**Theatre of Law, Interdisciplinary Course**

**Syllabus**

THE 3000, LAW 3000

Spring, 2020

Sarah Ann Standing, Ph.D. Marissa J. Moran, J.D.

Theatre Law & Paralegal Studies

Office: L 642 Office: N 622

[sstanding@citytech.cuny.edu](mailto:sstanding@citytech.cuny.edu) [mmoran@citytech.cuny.edu](mailto:mmoran@citytech.cuny.edu)

Phone: 718-260-5450 Phone: 718-260-5124

“You never really understand a person until you consider things from his point of view—until you climb into his skin and walk around in it.” - Atticus Finch

~ Harper Lee, [To Kill a Mockingbird](https://www.goodreads.com/work/quotes/3275794)

***Catalogue Description***

*A comparison between law and theatre / performance studies via the creative process that begins with written analysis of a script and the opening/closing arguments of a trial, and includes the learned skills required to convey character on stage or courtroom, as well as oral storytelling. Techniques are developed through self-exploration and heightened awareness of senses and emotions. Argument and the courtroom are investigated as enactments of theatre and performance.*

***Course Description:***

*An introduction to the use of theatrical techniques in the presentation of legal arguments and their societal context. The disciplines of theatre and law introduce different perspectives on theme, rhetoric, persuasive argument, written and oral storytelling, and performance. These components form an integral part of the legal profession in general, and are particularly relevant to litigation and trial practice. Conversely, an examination of the representation of law in theatre through Courtroom Drama and how, using performance studies to examine acting in everyday life, the courtroom itself can be regarded as a performance space.*

Prerequisites: ENG 1101; and COM 1330 or COM 1340 or THE 2180 (or one other course that satisfies the oral communication requirement)

**GENERAL EDUCATION Student Learning Outcomes and Assessment of Outcomes:**

**Upon completion, students should have the ability to:**

* *Knowledge: describe the similarities and differences between law interpretation/ argumentation/performance and theatre interpretation/argumentation/performance.*

Assessment: The final paper requests students to analyze a trial in terms of its

theatrical (i.e.: acting or technical) elements.

* *Skills: recognize various parts of oral presentation and advocacy (including preparation, speaking extemporaneously, speaking impromptu, and improvisation) and differentiate between acting in theatre and in the courtroom.*

Assessment: In-class exercises and prepared delivery of court proceedings and

scripted plays.

* *Skills: gather primary and secondary research, analyze texts, and synthesize material into a paper, play, and presentation.*

Assessment: The final paper, play, and presentation, require students to gather research, analyze

information, and synthesize results into a finished product.

* *Integration: discern how meaning is created in law using theatre and performance studies (e.g.: through costumes, tone of voice, gesture, status, ritual, and legal precedent).*

Assessment: The final paper, play, and presentation demonstrate the ability to create meaning

and make connections through the use of performance elements.

* *Values, Ethics, and Relationships: advocate for themselves and others when faced with injustice. Concomitantly, students gain a greater sense of their responsibilities as ethical citizens and see how their behavior contributes to a just, moral, and ethical society—not only for themselves and people they know—but as citizens of a larger body.*

Assessment: Students demonstrate through in-class presentations, exercises, discussions, and Blackboard posts, the ability to be advocates for others on social justice issues.

* *Values, Ethics, and Relationships: contextualize larger concepts and concerns around race/class/gender/age/sexual orientation.*

Assessment: Students will respond orally and in writing to specific questions/inquiries

based on observations made while viewing various media based presentations.

**INTERDISCIPLINARY STUDENT LEARNING OUTCOMES:**

* **Purposefully Connect and Integrate Across-Discipline Knowledge and Skills to Solve Problems**

Students analyze plays that use actual courtroom trial transcripts (for example, *Joan*

*of Arc*; *It’s True, It’s True, It’s True*; *Gross Indecency: the Three Trials of Oscar*

*Wilde*). This use of “documentary theatre” introduces students to concepts of

artistic selection, the narrative arc (exposition, opposing forces, conflict, escalating

tension, and resolution), issues of power dynamics around race, class, gender, and sexual orientation, and the degree to which a courtroom is an innately theatrical

“stage” reflecting, furthering, and challenging dynamics at work in the wider world.

Students investigate the nature of conflict—integral to both legal studies

and theatre—through the analysis of theatrical scripts and trial transcripts. Ultimately,

students gain the ability to discern how narrative is controlled within the context of

theatre / performance and, more particularly, the legal courtroom*.*

* **Synthesize and Transfer Knowledge Across Disciplinary Boundaries**

|  |
| --- |
| Students explore theatre texts, films of plays, and hopefully actual performances, as  well as legal transcripts, footage of actual courtroom procedure, and possible  courtroom visits to compare and contrast the dynamic qualities of argument and  presentation used in each. For example, use of theatrical exposition can be  correlated with setting-up background context in legal studies. Theatre’s use of  “inciting incident” can be compared and contrasted with the “introduction of  evidence” to shed light on ‘change elements’ in both legal studies and theatre.  Additionally, students work on embodied storytelling and presentation from both  legal and theatrical perspectives (through acting out scenes from Courtroom  Dramas, actual courtroom transcripts, and moot court sessions), in order to  generate effective oral communication (utilizing both logos and pathos) with an  audience. |
|  |
|  |

* **Comprehend Factors Inherent in Complex Problems**

Theatre and law are inherently interested in addressing complex problems, albeit to distinct ultimate ends. Each example of Courtroom Drama that the course examines

represents a pivotal moment in legal history (renowned either for its success or profound failure) and is a microcosm for dynamics existing in the larger socio-economic context of the time. Students thus learn the specific facts of the cases, analyze the theatricalization of the play(s) written about the cases, and engage with ideas around the presentation of conflict—interpersonal, personal, and societal. Students examine the differences between Documentary Theatre (using actual court transcripts), Theatre of Social Justice, Theatre of the Real, and Courtroom Drama in order to parse ideas about the courtroom as theatre. Performance Studies tools are used to examine the courtroom, interactions between courtroom participants, and legal precedent using readings on performance, performativity, and ritual.

* **Recognize Varied Perspectives**

Both theatre and law use structures that inherently recognize, and publicly present, varied perspectives. Through the common use of structured, formalized,

dialogue each discusses and embodies varying perspectives of complex issues. High-profile and non-obvious court cases are complex by definition. Theatre and law can both teach about an individual’s character, background, motivation, and objectives. Additionally, and further from personal needs and wants, examining theatre and law in their distinct socio-historical and cultural contexts shows a wider variety of factors at work in influencing complex problems. Enacting theatrical Courtroom Dramas and moot court exercises teach students to listen to, present, sometimes embody, reflect on, and respond to different sides of complex issues.

* **Think Critically, Communicate Effectively, and Work Collaboratively**

Students will not only analyze scripts, embody them in performance, but actually research their own court transcript and synthesize it into a short theatrical script. Thus, students need to understand the difference between the “real,” unedited, performance

that is a trial, and the more tightly scripted plot that makes up theatre. They will then

need to work collaboratively (in small groups) to cast and direct these performances.

Thus, students need to learn effective communication in their teams, as well as how to communicate effectively with an audience.

**GRADING & EVALUATION**

Participation/In-Class Exercises/Discussion Board 10%

Weekly Written Assignments/Presentations 30%

Final Paper 30%

Final Presentation 30%

**Total 100%**

**(Potential) Assessment Exercise/Paper Assignment**

Theatre is a unique form of art because plays/shows/movies incorporate both acting and technical aspects with traditional storytelling.

*Acting* elements include character motivation and analysis, dialogue, tone, breath, inflection, projection, gestures, and acting choices.

*Technical* elements include scenery and set design, costumes, makeup, props, lighting, video, and sound/music.

All of the above elements add to the traditional literary elements of plot, setting, genre, conflict, structure, and character to create a distinctive theatre experience.

Choose one of the trials we discussed/read about this semester and discuss how either acting elements or technical elements help you understand the trial as a piece of theatre.

What do these dramatic choices reveal to you about the trial/play/movie? How do they help you understand the main theme(s) and messages of the trial/play/movie/?

Your analysis should examine these elements carefully and thoughtfully, with specific examples from throughout the trial/play/movie. You should also, through this analysis, discuss the overall meaning gleaned from the trial-play.

**Example Thesis**:

*With the use of careful technical elements such lighting, set/scenery, props, and costuming in 12 Angry Men, Sidney Lumet highlights the jury deliberations in a capital murder trial of an 18 year old boy in order to reveal the truth and larger societal issues of responsibility, bias, prejudice, fairness, and justice in jury trials.*

**Weekly Schedule / Planned Assignments**

**Week 1:** (Professors Standing and Moran co-teach)

*All the World’s A Stage*

Introduction to the course, expectations, and logistics. Review syllabus/assignments/grading criteria.

Introduce Courtroom Drama as a genre.

Watch a film (of a play) of a significant trial: *12 Angry Men* (or anypertinent and timely trial transformed into a film/play during the semester in which the ID class is offered).

**Assignment**:

Take duo-logue scenes from the above play and break into pairs, each student having chosen one character in the scene to write about and portray. Each student writes a one-page character analysis (What did you notice in terms of character? What actions does your character take to achieve their objectives?) about the character selected. Rehearse the scenes aloud at home and prepare to present in class. Paper and presentation due: Week 3.

**Week 2:** (Professors Standing and Moran co-teach) *Court: Where There Are No Dress Rehear*sals

Analyze excerpts from select court transcripts. Focus on language/wording and how attorneys write to persuade. The impact of the written word compared to the spoken word. Use acting exercises to interpret law through all five senses. Use of the actor’s voice to increase dramatic tension. Extemporaneous speaking versus speaking impromptu. Examining the idea of everyday life as a performance.

**Assignment:** Writing assignment - analysis of court transcript: ‘*The cold record versus courtroom drama.’*

**Week 3:** (Prof. Standing)

*The Quality of Mercy is Not Strained*

Hand in one-page character analysis papers from Week 1. See scenes from Week 1. Further lecture / discussion about Courtroom Drama and investigation into play structure, character, and actions. Discuss conflict and climactic structure.

See scenes from other courtroom plays, particularly *Zoot Suit*, *It’s True, It’s True, It’s True*, and *Gross Indecency*. Discuss larger social context and what makes these plays important and effective.

**Assignment:** Readings from Read, *Theatre and Law*; Goffman, *The Presentation of Self in Everyday Life,* and Wilson, *On Climactic Structure*. Read selected scenes from *Zoot Suit, It’s True, It’s True, It’s True*, and *Gross Indecency* and prepare to present in Week 5.

**Week 4:** (Prof. Moran)

*Law Places & People: Private/Soliloquy vs. Public Thoughts/Dialogue*

Where does legal drama occur? How do venue and audience such as the courtroom comprised

of judge/jury/attorneys/litigants/court officers/court staff/public compared to/with law firms comprised of attorneys and clients dictate word choice, language, discussion/negotiation tactics, and resolution. Ethical obligations, confidentiality and privileged information will be discussed.

**Assignment:** Respond to questions based on reading of case regarding ethics, law, and society.

**Week 5:** (Prof. Standing)

*Some Rise by Sin, and Some by Virtue Fall*

Present scenes assigned in Week 3. Discuss discrediting the witness (*It’s True, It’s True, It’s True; Gross Indecency*) Who tells the story? How is it told? Discuss Point of View: protagonist / antagonist. Who presents the information? How is it presented? Further discussion about how are things “dramatized” structurally. Analyze the impact of socio-economic and historical context. In-class work on developing a script. Break into groups for final project.

**Final Project**: Find transcripts of a landmark trial that has *not* been made into a play or film but could be. Decide which portions of the transcript will be used in a short theatre piece. Students will then need to work collaboratively (in small groups) to write, cast, and direct these performances. Discuss the frame, and begin initial writings on final project. OpenLab will be used to support continuity of the writing process.

**Assignment:** Relevant readings on documentary theatre and law in a larger context: Cantrell, *Acting in Documentary Theatre* and Schechner, *Introduction to Performance Studies*.

**Week 6:** (Prof. Moran)

*Cue the Witness: the “Supporting Role” at Trial*

What is the role of a witness in court? Who may be called as a witness? Is there more than one type of witness? What rules/procedure direct/govern witness testimony? What is the effect of testimony that is ‘read-back’ to a jury? Why/how/when is this done?

**Assignment:** Observe and comment on witness’ scenes from “*A Few Good Men*.” Distribute and discuss expectations/timeline for final paper assignment.

**Week 7:** (Prof. Standing)

*Virtue is Bold, and Goodness Never Fearful*

Social justice issues discussed in terms of plays already introduced in this course, as well as *To Kill a Mockingbird*. Take famous characters of trial lawyers. What are their characteristics? Can we find examples of different genders/heritages/races/sexual orientations with these same ‘heroic” characteristics? Students will examine the differences between Documentary Theatre (using actual court transcripts); Theatre of Social Justice; Theatre of the Real; and Courtroom Drama.

**Assignment:** Write one page character analysis for one character in their final project. Due Week 9

**Week 8:** (Prof. Moran)

*Hidden Heroes of Law*

Equal Justice Initiative (EJI) founded by Bryan Stevenson, attorney and professor is an agency which provides hope and compassion to children and death row inmates by reviewing their cases to ensure that they were administered in a fair and equitable manner in the criminal justice system and the judgments rendered are age appropriate.

**Assignment:** ‘Every person has a story’ and ‘A picture is worth a thousand words.’

Examine and analyze the EJI website. How does the agency communicate their missions and goals? What story, graphic/statistic, and picture, in particular, moved you/spoke to you? Why?

**Week 9:** (Prof. Standing)

*Measure Still for Measure*

How is emphasis achieved? Persuasion is introduced as the intertwining of emotion and logic. Use of the dramatic pause, the dynamic voice (both character voice and actor voice), the well-timed introduction of evidence. Investigation of the differences between the courtroom trial and theatre.

**Assignment**: Students continue working on their plays.

**Week 10:** (Prof. Moran)

*View from the Bench versus A View from the Sidelines*

Convincing both judge and jury. What is a bench trial? What is a jury trial? How do they differ? Does having a bench trial or jury trial matter in terms of representing the client in court? How do attorneys select jurors? Fairness and justice for litigants/parties to the lawsuit in jury selection. Examine written juror questionnaires, listen to *voir dire,* and review court instructions to jurors*.*

**Assignment:**writing assignment -How and what (i.e. Social Media) effects/impacts juries/courtrooms and therefore, justice?

**First draft of papers is due.**

**Week 11**: (Prof. Standing)

*Truth is Truth*

Examining the role of the judge and the audience. Positioning the audience’s attention and sympathy.

**Assignment:** **First drafts of final performance project due.**

**Week 12:** (Prof. Moran)

*The Art of Oral Argument*.

Watch and listen to attorneys’ oral arguments in select cases before the U.S. Supreme Court.

**Assignment:** Comment/critique the attorneys’ ability to argue from scripted notes and their ability to think on their feet and respond to judges’ questions (passive vs. active participation).

Why are both techniques utilized in court? Do they serve the same purpose? Why/Why Not?

**Week 13:** (Prof Moran) **Final paper due.**

**Week 14:** (Prof. Standing) Rehearse the plays and discuss editing, rewriting, and honing for dramatic effect. Work on acting to convey depth of the roles.

**Assignment: Second drafts of final performance projects due.**

**Week 15:** (Professors Standing and Moran co-teach)

Students assess each other’s contributions to the final projects.

**Assignment: Performances of final projects due.**

**Readings will be selected from the following plays:**

*A Few Good Men* (David Brown; Aaron Sorkin)

*Gross Indecency: The Three Trials of Oscar Wilde* (Moises Kaufman)

*Inherit the Wind* (Jerome Lawrence and Robert E. Lee)

*It’s True, It’s True, It’s True.* (Stevens and Barrett) (re: Artemesia Gentileschi)

*Libel!* (Edward Woll)

*Measure for Measure* (William Shakespeare)

*Night of January 16th (*Ayn Rand)

*Nuts* (Tom Topor)

*The Anastasia Trials in the Court of Women* (Carolyn Gage)

*The Crucible* (Arthur Miller)

*The Merchant of Venice* (William Shakespeare)

*To Kill a Mockingbird (*Harper Lee; Aaron Sorkin)

*Twelve Angry Men* (Reginald Rose)

*Witness for the Prosecution* (Agatha Christie)

*Zoot Suit* (Luis Valdez)

**Bibliography:**

Bentley, Eric. *The Theatre of Commitment and Other Essays*. New York: Antheneum, 1967.

Bilsky L Y 1996 ‘When Actor and Spectator Meet in the Courtroom: Reflections on Hannah Arendt’s Concept of Judgment’ History and Memory 8/2: 137-73

Cantrell, Tom. *Acting in Documentary Theatre*. London: Palgrave Macmillan, 2013.

"Children in Prison." Equal Justice Initiative. January 18, 2019.

Dukore, Bernard F. *Documents for Drama and Revolution*. New York: Holt, Rinehart and

Winston, Inc., 1971.

"Equal Justice Initiative." Equal Justice Initiative. February 07, 2019.

Fischer-Lichte, Erika. *The Routledge Introduction to Theatre and Performance Studies*.

Abingdon: Routledge, 2014.

Goffman, Erving. The Presentation of Self in Everyday Life. U.S.A.: Anchor Books/Doubleday

1999.

LaFrance, Mary. “The Disappearing Fourth Wall: Law, Ethics, and Experiential Theatre.”

University of Nevada, Las Vegas (William S. Boyd School of Law).2013

Lumet, Sidney, and Reginald Rose. *Twelve Angry Men*. Los Angeles: Orion-Nova Twelve Angry

Men, 1957.

“Oral Arguments.” *Home - Supreme Court of the United States*,

Raffield, Paul. “Student Lawyer-Playwrights and the Theatre of Law” in *Law and Humanities*,

2011 4 8 1 p 136-145.

Read, Alan. *Theatre and Law*. London: Palgrave Macmillan, 2015.

*-----Theatre and Everyday Life: An Ethics of Performance*, London: Routledge, 1995.

Rogers, Nicole. “The Play of Law: Comparing Performances in Law and Theatre.” QUTLJJ Vol

8 no. 2, 2008.

Schechner, Richard. *Performance Studies: An Introduction*, Third Edition. Abingdon: Routledge,

2013.

Spence, Gerry. *How to Argue and Win Every Time: At Home, At Work, In Court*. New York: St.

Martin’s Griffin, 1995.

Wiltshire, Bruce: *Role Playing and Identity: The Limits of Theatre as Metaphor*. Bloomington:

Indiana University Press, 1991.

**Resources for *12 Angry Men:***

**TV:**

Rose, Reginald. *12 Angry Men*, CBS, Studio One, 1954.

Friedkin, William.director, *12 Angry Men* (remake), Metro-Goldwin-Mayer, 1997

**Film:**

Lumet, Sidney, and Reginald Rose. *12 Angry Men*. Los Angeles: Orion-Nova, 1957.

**Play:**

Rose, Reginald; Sergel, Sherman L. [*Twelve Angry Men: A Play in Three Acts*](https://books.google.com/books?id=CDhp0EJOLnEC&dq=twelve+angry+men&printsec=frontcover) (First ed.). Chicago: Dramatic Publishing Co., 1955.

**Print:**

* Chandler, David. "The Transmission model of communication" *Communication as Perspective Theory*. Sage publications. Ohio University, 2005.
* Ellsworth, Phoebe C. (2003). "One Inspiring Jury[Review of 'Twelve Angry Men']".[*Michigan Law Review*](https://en.wikipedia.org/wiki/Michigan_Law_Review).**101**(6): 1387–1407.[*JSTOR*](https://en.wikipedia.org/wiki/JSTOR) [*3595316*](https://www.jstor.org/stable/3595316). In depth analysis compared with research on actual jury behavior.
* Homes, Linda. ["Amy Schumer Puts Her Own Looks On Trial"](https://www.npr.org/blogs/monkeysee/2015/05/06/404649955/amy-schumer-puts-her-own-looks-on-trial). [*NPR*](https://en.wikipedia.org/wiki/NPR). Retrieved May 6, 2015.
* Lanham, Richard. *Introduction: The Domain of Style analyzing prose*. (New York, NY: Continuum, 2003).
* *Making Movies*, by [Sidney Lumet](https://en.wikipedia.org/wiki/Sidney_Lumet). (c) 1995, [ISBN](https://en.wikipedia.org/wiki/International_Standard_Book_Number) [978-0-679-75660-6](https://en.wikipedia.org/wiki/Special:BookSources/978-0-679-75660-6).
* "Preparing an Expert Witness for Trial." Virginia Court Reporters. May 31, 2017.
* *Readings on Twelve Angry Men*, by Russ Munyan, Greenhaven Press, 2000, [ISBN](https://en.wikipedia.org/wiki/International_Standard_Book_Number) [978-0-7377-0313-9](https://en.wikipedia.org/wiki/Special:BookSources/978-0-7377-0313-9).
* Semple, Kirk (October 18, 2010),[*"The Movie That Made a Supreme Court Justice"*](https://www.nytimes.com/2010/10/18/nyregion/18sonia.html),The New York Times*, retrieved October 18, 2010.*
* "The Dividing Line Between Preparing and Coaching a Witness for a Deposition." Virginia Court Reporters. November 29, 2016.
* *The New York Times*, April 15, 1957, "12 Angry Men", review by A. H. Weiler.