

**Preparation/Homework (for student & teacher)**

**Teacher: Day 3:** The articles students read over the weekend covered a case in Hawaii where a professor came to court and insisted on using his native Hawaiian language (which he was sanctioned for). This case presents obvious issues with language and not having access to justice in a literal way. Hawaii subsequently reviewed its policies, dismissed the professor’s underlying case, and committed to providing interpreters upon request going forward. Review both articles at: <https://www.hawaiinewsnow.com/story/37344278/state-says-it-will-provide-hawaiian-interpreters-in-courts-to-those-who-request-them/> **and** <https://www.civilbeat.org/2018/02/interpreter-incident-illustrates-invisibility-of-native-hawaiians/>; Review basic terms and legalese translations at: <https://cl.cobar.org/departments/apt-phrasing-in-legal-writing/> **Day 4:** Read “The Rhetorical Situation,” by Lloyd Bitzer at: <https://www.jstor.org/stable/40236733>. Apply the key themes of exigence, audience, and constraints to the professor’s case discussed above for class discussion.

**Student: Day 3:** Read the following two articles: <https://www.hawaiinewsnow.com/story/37344278/state-says-it-will-provide-hawaiian-interpreters-in-courts-to-those-who-request-them/> **and** <https://www.civilbeat.org/2018/02/interpreter-incident-illustrates-invisibility-of-native-hawaiians/> - *Please take notes on what issues this case raises about access to justice and its connection to language. What has your exposure to legal language been in the past?*

**Day 4:** Read and take notes on “The Rhetorical Situation” by Lloyd Bitzer: as you read take notes on:

1. What does Bitzer mean when he says a situation is rhetorical?
2. What are the three requirements of the rhetorical situation (list and define).
3. According to Bitzer, what situations have rhetorical exigence and which do not? Think briefly of legal contexts: getting charged with a crime, bringing a lawsuit, writing a news report or an opinion piece on a recent public legal incident (e.g. the assassination of Charlie Kirk and free speech; the capture and extradition of Nicolas Maduro and international law). What type of legal situations have rhetorical exigence according to Bitzer? Which would not?
4. What type of an audience qualifies as rhetorical? In the legal contexts discussed above, what, if any, type of rhetorical audiences would be the most important to a particular argument?
5. What are the most common constraints in legal contexts? With legal writing and argument generally? How could an author/rhetor address these constraints within their writing?

**Lesson Objectives**

1. Identify initial issues with access to justice through access to language (Hawaii case);
2. Define and identify issues with legalese-type language
3. Define components of the rhetorical situation and begin to apply them.

**Journal (beginning of class) &/or Discussion Prompt (prior to class)**

1. **Day 3: Journal** (5 minutes): What were your thoughts on the professor’s case? If he wasn’t a professor what would have changed? How does this apply to other types of defendants? Does it give you any thoughts about the access to justice the poor or under-educated may be subjected/entitled to?
2. **Day 4: Journal** (5 minutes): While reading Bitzer what type of legal situations came to mind? How could an understanding of the rhetorical situation surrounding a legal argument help a lawyer, politician, journalist, etc.? When, if ever, would the rhetorical situation surrounding something be irrelevant?

**Activity in Class/Discussion (for the week)**

1. **Activity (25 minutes)** Put 10 selected terms from the legalese reading on a PowerPoint/slide or on the board. Ask students to write down their best guess what each term means and to define it in approachable language. Later discuss translations/meanings and consider implications of terms difficult to understand when justice is involved.
2. **Discussion (20 minutes):** List the 3 components of the rhetorical situation of the board and apply them to the Hawaiian professor’s case.
3. **Small groups:** divide into small groups of 4-5 students and assign a legal situation: getting charged with a crime; filing a motion to dismiss with the court as a lawyer, a journalist covering a case; a jury deliberating a verdict.

**Connection to Course Objectives**

1. Introduce connection of access to justice through access to language; address and interrogate issues with legalese.
2. Introduce the rhetorical situation and begin to apply to

**Reflections (draft notes below)**