

Law 7293
Linguistic Analysis of Legal Texts
3 credit hours

NOTE: EVERY IN-PERSON CLASS WILL BE VIDEO-RECORDED AND POSTED IN iCollege on Panopto and available to students in this course for review soon after each class. The recording format typically displays in a split-screen format that includes any power point that is being presented. Recordings of classes conducted via Zoom will also be posted as possible. Only students registered for this course and others with authorized access to the course iCollege website can view these videos.

The paper written for this course can satisfy the upper-level writing requirement.
Enrollment may be limited to twelve.

This course is a blend of in-person and online teaching.

Professor Clark D. Cunningham, Office 210
cdcunningham@gsu.edu
Home page: www.ClarkCunningham.org

Reference Librarian Support: Prof. Pamela Brannon pbrannon@gsu.edu

The course is administered through a Westlaw TWEN website.
No textbook to purchase at bookstore.
All required readings are either handed out in class and/or linked to the on-line syllabus
which is updated and posted on TWEN.

LEARNING OBJECTIVES:

Interpreting a statute or constitutional provision may include investigation into evidence of the original meaning of the text as understood at the time of enactment. Recent developments in computational linguistics provide lawyers, judges and legal scholars powerful new, empirical methods for investigating original meaning. Students will learn how to look for and evaluate evidence of original meaning by using linguistic analysis of large datasets of texts from the period of enactment supplemented by historical research. The course will be of particular value to students interested in a judicial clerkship after graduation.

ASSESSMENT:

The course grade will be based on:
10% - Class participation
20% - Paper: First Draft

50% - Paper: Final Draft

10% - Presentation of Research Findings

10% - Effective collaboration with Graduate Teaching Assistant and/or other experts in linguistics

The grade for either the first draft or final paper will be reduced by the equivalent of a full letter grade (e.g. A to B, D to F) if submitted late without good cause. Further grade reduction is possible depending on how late a paper is submitted. A failing grade for a paper may be entered if submission is very late without good cause.

There will not be a final exam.

The class participation component of the course includes the expectation that, absent good cause, students will attend every class meeting, having completed assigned readings and other assignments, and provide well-prepared feedback to other students as assigned on the syllabus.

ATTENDANCE:

Students are expected to attend every class absent good cause for absence. A student may be required to withdraw from the course without credit based upon repeated absence and/or a pattern of being tardy or leaving early without good cause.

The central university provides a process for courtesy verification for professors at the request of students when seeking excused absences for documented medical/health related and other emergency circumstances that result in an extended period of absence (a week or more).

The following information appears on the GSU central administration website, <https://deanofstudents.gsu.edu/student-assistance/#professor> (Office of the Dean of Students refers to the central administration, not College of Law Associate Dean Tameka Lester):

“The Office of the Dean of Students will provide courtesy verification for professors at the request of students when seeking excused absences for documented medical/health related and other emergency circumstances that result in an extended period of absence (a week or more). Absence policies and all decisions regarding excused absences and coursework related matters are made by the individual professors. The role of the Office of the Dean of Students is to review the submissions and notify professors that we have verified that documentation was submitted and assist with student support related to non-academic impacts of extended absences in which a student is directly impacted. Requests for notification should be submitted as soon as possible, ideally within 24 hours of when a student is first impacted, but must be submitted within one week after a student returns from absence. If a student is aware in advance of a need for absence (for example, when a student must have surgery) it is best to notify the Office of the Dean of Students as far in advance as possible. Retroactive notifications for past absences will not be accepted. Please Note: Your submission does not guarantee that you will receive an excused absence. It is always

wise to also notify your professors when submitting a form so they can assist you immediately in keeping up with your classwork. All documentation is subject to verification by the Office of the Dean of Students. Students who submit falsified documentation or misrepresented information will be referred for a violation of the Student Code of Conduct.”

EMAIL:

Email sent to students is an important part of course administration. Email may be sent either from the TWEN course site or directly from the instructor’s GSU email account. Students are expected to check at least twice a day, Monday-Friday, for course email. You can change your email address registered to TWEN if you do not want course email sent to your student.gsu.edu address.

UNAUTHORIZED PUBLIC POSTING AND DISTRIBUTION OF INSTRUCTOR-PRODUCED COURSE MATERIALS:

The selling, sharing, publishing, presenting, or distributing of instructor-prepared course lecture notes, videos, audio recordings, or any other instructor-produced materials from any course for any commercial purpose is strictly prohibited unless explicit written permission is granted in advance by the course instructor. This includes posting any materials on websites such as Chegg, Course Hero, OneClass, Stuvia, SuDocu and other similar sites. Unauthorized sale or commercial distribution of such material is a violation of the instructor’s intellectual property and the privacy rights of students attending the class and is prohibited.

ACCOMMODATION

This course is intended for all academically-eligible Georgia State College of Law students. This includes those with mental, physical, or cognitive disabilities, chronic illness, injuries, impairments, or any other condition that tends to negatively affect one’s equal access to education. Students with disabilities are protected by the Americans with Disabilities Act (ADA), a federal anti-discrimination statute. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. For more information about ADA policy, services, and procedures, students may visit <https://access.gsu.edu>. If you have a documented disability and would like to request disability accommodations, please follow the instructions and procedures detailed on the GSU ACE website: <https://disability.gsu.edu/services/how-to-register/>. Once registered, accommodations will be implemented by the College of Law. If you have questions about accommodations and their implementation, please contact Cody Teague, Director of Student Life at the College of Law, at cody@gsu.edu.

ACADEMIC MISCONDUCT:

Please refer to the College of Law’s Honor Code for a full discussion of what constitutes academic misconduct and the consequences for failure to comply. Pay particular

attention to Sections 3.3 (Plagiarism and Related Offenses) and 3.7 (Other Offenses). The Honor Code is available at <https://law.gsu.edu/student-experience/academics/#honor-code>

Readings and Assignments

Note: most linked assignments and readings can only be accessed by logging into the course TWEN website

Week One

Overview of corpus linguistics

Application of corpus linguistics to constitutional interpretation

-Examples

-In-class exercise

Assignments:

- 1) View the following three student presentations and expert panel comments from Spring 2021 and Fall 2021 posted at <http://www.clarkcunningham.org/JP/index.htm> (scroll half-way down the page for the links) – each video 20-30 minutes long – direct links to the videos appear below.
 - a. Wednesday, April 14, 2021, [Ellen Messer, A Corpus Linguistics Analysis of “Unreasonable” at the Time of the Founding](#) Time Code 0:03:16 – 0:23:47
 - b. Wednesday, April 21, 2021, [Abigail Coker, Corpus Linguistics and The Ordinary Meaning of the Appointments Clause’s “Inferior Officers” Time Code](#) 1:14:40 – 1:37:43
 - c. Wednesday, November 17, 2021, [Julia Martin, A Corpus Linguistics Analysis of “Underway” as Used in the 2004 Crime Victim’s Rights Act](#) 59:29 – 1:33
- 2) Instructions for [first draft](#) (and [final paper](#)
- 3) [Memo on Possible Paper Topics](#)
- 4) [Instructions for Linguistic Research Plan](#)
- 5) [Instructions for Preliminary Bibliography](#))
- 6) [Formation of the Constitution](#) (11 pp)
- 7) [Create a free account](#) at Law & Corpus Linguistics: BYU Law to use Corpus of Founding Era American English - COFEA (**before** class make sure you have either a gmail address or Google account – necessary to create account)
- 8) Corpus of Contemporary American English (COCA): [Short Introduction](#)
- 9) Corpus of Historical American English (COHA): [Short Introduction](#)

Week Two

- 10) [Scholarship can make a difference: Trump v Illinois](#) (this link will take you to the following online readings)
- a. Adam Liptak, *How a Scholar Nudged the Supreme Court Toward Its Troop Deployment Ruling*, N.Y. Times Dec. 24, 2035
 - b. State of Illinois v Trump, 2025 WL 2886645 (N.D. Ill. Oct. 10, 2025) (edited)
 - c. Illinois v. Trump, 155 F.4th 929 (7th Cir. Oct. 16, 2025) (edited)
 - d. Trump v. Illinois, 2025 WL 3016387 (U.S.) (Appellate Brief Oct. 21, 2025) (amicus brief of Prof. Martin S. Lederman) (edited)
 - e. Trump v. Illinois, 2025 WL 3020003 (U.S. Oct. 29, 2025) (order for supplemental briefing)
 - f. Trump v. Illinois, 2025 WL 2025 WL 3217455 (U.S. Nov. 10, 2025) (Solicitor General supplemental brief)
 - g. Trump v. Illinois, 2025 WL 2025 WL 3217456 (U.S. Nov. 10, 2025) (City of Chicago/State of Illinois supplemental brief)
 - h. Trump v. Illinois, 607 U.S. ___, 2025 WL 2886645 (Dec. 23, 2025) (edited)
 - i. Tyler Pager, *Trump Abandons Efforts to Deploy National Guard to 3 Major Cities*, N.Y. Times, Dec. 31. 2025
- 11) Meaning of “emolument”
- a. Clark D. Cunningham & Jesse Egbert, [Using Empirical Data to Investigate the Original Meaning of “Emolument” in the Constitution](#), 36 Georgia State Univ. L. Rev. 465 - 489 (2020) (handed out in Class 1)
 - b. Aaron Blake, [A big Trump case hinges on the definition of ‘emoluments.’ A new study has bad news for him](#) (Washington Post Jan 29, 2019)
 - c. Law Journal Editorial Board, [On Language, Lawyers and Judges Don't Have All the Answers](#) (March 22, 2019)
 - d. Ann E. Marimow & Jonathan O'Connell, [Court revives lawsuit targeting Trump's business dealings at D.C. hotel](#) (Washington Post May 14, 2020)
 - e. [In re Trump](#), 958 F.3d 274, 286 (2020) (1 page) (citing Cunningham-Egbert *amicus* brief), [dismissed as moot](#) following inauguration of President Joe Biden (592 U.S. ___ Jan 25, 2021)
 - f. [COFEA quiz](#)
- 12) Neil M. Gorsuch, [2016 Sumner Canary Memorial Lecture: Of Lions and Bears, Judges and Legislators, and the Legacy of Justice Scalia](#), 66 Case Western L. Rev. 905-920 (2016) (handed out in Class 1)
- 13) Antonin Scalia, A MATTER OF INTERPRETATION (1997) (handed out in Class 1)
- a. [Statutory Interpretation](#)
 - b. [Interpreting Constitutional Texts](#)

- 14) Clark D. Cunningham & Ute Römer-Barron, [*Impeachment Can Be Based on Non-Criminal Misconduct: Corpus-Linguistic and Historical Evidence*](#), 113 Kentucky Law Journal 845 (2025) (handed out in Class 1)
- 15) Tammy Gales & Lawrence Solan, [*Revisiting a Classic Problem in Statutory Interpretation: Is a Minister a Laborer?*](#), 36 Georgia State L. Rev 491 (2020) (handed out in Class 1)

Week Three

- 16) Review [course research guide: http://libguides.law.gsu.edu/constitutionalhistory](http://libguides.law.gsu.edu/constitutionalhistory)
- 17) COHA quiz
- 18) Clark D. Cunningham & Jesse Egbert, *Using Empirical Data to Investigate the Original Meaning of "Emolument" in the Constitution*, skim the online appendix at <http://www.clarkcunningham.org/MeaningOfEmolument.html>
- 19) Clark D. Cunningham & Ute Römer-Barron, *Impeachment Can Be Based on Non-Criminal Misconduct: Corpus-Linguistic and Historical Evidence*, skim the online appendix at: <http://www.clarkcunningham.org/Impeachment-Appendix.html>

Week Four

Corpus linguistics used for judicial interpretation

- 20) Lawrence M. Solan, [*Corpus Linguistics as a Method of Legal Interpretation: Some Progress, Some Questions*](#), 33 *International Journal for the Semiotics of Law* 283 (2020)
- 21) [The "Use a Firearm" Cases](#)
- 22) [Is an Airplane a Vehicle? What about a Bicycle?](#)

WEEK FIVE

Individual zoom meetings

WEEK SIX

Mandatory individual zoom meetings (10 minutes) instead of class to discuss [linguistic research plan](#) and [preliminary bibliography](#).

WEEK SEVEN

Optional meetings to discuss work on 1st draft by zoom – use sign up sheet

WEEK EIGHT

- 23) [Beware Canons of Constructions](#) (2 cases and 1 amicus brief)

WEEK NINE

7 minute presentation and discussion led by each student regarding preliminary research results

WEEK TEN

Individual meetings to discuss final paper

WEEK ELEVEN

Practice partial ppt presentation in class: 4 minute presentation (focus on linguistic research results), 3 minutes for comments

WEEK TWELVE

Mandatory individual ppt “dress rehearsal” 20 minute practice sessions

CLASS THIRTEEN

Presentations to expert panels (all students must attend all presentations)

CLASS FOURTEEN

Presentations to expert panels (all students must attend all presentations)