groups you may have difficulty with this class. Be ready to work your "butt" off.

Do the reading & go to class.

Do not take this class if you are not available to put in a lot of group work time. Most of this class depends on group work.

If you want to take this class, show up everyday, not just star days. It will make the class simple & easy to follow. Our discussions are interesting, so the time flies by!

This class is challenging, but very rewarding. You will learn a lot if you stay on top of things and attend class. If you're afraid to get up in front of people you should look into a challenging semester.

Be prepared to do some serious work. This class requires a considerable amount of effort & serious attention but is very rewarding.

If you enjoy a challenge and are willing to invest extra time for group work & meetings then stay in the class.

Make sure you have a cohesive group that can have lots of time set up for this class.

I'm not going to lie. This class is a lot of work. But it's worth it. Group cohesion is key to success in trial. Take in everything Goodwin has to say.

A lot depends on the group you have. If you find yourself w/a bad group (or group member) either bail or do something about it. It makes the class & preparation for the class a lot more painful & frustrating.

I recommend taking this class to gain attention to detail. The logical thinking process helps with other classes.

If you want to know more about trial processes, or are considering law school, this class is an absolute must.

Tests are not too hard if prepared. Final trial is a big project but it is worth it. Drop this class if you don't work well in groups.

Have to be flexible and willing to work with others.

This class is fun, enjoyable, but hard work! Take it!

This was one of the most challenging and rewarding classes I have experienced. Be prepared to work hard and don't think you can slack off, because you can't! You have to be willing to put more time into this class than any other normal college class. Take this if you are willing to be a team player and committed.

Professor Goodwin is a teacher who is willing to work with you. Take advantage of her flexibility, willingness to listen, and office hours. This class takes a lot of effort but is well worth it and overall fun.