

Linguistic Analysis of Legal Texts

Law 7293 3 credits

This course satisfies the upper level writing requirement

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The course is administered through a Westlaw TWEN website.

There is no textbook to purchase at bookstore. All required readings handed out in class, distributed by email, and/or linked to the on-line syllabus

COURSE INFORMATION

Prerequisites: Constitutional Law I and II, Criminal Procedure: Investigations, or permission of the instructor. The course may be used to satisfy the writing requirement. Enrollment may be limited.

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.

COURSE GRADE:

The course grade will be calculated as follows:

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 linguist expert(s)

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.

SAMPLE SYLLABUS BASED ON FALL 2019

To access most of the assigned readings, students will need to be logged into the course TWEN

website.

CLASS ONE

1. Alan M. Dershowitz, [Original Intent](#), N.Y. TIMES BR 10 (Nov. 5, 2017) (reviewing SCALIA SPEAKS (2017), edited by Christopher J. Scalia & Edward Whelan) (5 pages)
2. [Lawrence B. Solum biography](#) (from Georgetown Law website)
3. Lawrence B. Solum, [Surprising Originalism: The Regula Lecture](#), 9 ConLawNOW 235-277 (2018) (29 page pdf) (printed copies available in Room 202 after Jan 7)
4. Justice Thomas Lee & Stephen Mouritsen, [Judging ordinary meaning with corpus linguistics](#) (Washington Post Aug. 8, 2017)
5. Meredith Hobbs, [Big Data Meets the Constitution in New Originalism Project](#): Georgia appellate judges evaluate cutting-edge inquiries into what the Constitution's framers meant from Georgia State University law students (law.com May 1, 2018)
6. [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)
7. Sharon LaFraniere, [In Ruling Against Trump, Judge Defines Anticorruption Clauses in Constitution for First Time](#) (New York Times July 25, 2018)
8. [The Three Clauses in the US Constitution using “emolument” or “emoluments”](#)
9. District of Columbia v Trump, 315 F.Supp.3d (D.Md. July 25, 2018) (edited) ([read online](#)) ([pdf download](#)) (16 page pdf)
10. Sharon LaFraniere, [Judge Orders Evidence to Be Gathered in Emoluments Case Against Trump](#) (New York Times Nov. 2, 2018)
11. Sharon LaFraniere, [Maryland and District of Columbia Seek Business Records Related to Trump Hotel](#) (New York Times Dec. 4, 2018)
12. Sharon LaFraniere, [Court Temporarily Halts Emoluments Suit Against Trump](#) (New York Times Dec. 20, 2018)
13. District of Columbia v Trump, [Order Granting Stay Pending Appeal](#) (4th Cir. Dec. 20, 2018)

Optional additional readings on originalism

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) (available in Resources folder on TWEN, printed copies available in Room 202 after Jan 7)

Antonin Scalia, [Common Law Courts in a Civil-Law System: The Role of United States Federal Courts in Interpreting the Constitution and Law](#), in A Matter of Interpretation 3-47 (1997) (available in Resources folder on TWEN, printed copies available in Room 202 after Jan 7)

CLASS TWO

14. [Excel tutorial](https://www.lynda.com/Office-365-tutorials/Excel/640811/648861-4.html) (6 minutes) (sign in with your campus ID and password)
15. Download [timekeeping Excel template-sample](#) and [blank template](#)
16. Upload to [TWEN assignment drop box](#) completed Excel time sheet recording spent on assignments for Class Two (due no later than Jan 23 at 2pm)
17. [Short history](#) of US Constitution and Bill of Rights
18. View webcast of [student presentations from Spring 2018](#)
19. Cunningham & Egbert: [Draft Amicus Brief](#) on Meaning of Emolument
20. Upload to [TWEN Forums Exercise 1](#) (due 10 pm on Jan 22) (review amicus brief using track changes: comment on clarity, persuasiveness, ease of replicating COFEA searches using instructions in brief). Because posted on the Forums page, comments can be viewed by other approved users for our course TWEN site, including fellow students.

CLASS THREE – Historical Research

21. Review [course research guide](#) prepared by Prof. Pamela Brannon:
<http://libguides.law.gsu.edu/constitutionalhistory>
22. US Const., [Amendment IV](#)
23. [Prior drafts of 4th Amendment](#)
24. Clark D. Cunningham, [Pre-Revolution Roots of the Fourth Amendment](#) (working draft)
25. Clark D. Cunningham, [Feds: We can read all your email, and you'll never know, The Conversation](#) (Sep. 21, 2016)
26. Clark D. Cunningham, [Apple and the American Revolution: Remembering Why We Have the Fourth Amendment](#), 126 [Yale Law Journal Forum](#) 216-232 (Oct. 26, 2016)
27. Robert G. Natelson, [The Original Meaning of "Emoluments" in the Constitution](#), 52 GA. L. REV. 1-55 (2017)
28. [Exercise 2](#) (looking in COFEA 3.0 for semantic parameters of *emolument*) Due Jan 28 at 10pm by uploading to Forums.

CLASS FOUR

No new readings
 Exercise on analyzing sample of corpus
 Presentation of research topics
 Small group COFEA searches on topics

CLASS FIVE

No new readings
 Discussion of research toward first draft

Submit to assignment drop box (10 class participation points)
 Current description of research topic
 Updated Research Log
 Updated list of cases (annotated)
 Updated annotated bibliography

CLASS SIX

No new readings

Discussion of research toward first draft

CLASS SEVEN

No new readings

Discussion of final issues regarding first draft

CLASS EIGHT

Peer editing of 2 other student first drafts

CLASS NINE

No new readings

Discussion of research toward final paper

CLASS TEN

No new readings

Final discussion of final paper

CLASS ELEVEN

Practice presentations for expert panels

Sample from Fall 2019

CLASS TWELVE

Ceremonial Courtroom

4:00 pm – 5:00 pm – all students attend

Presentations to

Hon. [David E. Nahmias](#), Presiding Justice, Supreme Court of Georgia

Hon. [Keith R. Blackwell](#), Justice, Supreme Court of Georgia

[Ute Roemer](#), professor of applied linguistics, Georgia State University

CLASS THIRTEEN

Ceremonial Courtroom

4:45 pm – 5:45 pm Ceremonial Courtroom – all students attend

Presentations to

Hon. [Sarah H. Warren](#), Justice, Supreme Court of Georgia

Hon. [Carla Wong McMillian](#), Judge, Court of Appeals of Georgia

[Viviana Cortes](#), professor of applied linguistics, Georgia State University