

Communication 584: Interaction & Law

Wayne A. Beach
Professor, School of Communication
COM 201A 594-4948
Office Hours: T, Th: 9-9:30, 1:30-2:00
(and by appointment)

Texts: Xeroxed packages available at Aztec Book Store (second floor).

Description: Examination of interactional patterns among judges, lawyers, witnesses, juries, and related legal personnel. Implications for understanding constraints on exchange within institutional interaction and social justice as a practical achievement.

Grading &

Evaluation: Two take-home exams; regular attendance and informed participation:*

Exams	45% (each)
Participation	10%
	<hr/>
	100%

*--More than 2 absences will result in 1/3 final grade discount per absence; of course, exceptions granted for medical/family emergencies and related problems.

For Kant the moral order `within' was an awesome mystery; for sociologists [communication researchers] the moral order `without' is a technical mystery. A society's members encounter and know the moral order as perceivedly normal courses of action -- familiar scenes of everyday affairs, the world of daily life known in common with others and with others taken for granted . . . the activities whereby members produce and manage settings of ordinary everyday affairs are identical with members' procedures for making those settings `account-able'.

Harold Garfinkel, Studies in Ethnomethodology, 1967.

Interaction and Law Beach

I. Introduction and Overview

and Paul Drew & John Heritage (1992). Analyzing talk at work: An introduction. In Drew Heritage (eds.), Talk at Work: Interaction in Institutional Settings. Cambridge, England: Cambridge University Press (pp.3-65).

Wayne A. Beach (1985). Temporal density in courtroom interaction: Constraints on the recovery of past events in legal discourse. Communication Monographs, 52 (pp. 1-18).

Anita Pomerantz and J. Maxwell Atkinson (1984). Ethnomethodology, conversation analysis, and the study of courtroom interaction (pp. 283-287 only). In D.J. Muller et al. (eds.), Psychology and Law, NY: John Wiley & Sons Ltd.

Douglas W. Maynard (1989). On the ethnography and analysis of discourse in institutional settings. Perspectives on Social Problems, 1 (pp. 127-146).

Elizabeth A. Boyd, Karl. H. Hammer, and Richard A. Berk (1996). "Motivated by hatred or prejudice": Categorization of hate-motivated crimes in two police divisions. Law & Society Review, 30, 819-850.

Anita Pomerantz (1987). Descriptions in legal settings. In Graham Button and John R.E. Lee (eds.), Talk and Social Organisation. Clevedon: Multilingual Matters (pp.226-243).

II. Interrogation and Testimony: Cross-Examination

Turn-Taking and 'Accusation/Denial' Sequences

Max Atkinson and Paul Drew (1979). Chapter 2: A comparison of the turn-taking organisations for conversation and examination (pp. 61-81 only). In Order in Court: The Organization of Verbal Interaction in Judicial Settings. London, England: Methuen.

Paul Drew (1985). Analyzing the use of language in courtroom interaction. In Teun van Dijk (ed.), Handbook of Discourse Analysis, Vol.3. London, England: Academic Press (pp. 133-147).

Terri R. Metzger & Wayne A. Beach (1996). Preserving alternative versions: Interactional techniques for organizing courtroom cross-examination. Communication Research, 23, 749-765.

'Popularized' Events: Rape, Police Brutality, & Murder Interrogation

Paul Drew (1992). Contested evidence in courtroom cross-examination: The case of a trial for rape. In Drew & Heritage (eds.). (pp. 470-520).

Gregory M. Matoesian (1995). Language, law, and society: Policy implications of the Kennedy Smith rape trial. Law & Society Review, 29, 669-701.

Charles Goodwin & Marjorie Harness Goodwin (1997). [Rodney King Trial – see Additional Readings in Library]

Curtis LeBaron & Jurgen Streeck (1997). Built space and the interactional framing of experience during a murder interrogation. Human Studies, 20, 1-25.

Selected Data Handouts:

State of CA v. Hawthorne; State of NE v. Searles; State of CA v. Broderick (video); State of CA v. Westerfield (video); Arizona v. Salmon (video); “Sleep Apnea” (video).

III. Intercultural Problems in Courtroom Interaction

Wayne A. Beach (1990). Intercultural problems in courtroom interaction. In L.A. Samovar & R.E. Porter (eds.), Intercultural communication: A reader (6th edition) (pp.215-221). Belmont, CA: Wadsworth.

Wayne A. Beach (1991/1992). Review of Susan Berk Seligson’s The bi-lingual courtroom: Court interpreters in the judicial process, Research on language and social interaction, 25, 283-290.

IV. Juries: Inside the Jury Room

Film: PBS/Frontline, 1986 (Handout).

Harold Garfinkel (1967). Some rules of correct decision making that jurors respect. In Studies in Ethnomethodology, Englewood Cliffs, New Jersey: Prentice Hall (pp. 104-115).

Manzo (1993). Jurors' narratives of personal experience in deliberation talk. Text.

V. Judges’ Work: Regulating Court Traffic

J. Maxwell Atkinson (1992). Displaying neutrality: Formal aspects of informal court proceedings. In Drew & Heritage (eds.), pp.199-211.

Excerpt/video analysis of Adams Hearing, from:

Wayne A. Beach (1989). Orienting to the phenomenon (pp. 225-237 only), in J. Andersen (ed.), Communication Yearbook 13, Beverly Hills: Sage Publications. (Reprinted in Fred Casmir (ed.), Building Communication Theories: A Socio/Cultural Approach, 1994. Hillsdale, NJ: Lawrence Erlbaum Associates, Inc., pp.133-164).

Wayne A. Beach (1995). Judges' sanctions: Interactional techniques for regulating court traffic. (Manuscript).

Selected Data Handouts:

Adams Hearing (Video); Regulating Court Traffic/Collection (Video).

Additional Readings Available in Library

W. Lance Bennett & Martha S. Feldman (1981). Reconstructing reality in the courtroom: Justice and judgment in American culture. Rutgers University Press.

John M. Conley & William M. O'Barr (1990). Rules versus relationships: The ethnography of legal discourse. Chicago: The University of Chicago Press.

Judith N. Levi & Anne Graffam-Walker (1990). Language in the judicial process. New York: Plenum.

Gregory M. Matoesian (1993). Reproducing rape: Domination through talk in the courtroom. Chicago: The University of Chicago Press. (See especially Ch.5: Talk and power in the rape trial (pp.95-188).

Douglas W. Maynard (1984). Inside plea bargaining: The language of negotiation. New York: Plenum.

Lawrence M. Solon (1993). The language of judges. Chicago: The University of Chicago Press.

Charles Goodwin & Marjorie Harness Goodwin (1997). Contested Vision: The Discursive Constitution of Rodney King" . In *The Construction of Professional Discourse*, edited by Britt-Louise Gunnarsson, Per Linell and Bengt Nordberg. New York: Longman, pp. 292-316.

NOTES