**Linguistic Analysis of Legal Texts

Syllabus: Spring 2024**

**Required Materials**
All required readings will be linked to the syllabus or handed out in class. There is no text to purchase at the bookstore.

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**Week One (Wed, January 10, 4:00 – 5:40 pm)**

Assignments:

1. [Students Present New Insights on Original Meaning of Constitution to Judges using “Big Data” of Corpus Linguistics](https://news.gsu.edu/2018/05/21/students-present-new-insights-on-original-meaning-of-constitution-to-judges-using-big-data-of-corpus-linguistics/), GSU College of Law News, May 21, 2018 (<https://news.gsu.edu/corpus-linguistics>)
2. Aaron Blake, [A big Trump case hinges on the definition of ‘emoluments.’ A new study has bad news for him](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=19415946&courseID=249305&forumDBID=1206061) (Washington Post Jan 29, 2019)
3. Law Journal Editorial Board, [On Language, Lawyers and Judges Don't Have All the Answers](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=19415947&courseID=249305&forumDBID=1206061) (March 22, 2019)
4. Go to [Workshop on Law & Linguistics](http://www.clarkcunningham.org/Workshop-Law-Linguistics.html) (Oct 18, 2019), select **10:05 am – 10:50 am** and[Watch video](https://gsu.hosted.panopto.com/Panopto/Pages/Viewer.aspx?id=96a88af1-d09b-49e9-a901-aaf8010b0559), viewing the following presentations from time code 10:53 to time code 38:46) (28 minutes total)
	1. Prof. Jesse Egbert, Professor of Linguistics, Northern Arizona University, *Guiding Principles for Linguists Involved in Legal Interpretation* (time code 10:53 – 15:24)
	2. Prof. Cunningham, *Context of In Re Trump amicus briefs* (time code 15:24 – 24:00)
	3. Prof. Egbert, *Corpus Linguistic Analysis of Emolument* (time code 24:00 – 29:26)
	4. Prof. Eric Friginal, GSU Dept of Applied Linguistics: *Overview of Corpus Linguistics* (time code 29:58 – 38:46)
5. Ann E. Marimow & Jonathan O'Connell, [Court revives lawsuit targeting Trump’s business dealings at D.C. hote](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=17933893&courseID=249305&forumDBID=1123305)l (Washington Post May 14, 2020)
6. [In re Trump](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=17930890&courseID=249305&forumDBID=1123305), 958 F.3d 274, 286 (2020) (1 page) (citing Cunningham-Egbert *amicus* brief), [dismissed as moot](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=17930894&courseID=249305&forumDBID=1123305) following inauguration of President Joe Biden (592 U.S. \_\_\_ Jan 25, 2021)
7. 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.
	1. Wednesday, April 14, 2021, [Ellen Messer, A Corpus Linguistics Analysis of “Unreasonable” at the Time of the Founding](http://www.clarkcunningham.org/JP/Class13-SOM-20S.mp4) Time Code 0:03:16 – 0:23:47
	2. Wednesday, April 21, 2021[, Abigail Coker, Corpus Linguistics and The Ordinary Meaning of the Appointments Clause’s “Inferior Officers” Time Code](http://www.clarkcunningham.org/JP/Class14-SOM-S21.mp4) 1:14:40 – 1:37:43
	3. Wednesday, November 17, [2021 Julia Martin, A Corpus Linguistics Analysis of “Underway” as Used in the 2004 Crime Victim’s Rights Act](http://www.clarkcunningham.org/JP/Presentations-SOM21F-17Nov.mp4) 59:29 – 1:33

**Week Two (Wed, January 17, 4:00 – 5:40 pm) (By Zoom due to weather)**

Assignments: (try to get through at least Assignments 8-13 before class)

1. [Create a free account](http://www.clarkcunningham.org/JP/COFEA-CreateAccount.html) at Law & Corpus Linguistics: BYU Law to use Corpus of Founding Era American English - COFEA (complete this before class)
2. Corpus of Contemporary American English (COCA): [Short Introduction](https://www.english-corpora.org/coca/)
3. Corpus of Historical American English (COHA): [Short Introduction](https://www.english-corpora.org/coha/)
4. Alan M. Dershowitz, [*Original Intent*](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=14216532&courseID=249305&forumDBID=1123305), N.Y. Times BR 10 (Nov. 5, 2017) (reviewing Scalia Speaks (2017), edited by Christopher J. Scalia & Edward Whelan) (5 pages)
5. Antonin Scalia, [*Common Law Courts in a Civil-Law System: The Role of United States Federal Courts in Interpreting the Constitution and Law*](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=19458808&courseID=249305&forumDBID=1206061), *in* A Matter of Interpretation (1997) (handed out in Class 1)
6. Neil M. Gorsuch, [2016 Sumner Canary Memorial Lecture: Of Lions and Bears, Judges and Legislators, and the Legacy of Justice Scalia](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=17691077&courseID=249305&forumDBID=1206061), 66 Case Western L. Rev. 905-920 (2016) (handed out in Class 1)
7. [Lawrence B. Solum biography](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=15406392&courseID=249305&forumDBID=1206061) (from Georgetown Law website)
8. Lawrence B. Solum, [Surprising Originalism: The Regula Lecture,](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=17691056&courseID=249305&forumDBID=1206061) 9 ConLawNOW 235-277 (2018) (29 page pdf) (printed copies available in Room 202 after 12 noon,Jan 16)
9. Eric Segall, Racist Roots of Originalism (Dorf on Law March 22, 2021), essay only – comments are not assigned, <http://www.dorfonlaw.org/2021/03/the-racist-roots-of-originalism.html>
10. Erwin Chemerinksy, [Are Supreme Court justices ‘partisan hacks’? All the evidence says yes](https://www.latimes.com/opinion/story/2021-09-19/supreme-court-justices-amy-coney-barrett-politics) (Los Angeles Times Sep. 19, 2021)
11. Michael C. Dorf, Why Not to Be an Originalist (Dorf on Law Nov. 14, 2019), essay only – comments are not assigned, <http://www.dorfonlaw.org/2019/11/why-not-to-be-originalist.html>
12. Richard S. Kay, [Original Interpretation and Public Meaning](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=17714615&courseID=249305&forumDBID=1206061), 103 Nw. U.L. Rev. 701 (2009)

**Week Three (no in-person class – make-up by individual zoom meetings during Week Five to plan research project)**

1. Clark D. Cunningham & Jesse Egbert, [*Using Empirical Data to Investigate the Original Meaning of “Emolument” in the Constitution*](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=19471217&courseID=249305&forumDBID=1206061), 36 Georgia State Univ. L. Rev. 465 - 489 (2020) (25 pp) (skip or skim pp. 468-472) (focus on highlighted material as guide to developing a research question)
	1. Skim online appendix to “Original Meaning of Emolument”: <http://www.clarkcunningham.org/MeaningOfEmolument.html>
2. Haoshan Ren et al, [Questions Involving National Peace and Harmony” or “Injured Plaintiff Litigation”? The Original Meaning of “Cases” in Article III of the Constitution](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=19471222&courseID=249305&forumDBID=1206061), 36 Georgia State Univ. L. Rev. 535-605 (2020) (excerpts) (22 pp)
	1. Download and skim URL links in footnotes 59, 61, 62

**Week Four (1/31/24)**

Class by zoom during regular class hours (4:00 – 5:40)

Professor Pam Brannon – using library reference sources for historical research
What is “original public meaning” and why does it matter?

Review instructions for [first draft](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=19484578&courseID=249305&forumDBID=1206061) (due 2/26/24) and [final paper](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=19484576&courseID=249305&forumDBID=1206061) (due 3/25/24)

Identifying a legal topic to investigate
From legal topic to linguistic research question

1. Cunningham & Roemer-Barron, [*Did January 6 defendants (including Donald Trump) “otherwise obstruct an official proceeding”?,*](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=19489300&courseID=249305&forumDBID=1206061) working paper (12 single-spaced pages) (review as a partial example for your paper, though missing a review of scholarly literature or cases other than the Fischer litigation itself)
2. Instructions for [first draft](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=19484578&courseID=249305&forumDBID=1206061) and [final paper](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=19484576&courseID=249305&forumDBID=1206061)
3. [Memo on Possible Paper Topics](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=19485146&courseID=249305&forumDBID=1206061)
4. Cunningham, Ren & Kim, [Some suggested initial steps in doing corpus research](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=19491928&courseID=249305&forumDBID=1206061)
5. [Instructions for Linguistic Research Plan](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=19491933&courseID=249305&forumDBID=1206061)
6. [Formation of the Constitution](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=19480825&courseID=249305&forumDBID=1206061) (11 pp)
7. Review [course research guide](http://libguides.law.gsu.edu/constitutionalhistory) prepared by Prof. Pamela Brannon: <http://libguides.law.gsu.edu/constitutionalhistory>
8. [Instructions for Preliminary Bibliography](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=19491942&courseID=249305&forumDBID=1206061)

WEEK FIVE (2/7/24)

Individual zoom meetings with Youngmeen Kim and Professor Cunningham

WEEK SIX (2/14/24)

**Tuesday, February 13 at noon by email**

Linguistic research plan and preliminary bibliography due
Mandatory individual zoom meetings instead of class

**WEEK SEVEN (2/21/24)**

No class – work on paper

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

**CLASS EIGHT (2/28/24)**

By zoom

4:00 3 minute presentation by each student
4:30: Guest speaker, Thomas Rex Lee, former justice, Utah Supreme Court
--Emily Ashcraft, [Thomas Lee retires from Utah's Supreme Court, but still has big plans](https://www.ksl.com/article/50423101/thomas-lee-retires-from-utahs-supreme-court-but-still-has-big-plans), KSL-Radio, Salt Lake City, July 3, 2022
--[Thomas R. Lee](https://www.corpusjurisadvisors.com/about-5), Corpus Juris Advisors
5:00 Guest speakers:
[Professor Jesse Egbert](https://www.corpusjurisadvisors.com/about-5-1), Northern Arizona University
[Professor Scott Jarvis](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=19512630&courseID=249305&forumDBID=1206061), Northern Arizona University

**CLASS NINE (3/6/24)**

3:00 -3:40 Five 10-minute slots for optional meetings to discuss 1st draft comments

4:00 Class by zoom

15 minute discussion led by each student regarding preliminary research results

6:20 – 6:30 Two 10-minute slots for optional meetings to discuss 1st draft comments

**SPRING BREAK (3/13/24**)

**CLASS TEN (3/20/24)**

No in-person class. Optional 15 minute Zoom meetings to discuss final paper

3:30 – 5:30 pm Use sign-up sheet

**Monday, March 25**

**Due at 5:00 pm to assignment drop box**

Final paper, abstract, ppt due ([updated instructions](https://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=19529311&courseID=249305&forumDBID=1206061))
Note: for ppt plan to present main points in first 10 minutes (in case expert panelists take up to 10 minutes with questions and comments) and have 5 minutes of additional material (in case panelists only take up 5 minutes)

**CLASS ELEVEN (3/27/24) in-person**

Practice ppt presentation in class: 10 minute presentation, 5 minutes for comments

**CLASS TWELVE (4/3/24)**

By Zoom
Mandatory individual ppt “dress rehearsal” practice sessions

**CLASS THIRTEEN (4/10/24)**

Presentations to expert panels by Zoom

4:00 – 5:00
Georgia Supreme Court Justice [Carla Wong McMillian](https://www.gasupreme.us/court-information/biographies/justice-carla-wong-mcmillian/)
Professor Jesse Egbert (Northern Arizona University)
5:00 Jonathan Shaw (meaning of “free exercise of religion” in 1st amendment)
5:20 Joseph Suen (meaning of “adhering to their enemies” in the Constitution’s definition of “treason”)

5:40 Cristina Harty (meaning of “in the course of employment” in Georgia’s workers compensation statute)

5:00 – 5:55

Georgia Supreme Court Justice [Verda M. Colvin](https://www.gasupreme.us/court-information/biographies/justice-verda-m-colvin/)
Professor Ute Roemer-Barron (GSU)
5:00: Anja Minninger (meaning of “case” in Article III of the Constitution)
5:20: Sam Marticke/Alex Merritt (meaning of “well regulated militia” in the 2nd amendment - shared presentation)