

A COMPARISON OF THE SITUATIONAL AND LINGUISTIC FEATURES OF HIGH-PROFILE
CRIMINAL TRIALS AND TV SERIES COURTROOM TRIALS

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ABSTRACT

A COMPARISON OF THE SITUATIONAL AND LINGUISTIC FEATURES OF HIGH-PROFILE CRIMINAL TRIALS AND TV SERIES COURTROOM TRIALS

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This dissertation provides a comprehensive description of courtroom language as a register by exploring the situational and linguistic features of authentic and TV courtroom language, as well as four public sub-registers that occur within authentic and TV courtroom language (opening statement, direct examinations, cross-examinations, closing argument). It also examines how different participant roles (witnesses, attorneys) use language differently in authentic and TV courtroom trials and the four public sub-registers. Finally, it investigates the use of stance features in authentic and TV courtroom trials and in the four sub-registers to understand how certain stance features function within the courtroom.

Studies have been conducted to provide thorough descriptions of various types of spoken language, such as face-to-face conversations (Quaglio, 2009), TV and movie language (Bednerak, 2010), university lectures (Biber, 2009; Biber, Conrad, Reppen, Byrd, and Helt, 2002), outsourced call center phone conversations (Friginal, 2009), and nurse-patient interactions (Staples, 2015), to name just a few. Recently, there has been increased attention to the studies of courtroom language.

Courtroom language is a type of legal language, only in a spoken mode. There are some studies that investigate courtroom language which mainly focus on exploring the issues of power asymmetries that underlie the dynamics of courtroom interaction (Olanrewaju, 2010), language interpretation (González, 2005), or on a particular linguistic feature such as nominal expressions (Kanté, 2010). However, most studies on courtroom language were conducted from a non-register perspective, and to date few studies have provided a comprehensive description of the linguistic characteristics (e.g., lexico-grammatical features) of courtroom language. In order to understand courtroom language as a specific register, it is important to understand its situational characteristics and linguistic features. More importantly, it is critical to identify the situational and linguistic features of the sub-registers of courtroom language, as it is very likely that the situational features of the sub-registers will largely influence the language used in courtroom.

An important methodological issue has been raised by this study – the need to consider sub-registers when exploring the language used in the courtroom. More fine-grained level distinctions should be made when describing a register to consider situational characteristics of those sub-registers, such as communicative purpose and audience, which play a critical role in determining what linguistic features are used in that particular context. Courtroom language, although seen as a specific register of legal language, has sub-registers, with each bearing different functions. Therefore, treating courtroom language as an intact register without looking into its sub-registers, may not allow for differences to emerge. Only when we treat the general registers at a fine-grained level by looking into their sub-registers shall we find the differences in language use.

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CHAPTER 1: INTRODUCTION

1.0. Overview

Unsolved murders, mysterious deaths, crime scene investigations... Everyday people around the world are fascinated by these crimes. TV shows, movies, news headlines, from people we barely know to celebrities like O. J. Simpson, we can never suppress our curiosity to know who the murderer is, and what exactly happened when there is no one around at the crime scene. “Trial of the Century” – the O. J. Simpson criminal trial-- ended with a brain-melting 150 million viewers, nearly 60% of the U.S. back in 1994. The ensuing criminal trial lasted nine months, involved 126 witnesses and cost Los Angeles County an estimated \$9 million. The trial itself was broadcast live on US cable station CourtTV, allowing unprecedented audio-visual access to the courtroom proceedings; more than 50 hours of this coverage was broadcast in the UK.

To cater to people’s desire to solve the mysterious criminal cases and to be part of a courtroom trial to determine if a defendant is guilty or not, many TV series have been coming out in the past few decades. TV series such as *Boston Legal* that feature heavy courtroom scenes attracted more than 10 million viewers in the U.S. from 2004 through 2009.

Transcripts generated from these high-profile trials are all available online for analysis, and accurate transcripts created by fans of the TV series can also be found online, all of which form the basis of this analysis of courtroom language.

1.1. Register approach, register, sub-registers, and public sub-registers

The approach to data analysis adopted in this study is a register approach, allowing the exploration of courtroom language from a lexico-grammatical perspective. To date, the register approach has been adopted by many studies to explore language variation within various domains (White, 1994; Quaglio, 2009; Gray, 2013; Staples, 2015). Unlike social discourse approaches, which only allow the exploration and interpretation of situation with a primary research focus on society, culture and social dynamics, the register approach allows investigation of language from both a lexico-grammatical perspective and a situational-context aspect as well as the linkage between the use of linguistic features and their communicative

functions. This current study serves to provide a rich description of courtroom language by first describing situational features of the authentic courtroom, followed by a thorough linguistic description of courtroom language used in four public sub-registers within an authentic courtroom, and across authentic and TV courtrooms.

Now that the approach adopted in this study is briefly discussed, it is important to define register and sub-register as these are the basic categorizations the analysis is based on. The core question being asked here is how to distinguish sub-register from register. First, we need to distinguish sub-register from embedded register. Party language will be used here as an example to show what an embedded register is. Within party language there can be toasts, jokes, farewells, all of which can be called the embedded register of party language. If we get rid of any of the embedded register, for example, jokes, the main purpose of party language, which is entertaining and celebrating, will not be impacted.

As for sub-register, it implies a hierarchical relationship between it and the register. Take courtroom language as an example: opening statements can be called a sub-register of courtroom language as a register, because without the opening statement, the primary communicative purpose of courtroom language cannot be achieved. And if we single out opening statement, it cannot stand alone as courtroom language; it has to occur together with the other sub-registers that occur within the courtroom register to function together in order to achieve the primary communicative purpose of courtroom language.

Using the established definition of sub-register, five public sub-registers occurring within courtroom language can be identified: jury instruction, opening statement, direct examination, cross-examination, and closing argument. The reason why these five are named as public sub-registers is mainly because these five sub-registers occur in front of jurors, who play a critical role in convicting or acquitting a defendant. There are other types of sub-registers within courtroom language, such as sidebar conversation, chamber conversation, pre-trial hearing, voir dire/jury selection, etc. However, because these sub-register occur out of hearing of jurors, they are deliberately excluded from this study. In addition, jury instructions will not be included in this study because they are delivered to the jury after the courtroom trial, not during the trial. Therefore, only four public sub-registers and the language occurring in these four sub-registers

will be explored and analyzed in this study. These four public sub-registers include opening statement, direct examination, cross-examination, and closing argument.

1.2. Four sources to motivate the linguistic features to be further analyzed

The lexico-grammatical features to be analyzed in this study are motivated by four sources. First, because this study adopts a register approach which assumes that linguistic features are functional (Biber and Conrad, 2009), the description of the situational features of the four public sub-registers within authentic courtroom language and the situational characteristics of TV courtroom language will help to determine what linguistic features are analyzed. Second, previous studies on spoken discourse, especially those studies that explore the linguistic features that are also commonly used in the courtroom (for example, stance features), will be used to motivate the linguistic features to be analyzed. Third, previous studies exploring courtroom language will be discussed to explore what linguistic features are worth being further analyzed in this study (for example, WH-questions). Finally, Multi-Dimensional Analysis (Biber, 1988) will be applied to help identify the pervasive linguistic features to be analyzed.

1.3. Research studies of courtroom language

Many studies have been conducted to provide thorough descriptions of particular types of spoken language, such as face-to-face conversations (Quaglio, 2009), TV and movie language (Bednerak, 2010), university lectures (Biber, 2009; Biber, Conrad, Reppen, Byrd, and Helt, 2002), outsourced call center phone conversations (Friginal, 2009), and nurse-patient interactions (Staples, 2015), to name just a few. Recently, there has been increasing attention to the studies of courtroom language, a previously under-studied area.

Courtroom language is a type of legal language, only in a spoken mode. There are some studies that investigate courtroom language which mainly focus on exploring the issues of power asymmetries that underlie the dynamics of courtroom interaction (Olanrewaju, 2010), language interpretation (González, 2005), or on a particular linguistic feature such as nominal expressions (Kanté, 2010). However, most studies on courtroom language were conducted from a non-register perspective.

Despite the insufficiency of studies in the comprehensive description of situational and linguistic features of courtroom language as a specific register, some progress has been made in the past few years. One study on courtroom language conducted from a register perspective is Forchini's (2017) study that compared authentic courtroom language with movie courtroom language using Biber's Multi-Dimensional Analysis model. She claimed that the two types of language are fairly similar based on their dimension scores. However, her study treats courtroom language as an intact register rather than looking into the sub-registers of courtroom language. Since the sub-registers have not been investigated, it is unclear how the situational characteristics of those sub-registers impact language use in the courtroom. Therefore, although this study explored some linguistic features of courtroom language but did not examine the situational and linguistic features of the sub-registers, the claim that authentic and movie courtroom language are similar seems to be inconclusive.

1.4. Where the current study fits in literature of courtroom language

Based on previous studies, two gaps in the literature of courtroom language studies have been identified. First, there are very few studies that investigate courtroom language from a lexico-grammatical perspective. Second, Forchini's study does not investigate sub-registers individually. Therefore, this present study aims to fulfill two goals. To address the first gap, this study will provide a thorough description of courtroom language by describing the situational and linguistic features of the four public sub-registers within authentic courtroom language. To address the second gap, which also builds on the first goal of this study, it will compare the language used across authentic and TV courtroom registers at the sub-register level.

1.5. Corpora of this study

Corpora of two courtroom registers will be analyzed in this study: a corpus of high-profile criminal trials, including only criminal cases; and a corpus of TV courtroom trials, containing both civil and criminal cases. Originally only criminal cases were included in the TV corpus. Given that the situational characteristics of civil and criminal cases are similar, especially in terms of their communicative purpose and settings, including both types of cases will not negatively impact the results. In order to keep the size of the two corpora similar, I decided to compile a larger TV corpus by including both civil and criminal trials. To address the

first gap in the current literature, which is to include all the major public sub-registers that occur within a courtroom discourse, I only used the transcripts of the cases that have all of the four sub-registers (opening statements, direct examinations, cross-examinations, closing arguments) available online. As such, the corpus of authentic courtroom language (1,191,837 words) includes three high-profile criminal trials: the O. J. Simpson criminal trial, the Oklahoma Bombing trial, and the Boston Marathon Bombing trial. The corpus of TV courtroom language (83,420 words) includes three TV series featuring courtroom discourse: *Boston Legal*, *Murder One*, and *The Practice*.

1.6. Outline of the study

This study includes eight chapters. Chapter 1 frames the whole dissertation study by discussing the approach adopted in this study; distinguishing a few important concepts such as register, sub-register, and public sub-register; briefly reviewing selected studies that have been carried out in spoken discourse, and more specifically in courtroom language; and motivating the current study.

Chapter 2 is a literature review, discussing the approaches to studying spoken language, why a register approach has been used in this study, and discussing studies that have been conducted to explore spoken language in casual vs. formal settings, as well as studies that examine courtroom language.

Chapter 3 provides a detailed description of the high-profile criminal trials and the TV series that will be analyzed in this study. It then describes the design of the corpora, including criteria used to collect and organize the data. This chapter also provides a thorough description of situational characteristics of authentic and TV courtroom language as well of the four public sub-registers (opening statement, direct examination, cross-examination, closing argument). It also describes the discourse organization of a trial as a whole and how different sub-registers are organized. Excerpts from the corpora are listed and discussed in Chapter 3.

Chapter 4 includes a brief introduction to Biber's (1988) Multi-Dimensional Analysis, followed by an application of MDA to the current corpora and a quantitative analysis as well as a functional interpretation of the results. Both Chapter 3 and Chapter 4 also serve to motivate certain linguistic features to be further analyzed in Chapter 5, Chapter 6 and Chapter 7.

Chapter 5 begins to analyze the individual linguistic features. First, quantitative results will be described for the four public sub-registers within authentic courtroom language, followed by functional interpretations of the results, illustrated by text samples from the corpus of authentic courtroom language. Next, quantitative results will be compared across authentic and TV courtroom registers, again followed by functional interpretations. The linguistic features discussed in Chapter 5 are those that mark Dimension 1 (involved vs. informational production features).

Chapter 6 is structured just like Chapter 5, but its focus is on the linguistic features characterizing Dimension 2 (narrative vs. non-narrative features). Chapter 7 will focus on the use of stance features, as motivated by previous studies in courtroom language and situational characteristics of courtroom language. For Chapters 5 and 6, the structure of analysis is same – providing a description of the linguistic features used in the four public sub-registers of authentic courtroom, followed by a comparison of the use of those linguistic features across authentic and TV courtroom language. Chapter 7, however, will interpret the use of the stance features in authentic and TV courtroom language together as it will help us to show a clearer pattern of use.

Finally, Chapter 8 is a conclusion of the study, which restates the main findings, discusses the significance of this study, and points out the directions for future research studies.

1.7. Research Questions

In this study, four major questions will be explored and answered.

1. What are the situational features of the authentic courtroom register and the four public sub-registers (opening statement, direct examination, cross-examination, closing argument) within authentic courtroom?

2. What are the situational features of the TV courtroom register?

3. How are the individual linguistic features used in the four public sub-registers within the authentic courtroom register?

3a. Involved vs. informational production features (Dimension 1)

3b. Narrative features (Dimension 2)

3c. Stance features

4. How are the individual linguistic features used similarly or differently across the authentic and TV courtroom registers?

4a. Involved vs. informational production features (Dimension 1)

4b. Narrative features (Dimension 2)

4c. Stance features

CHAPTER 2: THEORETICAL FRAMEWORK AND LITERATURE REVIEW

2.1. Introduction

Chapter 2 starts by discussing the approaches to the study of spoken discourse (Section 2.2). It then focuses on the register approach (Section 2.2.2 and 2.2.3) and explains why this dissertation adopts a register approach. Section 2.3 discusses the previous studies on spoken discourse. Section 2.4 describes the linguistic characteristics of spoken discourse. Section 2.5 focuses on the previous studies conducted in legal discourse. This chapter ends with a brief explanation of the research gap that this study aims to fill (Section 2.6).

2.2. Approaches to the study of spoken discourse

2.2.1. Non-register approaches to the study of spoken discourse

Many approaches have been adopted to study spoken discourse. Researchers' interest in spoken interaction received an impetus in the 1970s with the emergence of conversation analysis (CA). CA (e.g., Schegloff, 1972, 1979; Schegloff & Sacks, 1973) is a structural approach that considers the way participants construct solutions to recurrent problems in conversation to create social order. One can analyze members' "knowledge of their own ordinary affairs" by analyzing specific micro-structural patterns such as turn-constructual units, turn-taking procedures, adjacency pairs, various types of sequences and preference organization (Schiffrin, 1994: 239). Despite its many advantages, CA has been criticized for its lack of 'systematic analytical categories', its 'fragmentary focus' and its 'mechanistic interpretation of conversation', which precludes a comprehensive quantitative analysis (Eggs & Slade, 1997: 31-32). So far, CA has been used to study the structure of spoken interaction, and the focus of research is usually the sequence of structures with a research question asking "Why that next?" Bargiela-Chiappini and Harris (1999) used CA to study cross-cultural differences between Italian meetings and British meetings. They found that in British meetings, forms of address are rarely used as markers of power, status, or social distance, while they are used in the Italian meetings. Important differences were found also in turn-taking behaviors, for example, interruptions and overlaps.

In addition to structural approaches such as CA, there are also functional approaches to the study of spoken discourse, such as the Pragmatics approach. Through its 'meaning-in-

interaction' perspective, Pragmatics has also contributed much to our understanding of spoken discourse, especially conversation (e.g., speech acts, politeness). However, its major problem is it implies that conversations occur cooperatively, between equals where power is equally distributed, while in reality conversation involves levels of disagreement, and resistance and power are constantly under contestation. Considering the power asymmetry of a courtroom, Pragmatics is obviously not the proper approach to study courtroom language.

Spoken discourse can also be studied through structural-functional approaches, such as the 'Birmingham School' and systemic functional linguistics (SFL). These approaches focus on the structure and functions of spoken interaction and are useful especially when we want to study varieties which are more rigidly structured, such as classroom lectures. The 'Birmingham School' (Sinclair & Coulthard, 1975) described the structure of classroom talk as a hierarchical system consisting of discourse units that build on the lower ranks. For example, the lecture is the highest unit, and consists of transactions, exchanges, moves and acts (Sinclair & Coulthard, 1975). Their major contribution was the description of the structure of the conversational exchange, seen as the basic unit of conversation. However, this theory has been criticized for being based on 'premature formalization' (Levinson, 1983: 287) and restricted to 'formal' discourse, such as classroom interaction.

2.2.2. Register approach to the study of spoken discourse

Other than the structural and functional approaches to the study of spoken discourse, there is an approach that allows quantitative investigation of lexico-grammatical features of a particular discourse, which is register approach. A register approach indicates that different communicative events have different linguistic features, based on the situational characteristics of the communicative event. Situational characteristics include a speaker's role in a communicative event, the setting, the purpose of the event, and the personal relationship between participants. All of these situational characteristics impact the linguistic forms used by speakers, due to the functional needs of the communicative event. The central argument of a register approach is that linguistic features are always functional. That is, linguistic features tend to occur in a register because they are particularly well suited to the purposes and situational context of the register.

It is worth noting that the linguistic component in the register approach requires the identification of the pervasive linguistic features that characterize the situation of use in question: linguistic characteristics that might occur in any variety but are much more common in the target register. It is these linguistic features that are clearly functional. In order to describe a spoken discourse using a register approach, three major components are needed: the situational/communicative description, the description of pervasive linguistic features, and the analysis of the functional associations between linguistic forms and situational characteristics. Regarding the relationship among the three components, the situational characteristics of a register are more basic than the linguistic features. Functional interpretation is based on an explicit description of the situational components and the linguistic components.

Importantly, registers can be identified on different levels of specificity depending on the goal of the study. As a register category becomes more specific, it is possible to identify its situational and linguistic characteristics more precisely. As such, it can be used to study a specific register and the sub-registers that occur within that register.

It is also important to know that register characteristics become more salient if an analysis contrasts two different registers (Biber & Conrad, 2009). For example, in contrast to a face-to-face conversation between two friends, the author of a linguistics textbook is not addressing a specific person, and there is no direct interaction between a specific reader and the author. It is also not possible to see in the textbook that the author describes her personal feelings or her personal life. As a result of these functional differences, there are normally few first- and second-person pronouns and questions in a linguistics textbook. This indicates that the characteristics of any individual register become much more apparent when it is compared to other registers.

Finally, it is critical to note that very few registers can be identified by unique lexical or grammatical features. Instead, to carry out the linguistic analysis of a register, we must consider the extent to which linguistic features are used in order to identify the linguistic features that are pervasive and especially common in the target register. We must also know that the linguistic analysis of registers is based on the differences in the relative distribution of linguistic

features which are especially common and pervasive in some registers but relatively rare in other registers.

2.2.3. Multi-Dimensional Analysis as a sub-type of a register approach

Multi-Dimensional Analysis has been used as a sub-type of a register approach to describe the ways in which linguistic features vary across registers. The MD analytical approach was originally developed to investigate the linguistic patterns of variation among spoken and written registers (e.g., Biber, 1988, 1995). Studies in this line of research have used large corpora of naturally-occurring texts to represent the range of spoken and written registers in a language. These registers are compared with respect to 'dimensions' of variation, comprising groups of linguistic features that typically co-occur in texts. In MD analysis, the distribution of individual linguistic features is analyzed in a corpus of texts. A statistical factor analysis is then used to identify the co-occurrence patterns among those linguistic features – the 'dimensions', and then texts and registers are compared along each dimension. Each dimension contains a group of linguistic features that usually co-occur in texts (e.g., nouns, attributive adjectives, prepositional phrases, first- and second-person pronouns); these co-occurrence patterns are identified statistically using factor analysis. The dimensions are then interpreted to assess their underlying functional associations.

2.2.4. Using a register approach to study courtroom language

This dissertation adopts a corpus-based register approach to realize its research goal. It aims to provide a thorough description of courtroom language as a specific register by describing the situational and linguistic features of the two courtroom registers – authentic and TV courtroom language – as well as those of the four sub-registers that occur within the two courtroom registers – opening statement, direct examination, cross-examination, and closing argument.

This study adopts a register approach for three main reasons. First, given that one of the research goals of this study is to describe courtroom language as a register, using a register approach will help to identify the situational and linguistic characteristics of that particular variety, and to offer functional associations between the linguistic forms and situational contexts. Second, this study will make several levels of comparisons in order to identify 1)

similarities and differences between authentic and TV courtroom language, and 2) similarities and differences among the four sub-registers (opening statement, direct examination, cross-examination, closing argument) that occur within authentic courtroom language. Since register characteristics become more salient if an analysis contrasts two different registers (in this study authentic vs. TV courtroom language, and the four sub-registers), a register approach will be the most appropriate to explore those differences. Third, registers can be identified on different levels of specificity. As such, a register approach should be adopted in this study to explore the two courtroom registers and the four sub-registers that occur within authentic courtroom language.

2.3. Previous studies on spoken discourse

2.3.1. Studies not using a register approach to the study of the spoken register

Many studies have been conducted to study different types of spoken discourse. Koester (2006) used a corpus-based, interactional sociolinguistics and conversation analysis approach to investigate the lexico-grammatical features of relational talk and interpersonal markers of workplace conversations in the UK and the US. Koester found that different sub-genres (e.g., collaborative, unidirectional, non-transactional) of workplace talk are characterized by different uses of interpersonal markers. For example, modals of idioms are more common in collaborative genres such as decision-making meetings. Vague language and hedges are most frequent in unidirectional genres such as procedural conversations, where they perform face-saving politeness functions.

Christie (2002) adopted a SFL approach to explore the genres and microgenres in K-12 classroom discourse. Christie proposes that classroom discourse can be regarded as a 'curriculum genre' and 'curriculum macrogenres', that is larger units created by a text that include several 'elemental' genres. Curriculum macrogenres can have a linear structure, with embedded genres at the beginning, middle, and end. They can be realized in a 'regulative register', which has to do with the overall goals, directions, pacing and sequencing of classroom activity, and an 'instructional register', which has to do with the particular content being taught.

2.3.2. Studies using a register approach to the study of the spoken register

There are also many studies that use a register approach to study spoken language. This section starts by briefly discussing the studies that explore casual spoken language. It then focuses on the studies that explore professional/formal spoken language. Two types of studies are distinguished when discussing the studies of formal spoken language: studies of an individual spoken register, and Multi-Dimensional studies comparing patterns of register variation.

2.3.2.1. Studies on casual/colloquial spoken language

Biber et al. (1999) made corpus-based cross-register comparisons between conversation, fiction, newspaper writing, and academic prose. This study is a comprehensive survey of grammatical and lexico-grammatical features of English. The use of each linguistic feature is compared across the four registers presented in the corpus, showing how language use varies dramatically according to register. The book includes a chapter devoted exclusively to conversation, offering a thorough description of its situational characteristics, and then presents descriptions of the special lexical, syntactic, and discourse-pragmatic features found in conversation, such as discourse markers, ellipsis, pauses, utterance-launchers, etc. The approach adopted by Biber et al. (1999) is similar to the current dissertation, including providing a thorough description of a particular register by offering a comprehensive description of the situational features of that register, and investigating the use of grammatical and lexico-grammatical features that are pervasive in the register.

2.3.2.2. Studies on professional/formal spoken language

In this section, a distinction between two types of studies need to be made at the beginning because it helps to set the framework for this dissertation. These two types of studies are 1) studies of an individual spoken register, and 2) MD studies comparing patterns of register variation.

There are some studies that adopt a corpus-based register approach to study an individual spoken register. Friginal (2009) studied outsource call center interactions focusing on various linguistic (e.g., pronouns, *wh*-clauses, nominalizations) and discourse features (e.g., politeness and respect markers). The major goals of Friginal's study are 1) to compare call

center interactions, face-to-face American conversation, and spontaneous telephone exchanges, and 2) to examine the dynamics of cross-cultural communication of the outsourced call centers. Friginal shows systematic patterns of speech that are unique to outsourced call centers. This dissertation and Friginal's study are similar in that 1) both aim to describe a particular register, and 2) both are comparing different registers in order to understand the patterns that are unique to the target register.

Staples (2015) adopts a register approach to investigate the linguistic and discourse characteristics of nurse-patient interactions focusing on the difference between US Educated Nurses (USNs) and International Educated Nurses (IENs) in terms of quality of nurse communication and patient satisfaction. The features under investigation include various features of interaction, involvement, narration, stance, prosody, and non-verbal behavior. Again, Staples' study and this dissertation are similar in that they both focus on a particular spoken register, and both adopt a register approach to thoroughly describe that register.

The second type of study is MD analytical which compares patterns of register variation. Major studies fitting in this area include Biber (1988), Biber (2006a), and White (1994). Biber (1988) was the first major MD study of register variation. Using a corpus of spoken and written English registers, this study identified six basic dimensions of linguistic variation. The analysis is also extended to sub-registers, showing that they account for a considerable amount of the variation existing with the major register categories. For example, the seven sub-registers of academic prose (e.g., mathematics, humanities, social science, etc.) are quite different from one another on all six dimensions. Biber (1988) informs the current dissertation in that the situational characteristics of the sub-registers could considerably influence the variation among the courtroom register categories. As such, this dissertation will describe the situational features of the four sub-registers (opening statement, direct examination, cross-examination, closing argument) that occur within the two courtroom registers (authentic vs. TV courtroom language) as they will account for a large amount of the variation existing with the two courtroom registers.

Biber (2006a) took a Multi-Dimensional analytical approach to study various lexical and syntactic features, lexical bundles, and vocabulary patterns in the spoken and written university

registers. This book presents thorough analyses of a wide range of linguistic features in university registers. The spoken registers analyzed in this book include university lectures, office hours, and service encounters. Linguistic description addresses 1) variation in vocabulary patterns in classroom teaching, 2) variation in the use of grammatical features, 3) variation in the use of lexical bundles, 4) the expression of stance, and 5) linguistic dimensions of variation. Biber (2006a) informs this dissertation in several ways. First, both studies aim to provide a comprehensive description of a particular register by investigating the variation in the use of lexico-grammatical features. Second, both studies examine the expression of stance. In the spoken discourses explored in the *University Language* book (office hours, lectures, and service encounters), the expression of stance and personal opinions are deemed to be common and important. In courtroom language, the expression of stance is likely to be frequent given that participants are often required to express degrees of certainty and personal evaluation. Third, Biber did a Multi-Dimensional Analysis to contrast the three types of academic spoken registers to see how linguistic features vary across different registers. In this dissertation, authentic and TV courtroom language, as well as the language used in the four sub-registers, will be compared to see how linguistic features vary across different registers and sub-registers.

2.3.2.3. TV language as spoken discourse

Since the dissertation will compare authentic and TV courtroom language, this section will discuss the studies that investigate TV languages. So far, there are many studies looking into the various linguistic features of TV language, though not necessarily focusing on TV series featuring courtroom discourse. Most studies compare TV language with another register (e.g., movie, face-to-face conversation) to see if certain linguistic features are used differently in different registers. Al-Surmi (2012), for example, adopted a corpus-based register analysis approach to investigate the extent to which soap operas, compared to sitcoms, reflect the linguistic representation of natural conversation. The results of the MD analysis showed that sitcoms capture the linguistic features of natural conversation more than soap operas do.

Bednarek (2010) in *The Language of Fictional Television* talked about the specific characteristics of TV language. Because of the influences of the communicative context of fictional television (primarily in terms of audience as overhearer), television discourse needs to

avoid vague language, repetition, long monologues and narratives. Instead, in order to entertain the audience, emotional language and aesthetic language should be used more often.

Motivated by the question as to whether interactions in TV dialogues capture the linguistic characteristics of natural conversations, Quaglio (2009) reports a study comparing television dialogue and natural conversation. Adopting a corpus-based analysis, this study compares the linguistic characteristics of the American TV show sitcom *Friends* and the sub-corpus of American English conversation of the Longman Grammar Corpus. By summarizing the settings and the types of interactions and/or topics that are most typical of each of the corpora, Quaglio found that *Friends* presents a much more limited number of settings and a much narrower range of interactions/topics. Conversation, on the other hand, has a much wider range of settings and interactions/topics. The results of the MD analysis on Dimension 1 (involved vs. informational production) showed that *Friends* shares the linguistic characteristics of conversation, but *Friends* presents less variation than conversation. The Dimension 2 score shows that *Friends* is less narrative than face-to-face conversation. As for the use of vague language, *Friends* tends to be less vague than authentic conversation. Finally, in an attempt to mirror the informality of conversation, *Friends* ends up being over-colloquial. This colloquial hypercorrection became apparent in the analysis of slang terms, expletives, some language innovations, and even in the frequency of some dysfluencies. There are also linguistic differences between the two types of registers imposed by the features that are peculiar to the televised medium, such as time limit. Finally, this study suggests that television information can provide data which share several linguistic similarities with naturally-occurring conversation. However, ESL teachers and materials developers should be aware that there are several differences between these two registers, especially due to situational factors and restrictions imposed by the televised medium.

Bednarek (2012) then conducted a study comparing language used in *Gilmore Girls* vs. naturally occurring conversation, allowing a comparison with previous research on television dialogue (Quaglio, 2009). She found that emotional/emphatic language in general contributes to the dramatic effect. Certain expletives, hedges, discourse markers, and interpersonal

features are also found to be used more frequently in TV language, while others are more common in naturally occurring conversation.

2.4. Linguistic characteristics of spoken discourse

The linguistic features analyzed in this study were chosen based on four criteria. First, Biber's (1988) MD analysis model will be used to identify the linguistic features that reflect the functions of authentic and TV courtroom language and the four sub-registers. Second, those linguistic features that have been explored in previous studies in spoken discourse can be used as a resource. Third, studies on courtroom language, such as those that study the use of questions (leading questions, WH-questions) can be used to motivate the linguistic features that are explored in this study. Fourth, describing the situational features of courtroom discourse and the sub-registers helps to predict the linguistic features that are important within courtroom.

2.4.1. Lexico-grammatical features of spoken language

2.4.1.1. Features of involvement

Based on Biber's (1988) Multi-Dimensional Analysis of register variation, two main parameters are fundamental along Dimension 1: 1) the communicative priority of the writer/speaker (e.g., interactive vs. informational), and 2) the production circumstances of the language (e.g., careful production vs. real time production). These can be characterized by either generalized lexical choices, and fragmented presentation of information or careful editing, precise lexical choices and an integrated textual structure. Typical linguistic features of interaction include first- and second-person pronouns (e.g., you, I), contractions, and that-deletion, while informational production is characterized by nouns, nominalizations, prepositional phrases, and attributive adjectives.

Many of these features have not been discussed much in analyses of courtroom language. It is thus unclear to what extent these features will be used across the four sub-registers by different participants and across authentic and TV courtroom discourse to achieve the communicative purpose of courtroom language. Fortunately, these interactive features have been frequently studied in other types of spoken language such as service encounters (Biber, 2006a), office hours (Biber, 2006a), classroom teaching (Biber, 2006a; Csomay, 2007),

job interviews (White, 1994) call-center interactions (Friginal, 2009), and nurse-patient interactions (Staples, 2015). All these registers are characterized by greater use of the features identified as “involved” in the Biber (1988) study. According to Biber (2014), despite the differences in design and research focus of the numerous studies that have undertaken MD analyses to the study of a particular language or a particular discourse domain in English, there are certain striking similarities in the dimensions that are uncovered across these studies. The one dimension that has emerged in nearly all MD studies is involved vs. informational discourse. Therefore, it is reasonable to believe that features such as first- and second-person pronouns and contractions will be important features in courtroom language as well.

In addition to the above-mentioned linguistic features, it is worth noting that questions are commonly used in the courtroom, especially during direct and cross-examinations, where questions are used by attorneys to elicit wanted information from witnesses. In fact, the use of questions – an important register marker in courtroom language, has always been an area of spoken legal language that has received particular attention. Harris (1984) looks at the syntax and pragmatics of questions in hearings before county magistrates in England, while Lane (1990) describes the syntax, discourse structure, and speech-act sequencing of witness-examination portions of New Zealand criminal trials. Philips (1984) studies question and answer types in American courts. These studies are centrally concerned with the distribution of power in the courtroom (Biber & Finegan, 1994: 354). In this dissertation, two types of questions – yes/no questions and *wh*-questions - will be explored to see how attorneys use these two types of questions to elicit wanted information from witnesses during direct examinations and cross-examinations.

2.4.1.2. Narrative features

The second linguistic parameter that has emerged in nearly all MD studies is a dimension associated with narration. Linguistically, this dimension is consistently defined by features like past tense verbs, third-person pronouns, and perfect aspect. In Biber (2006a), third-person pronouns, communication verbs, and past tense were all associated with reconstructed accounts of events in university registers (p. 185). Friginal (2009) also found that past tense and perfect aspect were associated with personal accounts of past situations in call

center discourse. Finally, White (1994) showed that interviewees used more past tense than interviewers, in order to focus on past events important to answering questions about qualifications for a job. Because attorneys are required to report the case in order to provide a road map for the jurors during the opening statement and to summarize the case during the closing argument, and because the witnesses are required to report past events during direct and cross-examinations, it is expected that the courtroom discourse in this dissertation will also display frequent use of the narrative features identified in Biber (1988).

2.4.2. Stance features

The use of stance features has been explored within legal discourse and especially courtroom discourse in many studies. Mortensen and Mortensen (2017) present a case study of the linguistic construction of certainty and uncertainty – or epistemic stance taking – in Danish courtroom interaction. They examine the way in which the defendant, the alleged victim, and an eyewitness construct epistemic stances during their examinations. The analyses have shown that two witnesses in the case under investigation, the parking officer and the eyewitness, use epistemic expressions in quite different ways. The quantitative analysis of the parking officer's discourse showed him to be a frequent user of epistemic expressions that close the dialogic space, and through qualitative analysis of excerpts from his testimony, the researchers were able to unfold how this contributed to his epistemic stance taking in particular key moments of the examination. The eyewitness, however, generally adopts a more open epistemic stance style. Also, at a particular key moment in his testimony, the eyewitness adopted a very definite epistemic stance, which represents a stark contrast to his general style. This illustrates that epistemic stance styles are not static products but rather are motivated by pragmatic and rhetorical aims related to the individual's roles in the case, and that epistemic stance styles are dynamic processes that must be studied in context.

Szczyrbak (2013) reports on a study demonstrating how selected epistemic lexical verbs (Hyland, 1998) are used by respective trial participants. Relying on the notions of epistemicity and evidentiality, the analysis reveals the ways in which certainty and uncertainty are communicated in the courtroom setting and highlights the distinction between a speaker's own point of view and reported points of view. The study draws on data from the *Irving v. Lipstadt*

case, at the core of which lay the misrepresentation of historical evidence by David Irving, a revisionist WWII historian. The findings seem to indicate that in the adversary procedure, epistemic lexical verbs are used to communicate moderate certainty rather than uncertainty and that they are less frequently used to mark explicit doubt.

Toska (2012) describes and analyzes the role and function of epistemic hedges and boosters as stance markers in the process of legal argumentative discourse and discusses their contribution to the evidentiality aspect in this particular kind of discourse. The short micro-linguistic analysis shows that hedges and boosters are used as part of the evaluation process of the context as items which facilitate interaction between participants and as devices which convey justices' attitudes to utterance propositions and to express their stances on disputed issues.

Expressions of stance have been identified as distinctive features within other spoken registers. Biber (2006a, b) and Biber et al. (1999) indicate that stance features (modals, adverbs, and stance complement clauses) are more common in spoken than written registers (particularly modals). Office hours, which, like examinations within the courtroom, are characterized by one speaker having more power in the interaction, use more prediction modals (e.g., *will*) than most other spoken and written registers (Biber, 2006a). Certainty and likelihood adverbs (e.g., *certainly*, *probably*) are also particularly frequent in office hours when compared to other spoken and written registers. *That* complement clauses controlled by verbs and *to* complement clauses controlled by desire verbs (e.g., *want*) are frequent in office hours and other spoken interactive registers.

To summarize, stance features have been explored in various types of spoken registers, and especially within courtroom discourse. It is therefore reasonable to believe that the expression of stance is an important type of linguistic feature used within courtroom discourse, and it is worth exploring its use in the four sub-registers, and between different participants in this dissertation.

2.5. Previous studies on legal language

2.5.1. Studies on courtroom language from a non-register perspective

From a survey of the literature on courtroom language, four major areas have been identified where analytic attention has been focused: interactional dynamics in the courtroom; the formal and functional properties of questions and answers; styles of testimony and their influence on juries; and finally, power and ideology in courtroom language (Cotterill, 2003). I will outline each of these four areas in turn, and will discuss the contribution made by this dissertation study to our understanding of each aspect.

2.5.1.1. Conversational analysis and interactional dynamics

A number of scholars, especially those with backgrounds in sociology, have studied courtroom talk from the perspective of conversation analysis. Atkinson and Drew (1979) conducted a study into the language of the UK courtroom, from a sociological and ethno-methodological perspective, with the primary purpose of examining the sequential organization of courtroom participants' turns at talk. Drew's later work (1985, 1992) shifted the focus to the criminal courtroom. In both later papers, Drew uses cross-examination data to illustrate the combative nature of courtroom interaction and analyzes the way in which lawyers exploit the specialized speech-exchange system of the courtroom to challenge versions of events presented by witnesses. His 1992 paper, based on cross-examination in rape cases, shows an increasingly critical linguistic dimension to his work.

Matoesian (1993, 1997, 2001) also uses extracts from rape trials and adopts a conversational analytic approach to his data. Matoesian's later work (1997, 2001) uses data from the Kennedy Smith rape trial and analyzes how the repetition of the questions and question patterns progressively and systematically serve to reorient the victim's account of the crime in an attempt to persuade the jury.

My dissertation on courtroom language focuses on the attorney-witness-jury triad. In doing so, I attempt to extend the focus of analytic attention away from the locally dyadic attorney-witness pair, which has preoccupied much of the conversational analysis literature in this area, to consider some of the ways in which lawyer talk can be seen as talk designed with the third party juror addressee in mind from a lexico-grammatical perspective. I locate in the

authentic courtroom language data some of the linguistic features present in lawyer's questions, which illustrate this awareness of audience design and conscious attempts at accommodation (e.g., first- and second-person pronouns).

2.5.1.2. Attorney-witness interaction

The majority of investigations of courtroom language carried out so far have tended to focus on one particular utterance type – the question-and-answer adjacency pair (Aceron, 2015). The literature is dominated by studies which look at lawyer questions from a formal perspective, often with a quantitative dimension, comparing, for example, the use of open and closed questions in direct and cross-examination (Danet & Bogoch, 1980; Dunstan, 1980). However, Dunstan (1980) points out that the pragmatic function of lawyers' interrogations varies according to the intention behind them, regardless of their grammatical form.

During the mid-1980s, a series of papers appeared examining both the formal and the functional properties of questions. Researchers such as Harris (1984), Woodbury (1984), Philips (1987), Walker (1987), and more recently, Maley and Fahey (1991) and Luchjenbroers (1997) have all analyzed the relative strategic value of WH- vs. Y/N vs. disjunctive lawyer questions in creating and maintaining the asymmetry of the lawyer-witness pairing, again from a social discourse perspective rather than a lexico-grammatical aspect.

This dissertation is based on the previous studies that explore questioning style and its relation to power asymmetry in courtroom, especially during direct and cross-examinations; but this study focuses on the linguistic features of these questions and the functions realized by the linguistic features in all four public sub-registers. Instead of focusing on the lawyer-witness pair during direct and cross-examinations, this study will also analyze the impact of the questions on the jurors as third party addressees. The questions appearing in opening statements and closing arguments will also be addressed and analyzed.

2.5.1.3. Testimony styles and the narrativization of courtroom accounts

In addition to a focus on questions, a number of researchers shift the emphasis away from the lawyer towards the witness and, ultimately, the jury to study different styles of testimony. O'Barr (1982) contrasted 'narrative' and 'fragmented' styles of testimony, respectively, and analyzed the effect of the two styles on juror perceptions of witness

credibility. The study concluded that witnesses who were permitted by the lawyer to employ a narrative style in their testimony were judged by jurors to be both more convincing and more trustworthy than those whose evidence was presented in the form of brief question-and-answer sequences.

My study, though not focusing on the construction of narrative style, will explore the linguistic features used in making narration in the four public sub-registers. Particularly, when I discuss the results of Dimension 2 for Multi-Dimensional Analysis (narrative vs. non-narrative features), the focus of discussion will be on the lexico-grammatical features used by lawyers and witnesses when delivering a narration and how jurors could possibly perceive the narration.

2.5.1.4. Power and ideology in courtroom language

In the domain of the law, much of the critical attention has been directed towards the power and ideology of the law, as expressed in the linguistic strategies of the judge, both in trials by jury and in a legislative role, and in judicial opinions and statutory interpretations (Cotterill, 2003).

In the trial context, Wodak (1985) has looked at judge-defendant discourse, arguing that the socio-economic variables of gender and class appear to influence the outcomes of the defendant's interactions with the judge. Language as revealing of the ideologies inherent in judicial discourse is also central to Harris's (1989, 1994) research into UK magistrates' courts. She finds that judges are able to express their ideological stance through a complex range of lexico-grammatical mechanisms, including mood and modality choices (after Halliday, 1985), non-reciprocal access to interactional strategies, and the strategic and selective use of ideologically loaded lexical choices.

In the context of US judicial rulings, Solan (1993) has examined apparent inconsistencies in Supreme Court appellate decisions, and suggests that judges, whilst going to great lengths to appear 'neutral' in their judgments, are in fact often guilty of concealing hidden agendas and ideological positions which inform and, ultimately, bias their decision-making processes.

Other researchers have also tackled the issue of ideology in the language of judges, but from a social anthropological perspective, such as Conley and O'Barr (1990, 1998), and Philips (1998).

This study will explore how the participants, especially attorneys and witnesses, express their opinions through the use of certain lexico-grammatical features, such as stance expressions. By describing how different participants use these selected linguistic features, it will contribute to our understanding of how the purpose of different participants is fulfilled.

2.5.2. Studies on courtroom language from a register perspective

Despite the insufficiency of studies in the comprehensive description of situational and linguistic features of courtroom language as a specific register, some progress has been made in the past few years. One study on courtroom language conducted from a register perspective is Forchini's (2017) study that compared authentic courtroom language with movie courtroom language using Biber's Multi-Dimensional Analysis model. She claimed that the two types of language are fairly similar based on their dimension scores. However, her study treats courtroom language as an intact register rather than looking into the sub-registers of courtroom language. Since the sub-registers have not been investigated, it is unclear how the situational characteristics of those sub-registers impact the language use in courtroom. Therefore, although this study explored some linguistic features of courtroom language without examining the situational and linguistic features of the sub-registers, the claim that authentic and movie courtroom language are similar seems to be inconclusive.

2.6. Summary and gap

This chapter has reviewed the theoretical frameworks and previous literature that were used to develop this dissertation research. As has been emphasized above, most studies on courtroom language have been conducted from non-register perspectives. The single study that was done from a register perspective to explore the linguistic features of courtroom language (Forchini, 2017) ignores the sub-registers of courtroom language and simply treats courtroom language as a whole. To address the gaps in the current literature, this study will provide a thorough description of courtroom language as a specific spoken register by describing the situational and linguistic features of the language used in authentic and TV courtrooms, as well as in the four public sub-registers (opening statements, direct examinations, cross-examinations, closing arguments) of courtroom language.

In sum, this study provides a relatively comprehensive quantitative and functional examination of courtroom language as a specific register. It provides the following innovations to the existing research on courtroom language:

- An examination of the situational characteristics and linguistic features of authentic and TV courtroom language
- An examination of the situational characteristics and linguistic features of the four public sub-registers of authentic and TV courtroom language – opening statement, direct examination, cross-examination, closing argument.
- An examination of how different participant roles use language differently in authentic and TV courtroom trials and the four sub-registers
- An examination of the stance features used in authentic and TV courtroom trials and the four sub-registers

CHAPTER 3: REPRESENTING THE DOMAIN OF COURTROOM DISCOURSE

3.1. Description of the high-profile trials and the TV series courtroom trials

In this study, I compare two corpora, with one representing courtroom discourse of high-profile criminal trials, and the other representing TV series courtroom discourse.

Transcripts of the O. J. Simpson criminal trial, Oklahoma Bombing trial, and Boston Bombing trial represent courtroom discourse of high-profile criminal trials. Transcripts of *The Practice*, *Boston Legal*, and *Murder One* represent TV series courtroom discourse.

3.1.1. Description of the high-profile criminal trials

The American high-profile trials are included for the purpose of providing a thorough register description and linguistic analysis of courtroom language. Many trials might be called high-profile or famous. Each century, dozens of trials are called “the trial of the century,” however many of them then just slip quickly from the public’s mind several months after the verdict despite having created a huge buzz. It is not easy to define a high-profile case, however there are five benchmarks that guided my decision to include a particular set of trials in my corpora. First, the trial must have grabbed the public’s attention. Each of the trials that have been chosen was famous in its own time and place. Second, the trials must be famous and also have shaped history in some significant way, or at least be a window for observing and understanding a particular time. To sum up the first two criteria, a high-profile trial in this study is defined as a case that is deemed to be important by both the legal professionals and the whole society, and that has a long-term impact on American society. Third, all of the selected trials occurred in the past two decades. The reason for this criteria is because technology such as stenotype (a specialized chorded keyboard or typewriter used by stenographers for shorthand use. A trained court reporter can write speeds of approximately 225 words per minute with very high accuracy) has been more fully developed and thus transcripts of the trials that occur in the past two decades are more accurate. Furthermore, with technology development, the media has begun to play a vital role in reporting news and facilitating people in American society knowing what events are happening around them. Cases such as the Charles Manson trial back in the early 70s, though categorized as a high-profile case, has transcripts that are hard to access, which is commonly true for the high-profile cases that

occurred earlier than 25 years ago. Fourth, trials of sexual misconduct, due to their sensitive nature, are not included in the corpora. The last criterion that guided my decision is the availability and accessibility of the trial transcripts. For cases such as the George Zimmerman trial, though considered high-profile and having provoked arguments about America's gun culture and racial profiling, has full courtroom transcripts that could not be accessed and therefore is excluded from the corpora. The trials included must have full transcripts of the four sub-registers occurring in high-profile criminal trials that will be analyzed in this study, including opening statements, direct examinations, cross-examinations, and closing arguments. According to these five criteria, three high-profile criminal trials were selected to be analyzed in this study: the O. J. Simpson criminal trial (1995), the Oklahoma Bombing trial (1996), and the Boston Bombing trial (2015).

3.1.1.1. The O. J. Simpson criminal trial

The O. J. Simpson trial was a criminal trial held at the Los Angeles County Superior Court in California. The former professional football star and actor O. J. Simpson was tried on two counts of murder for the deaths of his ex-wife, Nicole Brown Simpson, and waiter Ronald Goldman, in 1994. The case has been described as one of the most publicized criminal trials in American history. It has been deemed high-profile since the 1990s because of the race issue. Mr. Fuhrman, a white Los Angeles detective and one of the first officers on the scene, was accused of harboring racist attitudes towards African-Americans; he was accused of repeatedly using radical language and of planting fake evidence (a bloody glove) at the crime scene. Conflicts between the prosecutor, Christopher Darden, and the defense attorney, Jonnie Cochran, (both of whom are African American attorneys) also occurred regarding whether bringing up the race issue would blind the black jurors and thus largely influence their decision. Simpson was acquitted after a trial that lasted more than eight months. For outsiders and viewers, O. J. Simpson was a famous professional football player, broadcaster and actor who gained fame for his talent in football, but also a person who was constantly reported to have a history of domestic violence and who was sued for killing his ex-wife and her friend. For attorneys and other related professionals, the O.J. Simpson case has raised race issues in the courtroom that could directly influence the validity of evidence and the final verdict. For

American society, this case also has a much wider and deeper influence in terms of conflict between race and the facts of the case itself. Since the trial was live broadcast, the American people got a chance to know what truly happened and what people said in courtroom. These are words that are not filtered through the biases of any reporter or historian.

3.1.1.2. The Oklahoma Bombing trial

The Oklahoma City Bombing was a domestic terrorist car bombing of the Alfred P. Murrah Federal Building in downtown Oklahoma City, in the U.S. state of Oklahoma, on April 19, 1995. Carried out by Timothy McVeigh and Terry Nichols, the bombing destroyed one-third of the building, killed 168 people, and injured more than 680 others. Motivated by his hatred of the U.S. federal government and angered by its handling of the 1993 Waco siege and the Ruby Ridge incident in 1992, McVeigh timed his attack to coincide with the second anniversary of the deadly fire that ended the siege at the Branch Davidian compound in Waco, Texas. The Oklahoma Bombing was the largest criminal case in America's history. The crime task force was deemed the largest since the investigation into the assassination of J. F. Kennedy. Federal Judge Richard Paul Matsch ordered that the venue for the trial be moved from Oklahoma City to Denver, Colorado, citing that the defendants would be unable to receive a fair trial in Oklahoma. The investigation led to the separate trials and convictions of McVeigh, Nichols, and Fortier. For this study I only collected transcripts of the McVeigh trial. The bombers were tried and convicted in 1997. McVeigh was executed by lethal injection on June 11, 2001 and Nichols was sentenced to life in prison in 2004. It was the deadliest terrorist attack on American soil until the September 11 attacks and still remains the deadliest domestic terrorism incident in United States history.

3.1.1.3. The Boston Bombing trial

On April 15, 2013, two homemade bombs detonated twelve seconds and 210 yards apart at 2:49pm, near the finish line of the annual Boston Marathon, killing three people and injuring several hundred others, include sixteen who lost limbs. On April 18, 2013, the FBI released images of two suspects who were immediately identified as Chechen-American brothers Dzhokhar Tsarnaev and Tamerlan Tsarnaev. During questioning Dzhokhar alleged that he and his brother were motivated by extremist Islamist beliefs and the wars in Iraq and

Afghanistan, that they were self-radicalized and unconnected to any outside terrorist groups, and that he was following his brother's lead. Dzhokhar said he and his brother wanted to defend Islam from the U.S., which conducted the Iraq War and the War in Afghanistan, in the view of the brothers, against Muslims. Later a CBS report revealed that a note scrawled by Dzhokhar with a marker on the interior wall of the boat where he was hiding said the bombing was "retribution for U.S. military action in Afghanistan and Iraq," and called the Boston victims "collateral damage" in the same way that innocent victims had been collateral damage in the U.S. wars around the world." According to *The New York Times*, the portion of the boat's interior with the note had likely been cut from the hull with permission from the owner and presented in court as evidence. On April 8, 2015 Dzhokhar was convicted of thirty charges, including the use of a weapon of mass destruction and malicious destruction of property resulting in death, and the following month was sentenced to death.

3.1.2. Description of the TV series courtroom discourse

American TV series featuring courtroom discourse – *Boston Legal*, *The Practice*, and *Murder One* are selected for the purpose of providing a thorough register description and linguistic analysis of courtroom language. There are three criteria that guided my decision to include these three TV series in this study. First, transcripts of these three TV series are available online and can be downloaded for free. Second, these are popular TV series in the U.S. and all of them won several awards, such as Primetime Emmy Awards and Golden Globe Awards and thus most people are familiar with these TV series. Third, they all focus on courtroom discourse, imitating what happens in regular courtroom trials. According to the three benchmarks, three popular American TV series were selected to be analyzed in this study: *The Practice*, *Boston Legal*, and *Murder One*.

3.1.2.1 The Practice

The Practice is an American legal drama created by David E. Kelley centering on the partners and associates at a Boston law firm. The TV series ran for eight seasons on ABC from 1997 to 2004, won the Emmy in 1998 and 1999 for Best Drama Series, and spawned the spin-off series *Boston Legal*. The Practice focused on the law firm of Bobby Donnell and Associates (later becoming Donnell, Young, Dole, & Frutt, and ultimately Young, Frutt, & Berluti). Plots

typically featured the firm's involvement in various high-profile criminal and civil cases that often mirrored current events. Conflict between legal ethics and personal morality was a central theme, with light comedy involved in some episodes. Kelley claimed that he conceived the show as something of a rebuttal to *L.A. Law* (for which he was a writer) and its romanticized treatment of the American legal system and legal proceedings.

3.1.2.2. Boston Legal

Boston Legal is an American TV series created by David E. Kelley, which aired from October 2004 to December 2008 (a total of five seasons, 101 episodes). One of the main characters, Alan Shore, an ethically-challenged attorney, settles in at a wealthy and powerful firm focusing on civil cases. With some help from his friend and mentor, veteran attorney Denny Crane, Shore quickly makes his mark, winning cases no one would take, often using less than honest methods. In doing so, Alan Shore develops a rival in his colleague Brad Chase, who has been assigned to the office partly to keep an eye on Denny Crane. Despite Shore's questionable conduct and enemies that he makes along the way, he can always win a case. According to Nielsen Media Research, *Boston Legal* drew the richest viewing audience on television, based on the concentration of high-income viewers in its young adult audience (adults 18-49 with \$100k+ annual income).

3.1.2.3. Murder One

Murder One is an American legal drama television series that first aired on the ABC network in the U.S. in 1995. The series was created by Steven Bochco, Charles H. Eglee, and Channing Gibson. Theodore Hoffman is a prominent defense attorney in a prestigious Los Angeles law firm. After successfully defending the wealthy but suspicious Richard Cross in a murder trial, he becomes involved in the defense of Neil Avedon. Neil is a famous young actor who has had severe drug and alcohol problems and was subsequently charged with the murder after Cross was acquitted. This single case ran an entire television season (interspersed with bits from other cases that the firm is involved in). *Murder One* was produced in association with 20th Century Fox Television. Over its two-year run, ABC aired 41 original episodes of this series. The first season of *Murder One* has aired several times on cable networks such as A&E and

Court TV in the U.S. (Court TV was substituted in the series by the fictional “Law TV”). In 1997, *TV Guide* ranked the first episode, “Chapter 1”, #60 on its list of the 100 Greatest Episodes.

3.2. Design of the corpora

This section will describe the design of the corpora, including the criteria used to collect the data (e.g., which parts of the courtroom transcripts are included or excluded from my corpora and why) and the criteria used to organize the data. Two general registers will be analyzed – high-profile criminal trials, including only criminal cases and TV courtroom series containing both civil and criminal cases. Originally, only criminal cases were included in the TV courtroom corpus, but civil cases are actually more typical of the TV series. Given that the situational characteristics of civil and criminal cases are similar, especially in terms of their communicative purpose and settings, including both will not negatively impact the results. In order to keep the size of the two corpora similar, I decided to compile a larger TV courtroom corpus by including both civil and criminal cases.

3.2.1. Criteria used to collect the data

The original transcripts of the high-profile courtroom trials and the TV courtroom trials include interactions carried out between the judge and the attorneys out of the presence of jurors, such as pre-trial motion hearing and sidebar conversations, which have been excluded from the corpora. Those TV civil cases that occur out of the presence of jurors have also been excluded from the TV courtroom corpus. Only four sub-registers are included: opening statement, direct examination, cross-examination, and closing argument (all of which occur in the presence of jury members whose purpose is to determine, under the judge’s instruction, if a defendant is guilty or not). Since these sub-registers are in both high-profile trials and TV courtroom trials, this makes the two corpora comparable.

As mentioned in section 3.1, three high-profile criminal trials are analyzed: the O. J. Simpson criminal trial, the Oklahoma Bombing trial, and the Boston Bombing trial. All three trials contain the four sub-registers of interest: opening statement, direct examination, cross-examination, and closing argument. During the opening statement, the attorneys in the three trials sometimes instill arguments in their statement, when they should only provide facts. This makes the attorney on the opposite side raise objections and the judge react to the objections.

I did not exclude those objections and reactions because they are also part of the opening statement and occur in the presence of jurors.

As for the corpus of TV courtroom language, I downloaded Season 1 of Boston Legal, Season 1 of Murder One, and Seasons 1-3 of The Practice because, unlike Boston Legal and Murder One for which transcripts for all the episodes of Season 1 are available online, for The Practice, transcripts of only the selected episodes are available online. In order to keep a good balance of the corpus size, Seasons 1-3 of The Practice were included in the corpus of TV courtroom. Scenes other than courtroom interactions were deleted from the TV courtroom corpus. Only the transcripts of the four public sub-registers (opening statement, direct examination, cross-examination, closing argument) that occur in the presence of the jurors are left for the following analysis.

3.2.2. Criteria used to organize the data

This section will describe the criteria used to organize the data. First, I describe how the boundaries of the sub-texts within a courtroom transcript are marked and how the sub-registers were identified. I also discuss implications of corpus design for my dissertation. For example, identifying and comparing the extent to which actual vs. TV courtroom discourses rely on different sub-registers, and how these differences influence the corpus design and subsequent analyses.

3.2.2.1. Opening statement files

The opening statement transcripts were downloaded for the three high-profile criminal trials. Taking the opening statement transcript files of the Simpson criminal trial as an example, the opening statement lasted for four days (Jan. 24, 25, 26, 30, 1995). All four transcripts of the opening statement were downloaded. However, each downloaded transcript also includes sub-registers other than opening statement, such as pre-trial motion hearings and direct and cross-examinations. The original transcripts marked the beginning of each sub-register (for example, the original transcript has “pre-trial motion hearing” written at the beginning of the pre-trial motion hearing); therefore, those sub-registers that are not part of the opening statement were easily deleted. There are two criteria used to re-organize and chunk these four transcripts of opening statement of the O. J. Simpson criminal trial. First, because both the prosecuting

attorney and the defense attorney delivered opening statements, the transcript was chunked into different files when a different attorney spoke. Second, whenever there is a recess or adjournment, the already chunked file was then chunked again. These four opening statement transcripts were then re-organized and chunked into ten separate files. I then marked those occurrences of the beginning of an opening statement section as “<aaa opening statement by XXX aaa>”, with XXX representing the name of the attorney who did the opening statement. Next the end of each of the opening statement is marked “<aaa end of opening statement by XXX aaa>”, again with XXX representing the name of the attorney who did the opening statement.

With regard to the opening statement of the other two trials, the opening statements did not last as many days as the O. J. Simpson criminal trial. For the Oklahoma Bombing case, the opening statement was only one day and the opening statement transcript was chunked whenever there was a recess. For the Boston Bombing trial, the opening statement was conducted on the 23rd and 50th days of the trial. Again the opening statement transcripts were divided into separate files when there was a recess or adjournment. There is a total of 116,942 words in the opening statement files of the three high-profile criminal trials, with 65,877 words in the O. J. Simpson criminal trial (10 files, Mean = 6,588), 15,802 words in the Boston Marathon Bombing trial (3 files, Mean = 5,267), and 35,263 words in the Oklahoma Bombing trial (4 files, Mean = 7,053).

As for the opening statement files in the TV courtroom corpus, transcripts of the opening statements for each case, regardless of how many cases are included in a single episode, were combined and counted as one opening statement file. There is a total of 2,000 words in the opening statement files of the three TV series courtroom trials (excluding *The Practice*, for which there are no opening statements), with 692 words in Boston Legal (3 files, Mean = 231), and 1,308 in Murder One (3 files, Mean = 654).

3.2.2.2. Direct examination and cross-examination files

For the high-profile criminal trials, transcript files of the direct and cross-examinations were created for each witness. For instance, if the original file includes a direct examination section, a cross-examination section, and a re-direct examination section (all three were

directed to the same witness), I divided the file into two different files, with one being direct examination, and the other one being cross-examination. Since the direct examination and the re-direct examination were conducted on the same witness, I combined the two into one file and counted it as one direct examination. The same procedure is applied to cross-examination files. If a cross-examination and a re-cross-examination were conducted on the same witness, they are combined and counted as one cross-examination file. A header is also included for each file. The header of each file includes two lines, with the first line showing the name of the witness and whether he or she is a prosecution witness or defense witness, and the second line indicating whether the file is a direct examination or cross-examination and the name of the attorney who conducted the examination. There are 798,262 words in the direct examination files of the three high-profile criminal trials, with 91,141 words in the O. J. Simpson criminal trial (24 files, Mean = 3,798), 627,761 words in the Boston Marathon Bombing trial (153 files, Mean = 4,103), and 79,360 words in the Oklahoma Bombing trial (6 files, Mean = 13,227). As for the cross-examinations, there are 184,449 words in the three high-profile criminal trials, with 63,534 words in the O. J. Simpson criminal trial (22 files, Mean = 2,888), 115,893 words in the Boston Marathon Bombing trial (76 files, Mean = 1,525), and 5,022 words in the Oklahoma Bombing trial (2 files, Mean = 2,511).

With regard to the direct examination files of the TV courtroom corpus, again each episode, transcripts of the direct examination for each case were combined and counted as one file no matter how many cases were included in that episode. The same data organization procedure was also applied to the files of the cross-examinations. As for direct examination, there is a total of 30,155 words in the three TV courtroom trials, with 6,006 words in Boston Legal (12 files, Mean = 501), 14,839 words in Murder One (17 files, Mean = 873), and 9,310 words in The Practice (15 files, Mean = 621). Regarding cross-examination, there are 36,362 words in the three TV courtroom trials, with 6,269 words in Boston Legal (10 files, Mean = 627), 16,241 words in Murder One (16 files, Mean = 1,015), and 13,852 words in The Practice (16 files, Mean = 845).

3.2.2.3. *Closing argument files*

In all three high-profile criminal trials the closing argument transcript files were created for each attorney (e.g., closing argument by Jonnie Cochran in the O. J. Simpson criminal trial). For the O. J. Simpson trial, there were three closing arguments delivered by three different attorneys. For the Oklahoma Bombing trial, the closing argument was conducted only by the prosecuting attorney. As for the Boston Bombing trial, there are three closing arguments with the last one being a rebuttal argument by the prosecuting attorney. There is a recess in the closing argument of the Oklahoma Bombing case but no recess in the other closings. Like the opening statement files, the closing argument transcripts were chunked based on two criteria: first, the transcripts were chunked into different files when a different attorney conducted a closing argument; second, the already chunked transcripts were chunked again when there was a recess or adjournment. The header of each closing argument file contains two lines, with the first line indicating the date of the trial and the second showing who was conducting the closing argument. There is a total of 92,184 words in the closing argument files of the three high-profile criminal trials, with 19,533 words in the O. J. Simpson criminal trial (3 files, Mean = 6,511), 43,456 words in the Boston Marathon Bombing trial (6 files, Mean = 7,243), and 29,195 words in the Oklahoma Bombing trial (2 files, Mean = 14,598).

As for the closing argument files of the TV courtroom corpus, each episode's transcripts, no matter how many cases with closing arguments were included in that episode, are combined and counted as one closing argument file. There is a total of 14,633 words in the closing argument files of the three TV series courtroom trials, with 4,586 words in Boston Legal (9 files, Mean = 510), 2,625 words in Murder One (3 files, Mean = 875), and 7,422 words in The Practice (11 files, Mean = 675). Table 3.1 shows the size of the corpus of high-profile criminal trials and the corpus of TV series courtroom trials.

Table 3.1. Size of the corpora

		High-Profile Criminal Trials			TV Series Courtroom Trials		
Trials/TV series	Size of corpora	O. J. Simpson	Boston Marathon Bombing	Oklahoma Bombing	Boston Legal	Murder One	The Practice
Opening statement	Number of words	65,877	15,802	35,263	692	1,308	N/A
	Number of files	10	3	5	3	2	
	Min	1,066	2,275	3,027	87	262	
	Max	11,914	7,757	11,941	348	1,046	
	Mean	6,588	5,267	7,053	231	654	
Direct examination	Number of words	91,141	627,761	79,360	6,006	14,839	9,310
	Number of files	24	153	6	12	17	15
	Min	278	199	2,934	102	84	60
	Max	25,868	28,421	26,959	810	2,066	1,267
	Mean	3,798	4,103	13,227	501	873	621
Cross-examination	Number of words	63,534	115,893	5,022	6,269	16,241	13,852
	Number of files	22	76	2	10	16	16
	Min	124	102	2,460	127	302	330
	Max	27,560	17,745	2,562	1,149	2,696	2,565
	Mean	2,888	1,525	2,511	627	1,015	845
Closing argument	Number of words	19,533	43,456	29,195	4,586	2,625	7,422
	Number of files	3	6	2	9	3	11
	Min	4,637	3,770	11,358	180	264	338
	Max	8,920	11,073	17,837	852	2,092	1,142
	Mean	6,511	7,243	14,598	510	875	675
Total	Number of words	240,085	802,912	148,840	17,553	35,013	30,854
	Number of files	59	238	15	34	38	42

Finally, all the files were named such that the main variables are coded in the filenames. The main variables include two general registers (authentic courtroom = AC, and TV courtroom = TC), four sub-registers (opening statement = OP, direct examination = DE, cross-examination = CE, closing argument = CL), filenames (the three high-profile trials: O. J. Simpson criminal trial = OJ, Boston Marathon Bombing trial = BB, Oklahoma Bombing trial = OB; and three TV series courtroom trials: Boston Legal = BL, Murder One = MO, The Practice = TP), and index numbers. Based on the sequence of the importance of the main variables, a text file of the opening statement of the O. J. Simpson criminal trial is “AC_OP_OJ_01”, and a text file of direct examination of Boston Legal is “TC_DE_BL_02”.

3.3. Description of situational characteristics

Before analyzing courtroom language, it is critical to understand what a courtroom trial is. This section will briefly discuss the primary participants and organization of a courtroom trial under the adversarial system. The participants discussed here include the judge, jurors, prosecutors, defense attorneys, and witnesses.

3.3.1. Participants

“The only real lawyers are trial lawyers, and the trial lawyers try cases to juries” (Clarence Darrow, cited in Cotterill, 2003). It is important to understand the significance of a jury trial and the roles of the participants involved in a jury trial, as this will directly determine the roles of jurors in a trial. A trial is more than merely the prosecutor seeking a conviction and the defense seeking an acquittal. While those results are the ultimate desires of the participants, the purpose of a trial is much greater. Authorized by the Sixth Amendment, a jury trial is a forum for the “courteous and reasoned pursuit of truth and justice” (Taylor v. Hayes, 1974: p.418). To secure the ultimate goal of a trial, jurors play a critical role in preventing oppression by the higher authority, such as a corrupt prosecutor and a compliant, biased or eccentric judge (Duncan v. State of LA, 1968). Therefore, “the guarantees of jury trial in the Federal and State Constitutions reflect a profound judgment about the way in which law should be enforced and justice administered” (Duncan v. State of LA, 1968).

- The judge

The trial judge “has the responsibility for safeguarding both the rights of the accused and the interest of the public in the administration of criminal justice. The adversarial nature of the proceedings does not relieve the trial judge of the obligation of raising on his or her initiative, at all appropriate times and in an appropriate manner, matters which may significantly promote a just determination of the trial” (Ponce, *supra*).

However, the judge should be careful not to throw the weight of his or her judicial position into a case. The object of a trial is to ascertain the facts and apply the appropriate rules of law in order that justice within the law be truly administered. To this end, “the court has a duty to see that justice is done and to bring out facts relevant to the jury’s determination. It is not merely the right but the duty of a trial judge to see that the evidence is fully developed before the trier of fact” (People v. Abel, 2012).

A judge may control the mode of questioning of a witness and comment on the evidence and credibility of witnesses as necessary for the proper determination of the case (People v. Calderon, 1994; People v. Fudge, 1994). Within reasonable limits, the court has a duty to see that justice is done and to bring out facts relevant to the jury’s determination (People v. Carlucci, 1979). The judge must not, however, become an advocate for either party, comment on the evidence, cast aspersions, or ridicule a witness (People v. Cummings, 1993).

- Prosecutor

“The prosecutor is the representative not of any ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done” (People v. Superior Court, 1977). “The duty of the district attorney is not merely that of an advocate. His duty is [...] to fully and fairly present to the court the evidence material to the charge upon which the defendant stands trial” (In re Ferguson, 1971).

- Defense counsel

The duty of a defense attorney, both to his client and to the legal system, is to represent his client zealously within the bounds of the law. Once an attorney has been assigned to represent a client, he is bound to do so to the best of his abilities under the circumstances

despite the difficulty of that task, particularly in the context of criminal trials (People v. Bolton, 2008). The role of defense attorney requires that counsel “serve as the accused’s counselor and advocate with courage, devotion and to the utmost of his or her learning and ability...” (ABA Standards, Defense Function, st. 4-1.1(b)). Once an attorney is appointed to represent a client, he assumes the authority and duty to control the proceedings. The scope of this authority extends to matters such as deciding what witnesses to call, whether and how to conduct the cross-examination, what jurors to accept or reject, what motions to make, and most other strategic and tactical determinations (People v. McKenzie, *supra*; People v. Lucas, 2014).

Although attorneys may not present evidence they know to be false or assist in perpetrating known frauds on the court, they may ethically present evidence that they suspect, but do not personally know, is false. Criminal defense attorneys sometimes have to present evidence that is incredible and that they might personally disbelieve. Presenting incredible evidence “may raise difficult tactical decisions -- if counsel finds evidence incredible, that fact finder may also – but, as long as counsel has no specific undisclosed factual knowledge of its falsity, it does not raise an ethical problem” (People v. Riel, 2000).

- Witnesses

The witnesses are subpoenaed to the courtroom, sworn to tell the truth, and questioned while on the “stand” by both parties’ lawyers. However, the questions asked and the answers given are subject to certain rules and procedures. There are different types of witnesses: lay witnesses, scientific expert witnesses, and pseudo/quasi-expert witnesses such as police officers.

To testify, a witness must have personal knowledge of the subject matter of the testimony, i.e., “a present recollection of an impression derived from the exercise of the witness’ own senses” (People v. Lewis, 2001). “In order to have personal knowledge, a witness must have the capacity to perceive and recollect” (People v. Lewis, 2001).

3.3.2. *Organization discourse - trials as a whole and how they are organized*

Courtroom language in this study refers to language used by attorneys, witnesses, and judges in the four sub-registers that occur within courtroom discourse: opening statement, direct examination, cross-examination, and closing argument. The four sub-registers, when

combined together in the listed order, help to achieve the main goal of courtroom language – to win the case.

A trial begins with the opening statement of the party with the burden of proof. This is the party that brought the case to court – the government in a criminal prosecution has to prove its case in order to prevail. The defense lawyer follows with his or her opening statement. The opening statement at the beginning of the trial is one of the most important components of any trial. It is the first opportunity for the attorney to explain what the cause of action is about, to tell his client's side of the story, and, most importantly, to establish the kind of credibility that will persuade jurors to trust the testimony, documents, and other evidence that he will submit for their consideration. The opening statement should serve as a preview of the anticipated testimony, exhibits, and other evidence. The jurors should be left at the end of opening statement with an understanding of the case's theme, an eagerness to learn more, and an appreciation for the ultimate judgment they will be asked to make. Most opening statements last between 10 and 45 minutes, although, depending on the complexity of the case, some may take longer.

Right after the presentation of the case outlining, attorneys for the government begin the presentation of evidence by calling witnesses. The questions they ask of the witnesses are the direct examination. The direct examination generally begins with giving the witness an opportunity to present a very brief narrative. The examining lawyer then generally follows up with increasingly coercive or controlling questions, including WH-questions, which limit the witness to a brief response, or yes/no or alternative questions, which allow only two possible responses. Lawyers use such questioning strategically, to ensure that all and only legally relevant facts are told, as well as to keep problematic facts from emerging, if possible. Careful questioning can also enhance precise communication by clarifying ambiguities in a witness's answer, or by asking the witness to explain unusual terminology. Witnesses, on the other hand, may testify to matters of fact, and in some instances provide opinions. They also may be called to identify documents, pictures, or other items introduced into evidence. Generally, witnesses cannot give conclusions unless they are experts or are especially qualified to do so. Witnesses

qualified in a particular field as expert witnesses may give their opinion based on the facts in evidence and may give the reason for that opinion.

When the attorney for the government has finished questioning a witness, the attorney for the defendant may then cross-examine the witness. The cross-examination is generally limited to questioning only on matters that were raised during direct examination. Cross-examination allows an even more coercive question type: leading questions. Such questions are not tied to any specific form, but have in common that they suggest a single answer. One function of such questions is to muddy the waters by undermining the clarity of the witness's communication during direct examination. They can also be used to undermine credibility of the witness by eliciting a clear statement that can later be contradicted by other evidence, as Simpson's lawyers did during cross-examination of Detective Mark Fuhrman.

After the jury has seen and heard the factual evidence of the case, the parties are then allowed to try to persuade them about its overall significance. The closing argument is an opportunity for each party to remind jurors about key evidence presented and to persuade them to adopt an interpretation favorable to their position. At this point, parties are free to use hypothetical analogies to make their points: to comment on the credibility of the witnesses, to discuss how they believe the various pieces of the puzzle fit into a compelling whole, and to advocate why jurors should decide the case in their favor.

The above section is structural/discourse organization of the trial. The four steps occur in a particular order. In the next section, I will add some examples of each sub-register and describe their communicative functions.

3.3.3. Situational characteristics of the two general registers

This section will describe the situational characteristics of the two general registers - high-profile criminal trials and the TV series courtroom discourse (see Table 3.2). A description of the situational characteristics can help compare and contrast authentic and TV courtroom discourse, and predict the linguistic features used in different registers, with the underlying assumption that core linguistic features are functional and, as a result, particular features are commonly used in association with the communicative purposes and situational context of texts.

Table 3.2. Situational characteristics of high-profile criminal trials and TV courtroom trials

Parameters	High-profile criminal trials	TV courtroom trials
Participants		
Addressors	Prosecutor, defender, witnesses	Prosecutor, defender, witnesses
Addressees	Jurors, judge	Overall: audience Within TV series: jurors, judge
Relations among participants		
Interactiveness	OP and CL: monologic DE and CE: highly interactive between attorneys and witnesses	OP and CL: monologic DE and CE: highly interactive between attorneys and witnesses
Social roles	Judge is the most powerful person; jurors are also powerful, though not as much as the judge is; prosecutors and defenders are more powerful than witnesses; expert witnesses are more powerful than layperson witnesses	Judge is the most powerful person; jurors are also powerful, though not as much as the judge is; prosecutors and defenders are more powerful than witnesses; expert witnesses are more powerful than layperson witnesses
Channel		
Mode	Spoken	Spoken, scripted language
Specific Medium	Permanent: taped and transcribed	Time constraint for each episode
Production circumstances	Carefully planned and drafted, revised, and edited. Need to be flexible during the trial	Scripted, revised and edited, written to be spoken, imitate authentic courtroom language
Setting		
Shared time and place	Yes	Audience do not share time and place with the TV characters, although in the TV series, judge, jurors, attorneys, witnesses share time and place of communication
Place of communication	Public, held in open court, in the presence of the jury	Public, held in open court, in the presence of the jury
Time of communication	Contemporary	Contemporary
Communicative purposes		
General purposes	Juror and judge: determine if the defendant is guilty or not	Entertain audience; Juror and judge: determine if

	Attorneys: win the case	the defendant is guilty or not Attorneys: win the case
Specific purposes	Varies depending on which stage it is (e.g., OP: present facts, introduce jurors to the core disputes of the case; CL: remind jurors about key evidence presented and to persuade them to adopt an interpretation favorable to their position)	Relate to the audience, attract people to keep watching the TV series
Factuality	Factual + opinion, depending on which stage it is (e.g., OP: mostly are factual; CL: mostly are argument and opinion)	Factual + opinion, depending on which stage it is (e.g., OP: mostly are factual; CL: mostly are argument and opinion)
Type of Evidence	Direct, circumstantial, and forensic evidence	Direct, circumstantial, and forensic evidence
Note: The reason why I added this parameter here for comparison is because it is likely to influence the use of stance features		
Expression of stance	Depends on which stage it is OP: no overt stance expression, although experienced attorneys always instill some argument in their OP DE and CE: frequent use stance features to express attitude, degree of certainty, evaluation	Depends on which stage it is OP: no overt stance expression, although experienced attorneys always instill some argument in their OP DE and CE: frequent use stance features to express attitude, degree of certainty, evaluation
Topic		
General topic	O. J. Simpson criminal trial; Boston Marathon Bombing; Oklahoma Bombing	Boston Legal; Murder One; The Practice
Specific topic	Facts relating to the matter that triggers the trial; questions and answers between attorneys and witnesses on the matters that trigger the trial	Facts relating to the matter that triggers the trial; questions and answers between attorneys and witnesses on the matters that trigger the trial

3.3.3.1. *Situational characteristics of high-profile criminal trials*

All three high-profile trials took place in the spoken medium, thus language used in high-profile criminal trials share a large amount of linguistic features used in the spoken medium. These trials happened in real time and, due to the pressure from online production, speakers had little time to plan or edit their utterances, even though attorneys carefully prepared in advance for what they said during the trial in order to win the case. These trials were held in open court and in the presence of the jurors. Since these are high-profile criminal trials, the consequences of what is being said in the courtroom are rather high stakes (e.g., the defendant could be sentenced to death for murder or performing terrorism). The communicative priority of these trials is to determine if a defendant is guilty or not. Prosecutors, defenders, and witnesses express attitudes, evaluations, and degrees of certainty in the courtroom, especially during direct and cross-examinations, for various purposes (e.g., the defense attorney's primary purpose is to win the case by presenting the defendant's case in the most favorable light and persuading jurors to believe that the defendant is not guilty). As such, it is expected that linguistic features such as first and second-person pronouns and stance expressions will be used frequently in high-profile criminal trials (see Text Sample 3-1).

Text sample 3-1: Authentic cross-examination (AC_CE_OB_02)

(first- and second-person pronouns are bolded and underlined)

And for **myself** and each member of this prosecution team, it has been **our** pleasure to represent those victims and the United States in settling that grievance. **We** have done so in a way that Tim McVeigh would not choose. **We** have done so through the due process system; but the process is over now. The process over. Tim McVeigh has received his due process, and it is now time to render judgment. And **your** job as jurors, **your** privilege, **your** duty, as well as **your** job, is to do justice. And on behalf of the United States, **I** ask that **you** return a verdict of guilty as charged against Timothy McVeigh.

In text sample 3-1, first-person pronouns “I” and “we” as well as the second-person pronoun “you” are constantly used to relate to the jurors and remind them to return a verdict of guilty as charged against the defendant. Another discourse feature of high-profile criminal trials is that questions and power are closely interwoven. The judge is the most powerful person in courtroom discourse. Jurors are also powerful, though not as much as the judge is,

because they play a critical role in deciding the final verdict under the judge's instruction. Prosecutors and defenders, although not as powerful as the judge, are much more powerful than witnesses. They ask questions of witnesses during direct and cross-examinations, which gives them dominance over the witnesses. Compared with layperson witnesses, expert witnesses are much less vulnerable because they are knowledgeable in a certain field and thus are assumed to be able to provide more reliable and unbiased evidence during the trial. It is expected that participant roles and power relations within the courtroom will influence the language use in the two courtroom registers (authentic and TV) and the four sub-registers.

3.3.3.2. Situational characteristics of TV series courtroom trials

The language used in all three TV series featuring courtroom discourse is TV language, which takes place in the spoken medium. The communicative priority of TV language is to entertain the audience, and thus emotional and emphatic language is expected to be used at a high frequency to entertain the audience - the major addressees of TV series featuring courtroom discourse--and to contribute to the dramatic effect of the TV series, as shown by Text Sample 3-2.

Text sample 3-2: TV closing argument (TC_CL_TP_03)

(swearing words are bolded and underlined)

It's okay to punch people in the head so long as we call it initiation. Some gangs require that you go out and cap somebody before you get into the club. I don't know about you, but I've had enough. For all his remorse, Ladies and Gentlemen, there sits a gang member three times convicted on drug offenses, twice on prior assaults, and this is the man who lured the victim into drugs, into gang life, and this is the man who killed the victim with his fists. What are we supposed to do here? Have a group cry for these poor kids, disenfranchised by society? Gangs are the only community they know, their fathers leave, their mothers work, society just isn't there for them, so it's okay to punch, to initiate, to fire a random shot on a drive-by, these are poor unfortunate victims. I don't buy it. You want to work on community outreach programs, great, where can I sign up to help? But first . . . first, ladies and gentlemen, we must attack gang violence head on. If you kill, you go to jail, **damn it**. Don't tell me you had a lousy home life, don't tell me your dad was a drunk. If you sell drugs, if you recruit people into gangs, if you kill, you go to jail, **damn it**. You go to jail.

As shown by text sample 3-2, swearing language was used, which is not uncommon in TV courtroom discourse to make the show look more dramatic and attractive to its audience.

Since all three TV series feature courtroom discourse, it is also expected that the frequent use of legal terms and stance features will be present. In addition, a particular discourse feature pertaining to TV series courtroom discourse is time limit. One episode usually takes no longer than one hour (including time for commercials), resulting in significantly shorter opening statements, direct and cross-examinations, and closing arguments, compared with actual criminal trials where there is no time limit. TV series courtroom language is scripted, meaning it is written to be spoken. Although TV courtroom language is written and edited to imitate actual courtroom language, it is intended to be more dramatic and to have little overlapping speech.

3.3.4. Situational characteristics of the four sub-registers

This section will describe the situational characteristics of the four sub-registers that occur within courtroom language – opening statement, direct examination, cross-examination, and closing argument (see Table 3.3). A description of the situational characteristics can help compare and contrast the four sub-registers of the trials, and predict the linguistic features used in different sub-registers, with the underlying assumption that core linguistic features are functional and as a result, particular features are commonly used in association with the communicative purposes and situational context of texts.

Table 3.3. Situational characteristics of the four sub-registers

Parameters	Opening	Direct	Cross	Closing
Participants				
Addressors	Prosecutor, defense attorney	Prosecutor, Defense attorney, witnesses	Prosecutor, Defense attorney, witnesses	Prosecutor, defense attorney
Addressees	Jurors, judge	Witnesses, jurors, judge	Witnesses, jurors, judge	Jurors, judge
Relations among participants				
Interactiveness	Monologic	Highly interactive	Highly interactive	Monologic
Social roles	Judge is the most powerful person; jurors are also powerful, though not as much as the judge is;	Prosecutors and defenders are more powerful than witnesses; expert witnesses are more powerful than layperson witnesses	Prosecutors and defenders are more powerful than witnesses; expert witnesses are more powerful than layperson witnesses	Judge is the most powerful person; jurors are also powerful, though not as much as the judge is;
Channel				
Mode	Spoken	Spoken	Spoken	Spoken
Specific Medium	Permanent: taped and transcribed	Permanent: taped and transcribed	Permanent: taped and transcribed	Permanent: taped and transcribed
Production circumstances	Real time, carefully drafted and planned	Real time, carefully planned but need to be flexible. Questions designed to build up witnesses' credibility	Real time, carefully planned but need to be flexible. Questions designed to discredit witnesses	Real time, carefully drafted and planned often early in the trial planning process
Setting				
Shared time and place	Yes	Yes	Yes	Yes
Place of communication	Public, held in open court in the presence of	Public, held in open court in the presence of	Public, held in open court in the presence of	Public, held in open court in the presence of

	jury and the judge	jury and the judge	jury and the judge	jury and the judge
Time of communication	Contemporary	Contemporary	Contemporary	Contemporary
Communicative purposes				
General purposes	Inform, narrate, describe, no arguments although attorneys often try to instill arguments	Elicit information in favor of their own clients from the witnesses on the same side, to persuade judge and jurors to believe in the story of their side	Elicit information that discredit the clients of the opposing side, to make the jurors doubt the story and evidence provided by the other side	Persuade the jurors to make the final verdict that favor their own client by making large amount of arguments
Specific purposes	<ul style="list-style-type: none"> -Present a clear picture of the case -Arouse jurors' interest in your case and general theory so that they want to hear your evidence -Build rapport with the jurors, speaking to them as intelligent people and communicating your sincere belief in your case -For the defense, OP represents the opportunity to alert jurors that there will be two sides to the case so they do 	Present to the jury evidence that supports each attorney's theory of a case. During DE, the attorney questions a witness to get information before the jury that the attorney expects will persuade the jury that the facts related by the witness are true, and that the jury should accept and believe them	Make the attorney's own side's case look better and to make the opponent's case look worse. Attorneys of both sides ask questions designed to impeach or undermine the witness's credibility or testimony so that the jury will no longer believe in or rely on that testimony	Concluding statement of each party's counsel reiterating the important arguments for the jurors and judge. CL occurs after the presentation of evidence. Attorneys of both sides use argument to create within jurors a perception of what they have seen and heard that influences them to find in favor of the attorney's client

	not make up their minds too soon			
Factuality	Factual, no opinion allowed in theory	Factual, opinion	Factual, opinion	Strong opinion based on evidence provided during DE and CE
Expression of stance	No overt stance expression, though attorneys often instill arguments during OP	Yes	Yes	Large amount of stance expression is expected
Topic				
General topic	Legal issues	Legal issues	Legal issues	Legal issues
Specific topic	Facts related to the matter that triggers the trial	Evidence related to the trial	Evidence related to the trial	Sum up the facts of the matters that trigger the trial, and argue in favor of their own client

3.3.4.1. Situational characteristics of the opening statement

The communicative priorities of the opening statement is to set the basic scene for the jurors, to introduce them to the core disputes in the case, and to provide a general road map of how the trial is expected to unfold. Other communicative purposes include arousing the interest of jurors in the case and the general theory so that they want to hear the evidence, and building rapport with the jurors by speaking to them as intelligent people and communicating a sincere belief in the case. Though such statements may be dramatic and vivid, they must be confined to facts that will be proved by the evidence, as shown by text sample 3-3.

Text sample 3-3: Authentic opening statement (AC_OP_OJ_02)

With respect to the timing, ***the evidence will show*** that on the night of June the 12th, 1994, the defendant had an hour and 10 minutes of time in which his whereabouts are unaccounted for. And ***we will show*** that it was during that hour and 10 minutes that the murders were committed. And so ***the evidence will prove*** that Kato last saw the defendant on the night of June the 12th at 9:35 at the latest, he did not see the

defendant again until 10 -- excuse me -- after 11:00 o'clock. In between those two times, at 10:15, a dog is heard barking that **the evidence will show** was Nicole's dog, which fixes the time at which the murder occurred.

In example 3-3, the prosecutor, Clark, repeatedly used “the evidence will show”, and “the evidence will prove”, which are typically seen in an opening statement to set the basic scene for the jurors, and introduce them to the core disputes in the case. The basic rule for the opening statement is that argumentative statements are prohibited (Witkins, 2012). An opening statement gives counsel the opportunity to explain the case to the jury and to outline the proof. “It is not an occasion for argument” (United States v. Dinitz, 1976). However, where exactly to draw the line between argument and explaining the “force and effect” of the evidence is sometimes difficult to determine. The attorneys are permitted to connect the dots for the jurors. Comments that stray away from the facts suggest argument. For example, when counsel begins to appeal to the jury’s passion or emotion, or to talk about the societal importance of the case, an objection of “argumentative” would likely be sustained. Further, counsel’s explanation of what certain legal terms mean is also generally considered argumentative. Opening statements are designed to be more matter-of-fact than closing arguments, but frequently, attorneys attempt to weave in a little argument, particularly towards the end, often without objection (Curry, 2014). As appeared in Text Sample 3-3, “the evidence will show” is a variation of argumentation, often used by attorneys to instill argument during the opening statement. This language use suggests that if, in this study, the opening statement appears to be more argumentative than it is supposed to be, it might be due to the use of those linguistic features that are less associated with expressing argumentation.

Although the opening statement is conducted in real time, it is often carefully drafted and edited by attorneys before the trial in order to appeal to the jurors. It is held in open court, in the presence of jury members and in front of the public media (especially for the O. J. Simpson criminal trial). The addressors of the opening statement include prosecutors and defenders, and the addressees are the judge and jurors, with the jurors in theory knowing nothing about the case before the trial and being strictly instructed by the judge to put preconceived notions aside.

The opening statement is monologic and minimally interactive. Objections, though permissible, are very unusual, and by professional courtesy are usually reserved only for egregious conduct (However, the O. J. Simpson criminal trial is an exception - there were many objections involved in the opening statements because the attorneys on both sides claimed there was argumentation in the opening statement delivered by the attorney on the opposing side). Since the general purpose of the opening statement is to inform and attorneys always include some argumentation, it is expected that stance features, especially those lexical items that have not been previously associated with stance, will be used during opening statement to help instill argumentations. For example, attorneys deliberately choose words with negative connotation to describe situations in an effort to paint witnesses in a less favorable light.

3.3.4.2. Situational characteristics of direct examination

Direct examination is the presentation of evidence when the attorney for the prosecutor begins calling witnesses. In the direct examination, an attorney questions a witness to get the witness's account ("testimony") of what happened during the event that triggered the trial. The primary purpose of the direct examination is to elicit information in favor of the attorney's own client from the witnesses on the same side, and by doing so to persuade the jurors to believe their side of the story. To be more specific, the attorney questions the witness to get information before the jurors that the attorney expects will persuade the jurors to accept and believe in the facts related by the witness. Evidence can be presented during the direct examination in a form that is legally sufficient to meet the burden of proof, understood and remembered, convincing, able to withstand cross-examination, and anticipatory and contradictory of evidence that the opposition will present. The questions the attorneys ask should subtly convey their argument. Attorneys usually use the arguments that they want to make at the end of the case to guide them in planning and preparing the questions they will ask in the direct examination. Text sample 3-4 is an excerpt from direct examination of the O. J. Simpson criminal trial:

Text sample 3-4: Authentic direct examination (AC_DE_OJ_14)
(open-ended questions are highlighted)

Q. **Who did you see?**

A. I saw Mr. Simpson and a female that was leaning on the hood of a car.

Q. **And what kind of car was that?**

A. A Mercedes Benz.

Q. **And can you describe the female that you saw leaning against the hood of the car?**

A. She had her hands to her face, so I couldn't tell much of what she looked like in the face. She looked like she had light hair and it was hard to judge the height, but I would characterize as average height and average weight.

Q. **What was she doing?**

A. She had her hands to her face and she was sobbing.

Q. **And where was the defendant at that time?**

A. He was walking on the driveway.

Q. **Which driveway was that?**

A. His driveway at Rockingham, the driveway on Rockingham right in front of the Mercedes.

Q. Okay. Did you notice anything unusual about the Mercedes?

A. The windshield was shattered.

Q. Did you look to see what had been the cause of that windshield getting shattered?

A. I saw a baseball bat that was leaning up against the wall close to the front door of the residence.

In text sample 3-4, Prosecutor Clark is direct examining Detective Fuhrman by asking a series of open-ended questions that relate to an accident that happened in the 80s. Clark's aim in asking these questions is to make the defendant O. J. Simpson look suspicious by letting the jurors and the judge know that he has a domestic violence history, with the purpose of persuading the jurors and the judge that O. J. Simpson at least had intent to kill his ex-wife.

During the direct examination, the addressors are prosecutors and defenders and the addressees are the judge and the jurors. The questions are directly posed to the witnesses alone, making the witnesses both addressors (when providing information before the judge and the jurors) and addressees (when answering attorney's questions). The direct examination is highly interactive between the prosecutors and the witnesses for the prosecution, as well as the defenders and the witnesses for the defense. Before the trial, the prosecutors and the witnesses for the prosecution usually meet to talk about the case, with the witnesses usually agreeing to testify in favor of the prosecutor's side during the trial. The same happens with the defenders and the witnesses for the defense, who meet and discuss the case before the trial, with the purpose that the witnesses are willing to testify during the trial and provide information that can put the defendant's case in the most favorable light.

Direct examinations of the three cases were all held in open court, in the presence of jury members and the public media. Although what is being said during direct examination is often carefully planned, it occurs in real time and attorneys need to be flexible. They tend to ask open-ended questions to build up credibility of the witnesses on their side, and thus to persuade the jury to accept the evidence they provide during the testimony. Since large amounts of evidence, evaluations, and arguments are involved in direct examination, it is likely that the frequent use of stance expressions, such as epistemic and attitudinal stance adverbs, will be present.

3.3.4.3. Situational characteristics of cross-examination

After a witness has been questioned during the direct examination, the attorney for the opposing side has a chance to question the witness in what is called “cross-examination”. Its communicative priority is to make the opposite party’s case look worse by casting doubt on the credibility of the witnesses. In order to achieve this purpose, attorneys on both sides ask questions designed to impeach or undermine the opponent’s witness’s credibility or testimony so that the jury will no longer rely on that testimony (e.g., prosecutors ask questions that could discredit witnesses for the defense). When the attorneys on both sides of a matter are allowed to vigorously represent their client’s interests, the facts are very likely to come out and the jury will be able to determine the truth of the situation.

The cross-examination is generally limited to questioning only on matters that were raised during direct examination. Leading questions may be asked during cross-examination, since the purpose is to test the credibility of statements made during direct examination. Another reason for allowing leading and close-ended questions is that the witness is being questioned by the attorney who did not originally call him or her, so it is likely that the witness will resist any suggestion that is not true. An example from the cross-examination of Detective Fuhrman from the O. J. Simpson criminal trial is shown below (see Text Sample 3-5).

Text sample 3-5: Authentic cross-examination (AC_CE_OJ_12)
(close-ended and leading questions are highlighted)

Q. When you encountered Mr. Simpson and the woman you now know to be Nicole Brown Simpson in 1985, my understanding is that because you prefer basketball over football, but still like football, you knew who he was as you walked up?

A. As I got close, I saw who he was, yes.

Q. **Had you ever seen her before?**

A. No.

Q. **Did you ever see her again up to the time of her death?**

A. No, sir.

Q. When you were at the scene, **did you have any power to pat down anybody there? Would that have been appropriate police conduct?**

A. Which scene is this, sir?

Q. '85, the Mercedes.

A. Oh, I believe I could have, yes.

Q. Well, **Mr. Simpson didn't have anything on him or in his hands resembling a weapon, did he?**

A. No.

Q. No. What would be the basis that you would walk on a person's land and pat them down? **Do you have a legal right to do that?**

A. At some point you do.

Q. **And did you have any legal right to arrest him?**

A. Oh, no, I didn't.

Q. So when Miss Clark asked you on direct examination could you have arrested him, your answer was what?

A. I don't believe I said I could have arrested him, no....

In Example 3-5, the defense attorney Bailey is cross-examining Detective Furhman by mainly asking close-ended and leading questions. The attorney asks a series of questions on Detective Fuhrman's right to "pat down" or arrest Mr. Simpson on his property and emphasizes the fact that he did not have any weapon at the time Detective Fuhrman arrived at the '85 scene. The attorney's purpose is to show the judge and the jurors the possible bias and discrimination Detective Fuhrman had had against O. J. Simpson long before the murder happened, and thus to cast doubt on this witness's credibility.

During the cross-examination, addressors are prosecutors and defenders and the addressees are the judge and the jurors. The questions are directly posed to the witnesses alone, making the witnesses both addressors (when providing information before the judge and the jurors) and addressees (when answering attorney's questions). Cross-examination is highly interactive between the prosecutors and the witnesses for the defense, as well as the defenders and the witnesses for the prosecution. Unlike direct examinations, when attorneys discuss the case with the witnesses on their side before trial, for cross-examinations, attorneys

usually do not meet with the witnesses on the opposite side, but are only provided with a list of the witnesses that will testify for the other side.

The cross-examinations of the three cases were all held in open court, in the presence of jury members and the public media. Although what is being asked during cross-examination is often carefully planned and based on direct examination, it occurs in real time and attorneys need to be flexible. Like direct examination, since large amounts of evidence, evaluations, and arguments are involved in cross-examination, it is likely that the frequent use of stance expressions, such as epistemic and attitudinal stance adverbs, will be present.

3.3.4.4. Situational characteristics of the closing argument

The closing argument is the concluding statement of each party's counsel reiterating the important arguments for the jury in a court case, which occurs after the presentation of evidence. Its communicative priority is to create within the jurors a perception of what they have seen and heard that influences them to find in favor of the attorney's own client. The prosecuting attorney usually goes first. The prosecutor sums up and comments on the evidence in the most favorable light for his/her side, showing how it proved what he/she had to prove to prevail in the case. After that side has made its case, the defense then presents its closing arguments. The defense attorney usually answers statements made in the prosecutor's argument, points out defects in their case and sums up the facts favorable to his/her client. Because the prosecutor has the burden of proof, the prosecuting attorney is then entitled to make a concluding argument, sometimes called a rebuttal, which is a chance to respond to the defendant's points and make one final appeal to the jury. Text sample 3-6 is an excerpt from the closing argument in the O. J. Simpson criminal trial.

Text sample 3-6: Authentic closing argument (AC_CL_OJ_02)

As I started to say before, perhaps the single most defining moment in this trial is the day they thought they would conduct this experiment on these gloves. They had this big build-up with Mr. Rubin who had been out of the business for five, six, seven, eight years, he had been in marketing even when he was there, but they were going to try to demonstrate to you that these were the killer's gloves and these gloves would fit Mr. Simpson. You don't need any photographs to understand this. I suppose that vision is indelibly imprinted in each and every one of your minds of how Mr. Simpson walked over here and stood before you and you saw four simple words, "The gloves didn't fit."

And all their strategy started changing after that. Rubin was called back here more than all their witnesses, four times altogether. Rubin testified more than the investigating officers in this case, because their case from that day forward was slipping away from them and they knew it and they could never ever recapture it. We may all live to be a hundred years old, and I hope we do, but you will always remember those gloves, when Darden asked him to try them on, didn't fit.

Text sample 3-6 is the closing argument by the defense attorney Johnnie Cochran. After the jury has seen and heard the factual evidence from the witnesses, the defense attorney begins to persuade them about its overall significance by reminding the jurors about key evidence presented and to persuade them to adopt an interpretation favorable to his position. The attorney comments on the credibility of his opponent's witness, Mr. Rubin, to reach the conclusion that the gloves do not fit and therefore to advocate for why jurors should decide the case in his favor and find that O. J. Simpson is not guilty.

The closing argument is monologic and minimally interactive. During the closing argument, addressors are prosecutors and defenders and the addressees are the jury members and the judge. After the closing argument, the judge and jurors collaboratively make the final verdict. The closing argument is carefully planned and drafted early in the trial planning process. Attorneys usually integrate the closing with the overall case strategy through either a theme and theory, or with more advanced strategies, a line of effort. However, it is also flexible because it occurs in real time and the defender and the prosecutor always need to prepare for a rebuttal. The closing arguments of the three cases were all held in open court, in the presence of jury members and the public media. Since the primary purpose of the closing argument is to argue, it is expected that stance expressions will be used rather frequently.

Chapter 3 discusses in a thorough manner the situational characteristics of courtroom language and the four sub-registers of courtroom language. It also describes the corpora compiled for this study, as well as the data coding and organization procedure. Chapter 4 will apply the Biber (1988) Multi-Dimensional model to the corpora and discuss the results of the MD analysis of courtroom language.

CHAPTER 4: MULTI-DIMENSIONAL ANALYSIS OF AUTHENTIC AND TV COURTROOM LANGUAGE

This chapter will briefly introduce Biber's (1988) Multi-Dimensional Analysis model, followed by an application of the 1988 MDA model to identify overall patterns of variation of courtroom language. The MDA is also a first step to more detailed linguistic analyses for this dissertation. The quantitative results will be discussed and the functional interpretations will be provided in this chapter.

4.1. Multi-Dimensional Analysis: a brief introduction

Multi-Dimensional Analysis (MDA) is a quantitative corpus-based technique designed to find and interpret the co-occurrence of linguistic features in a corpus. "On the assumption that co-occurrence reflects shared functions, analysts interpret the co-occurrence patterns to assess the situational, social, and cognitive functions most widely shared by the linguistic features" (Biber, Conrad, Reppen, Byrd, & Helt, 2002: 14).

Multi-Dimensional Analysis has been used in many studies including: register variation in speech and writing (Biber, 1998, 2006; Reppen, 2001); cross-linguistic comparisons (Biber, 1995); historical evolution of registers (Biber & Finegan, 2011; Atkinson, 2001); disciplinary writing (Conrad, 2001; Gray, 2015); TV series (Quaglio, 2009); and movie and face-to-face conversation (Forchini, 2012a). MDA is used to predict the extent to which linguistic features vary when they co-occur in texts or are in complementary distribution. For example, if first-person pronouns occur frequently in a text file, it is likely that contractions are also frequent in that text, and that there is an absence of nominalizations and prepositional phrases. The current study uses Biber's 1988 MDA that identified the five dimensions described below.

Dimension 1 (D1) represents interactive production vs. informational production. Two main parameters are fundamental: the communicative priority of the writer/speaker (e.g., interactive vs. informational), and the production circumstances of the language (e.g., careful production vs. real time production), which can be characterized by either generalized lexical choices and fragmented presentation of information or careful editing, precise lexical choices and an integrated textual structure. Typical linguistic features of interaction include first- and

second-person pronouns (e.g., you, I), contractions, and that-deletion; while informational production is characterized by nouns, nominalizations, prepositional phrases, and attributive adjectives.

Dimension 2 (D2) represents narrative vs. non-narrative features, which “can be considered as distinguishing narrative discourse from other types of discourse” (Biber, 1988: 109). Narrative discourse is marked by linguistic features such as past tense, perfect aspect verbs, third-person pronouns, and reported speech, whereas non-narrative discourse is marked by present tense and attributive adjectives.

Dimension 3 (D3) represents explicit vs. situation-dependent reference, and distinguishes “between highly explicit, context-independent reference and non-specific, situation-dependent reference” (Biber, 1988: 110). Linguistic features such as WH-relative clauses mark the referents explicitly, while time and place adverbials are dependent on referential inferences.

Dimension 4 (D4) represents the overt expression of persuasion. Linguistic features such as modals of prediction, necessity, and possibility, and suasive verbs are markers of persuasion.

Finally, Dimension 5 (D5) is not included in the present study due to its limited contribution.

These dimensions define “continuums of variation rather than discrete poles” (Biber, 1988: 9), which means that Multi-Dimensional analysis describes texts that are more or less informational, interactive, etc., rather than either informational or interactive, narrative or non-narrative, etc. The next section will present the results of the MD analysis of authentic and TV courtroom language, and the sub-registers that occur within the two general registers.

4.2. Comparison of the general registers of authentic vs. TV courtroom language

First, dimension scores of authentic vs. TV courtroom language are compared without the sub-registers being taken into account. Along Dimension 1 (involved vs. informational production features), TV courtroom language has a Dimension 1 (D1) score of 18.22, while authentic courtroom language has a D1 score of 16.74 (see figure 4.1). This result indicates that 1) authentic and TV courtroom language are quite similar in terms of whether they are

interactive or informational types of discourse, and 2) TV courtroom language is slightly more interactive than authentic courtroom language.

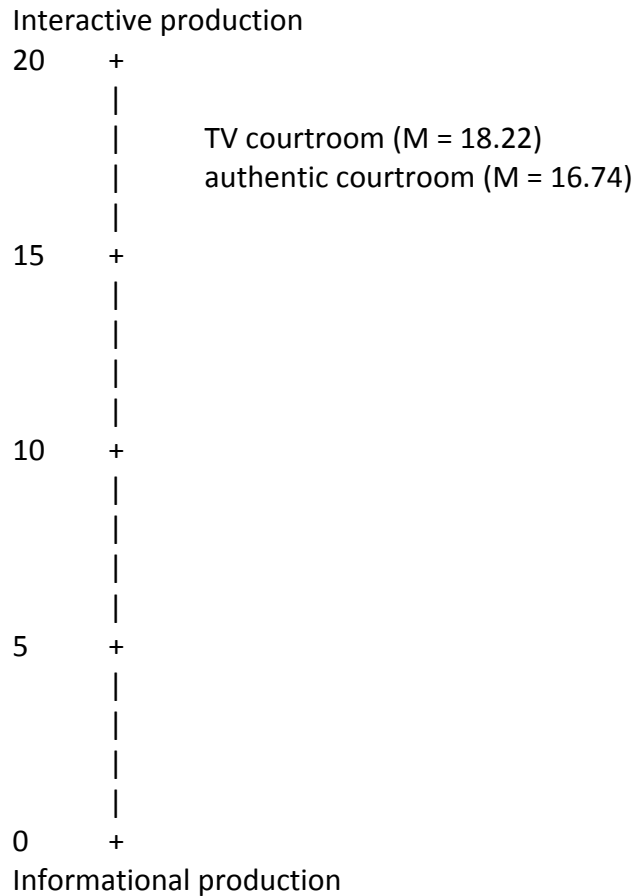


Figure 4.1. Mean score on Dimension 1, involved vs. informational production, for authentic and TV courtroom language

Along Dimension 2 (narrative vs. non-narrative features), authentic courtroom language (D2 score = -0.86) is less narrative than TV courtroom language (D2 score = 1.62) (see figure 4.2).

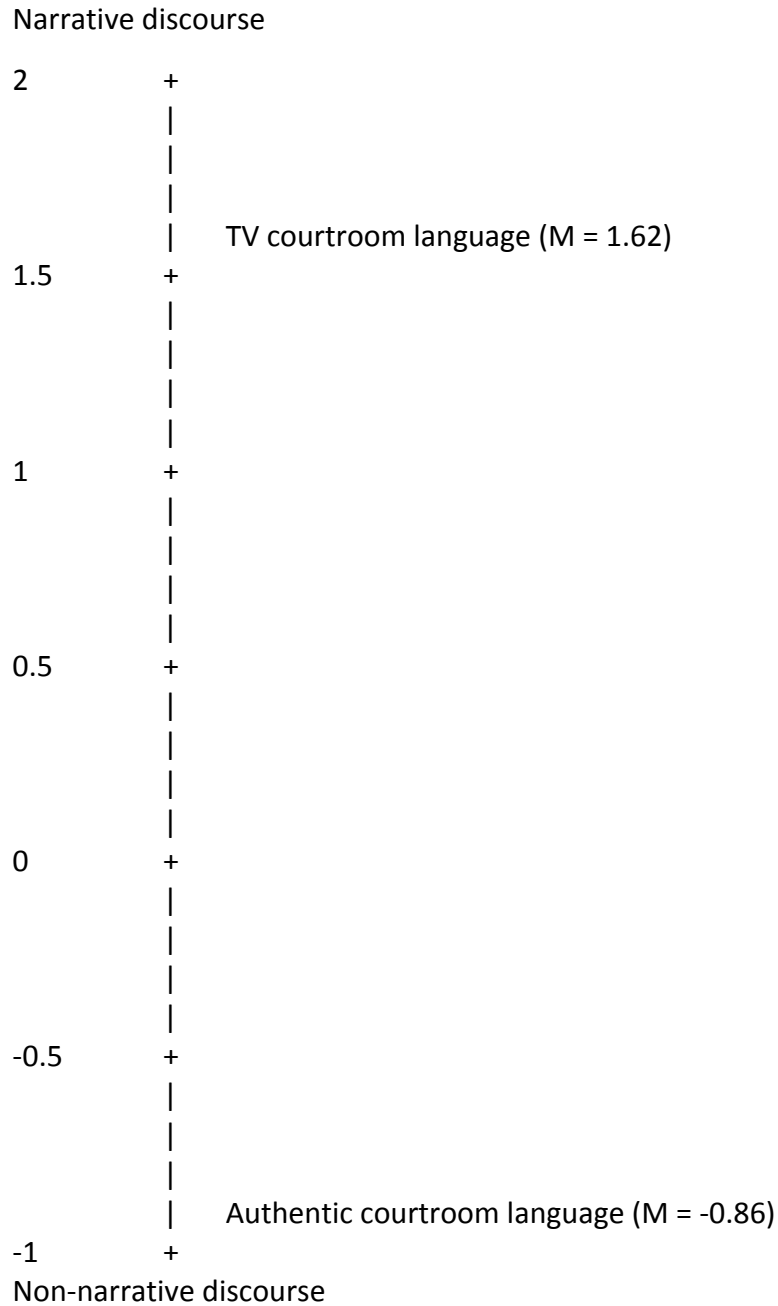
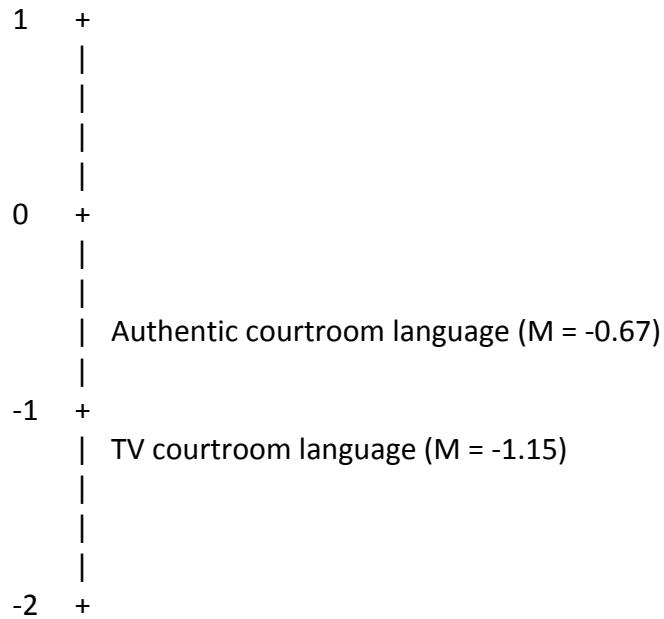


Figure 4.2. Mean score on Dimension 2, narrative vs. non-narrative discourse, for authentic and TV courtroom language

As for Dimension 3 (elaborated vs. situation-dependent reference), TV courtroom language (D3 score = -1.15) is more situation-dependent than authentic courtroom language (D3 score = -0.67), although both are towards the situation-dependent end (see figure 4.3).

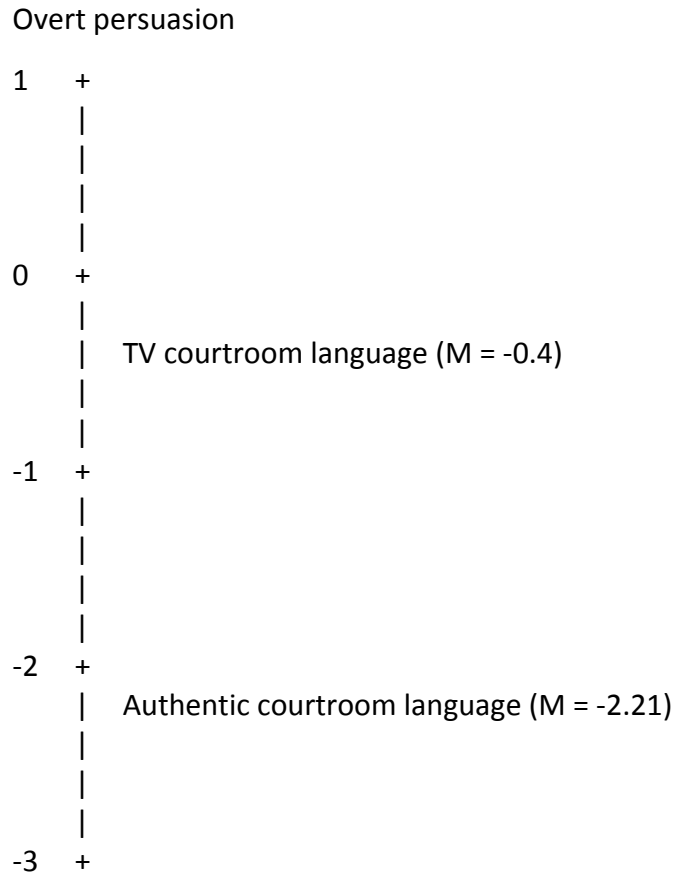
Elaborated



Situation-dependent

Figure 4.3. Mean score on Dimension 3, explicit vs. situation-dependent reference, for authentic and TV courtroom language

Finally, along Dimension 4 (overt persuasion), authentic courtroom language (D4 score = -2.21) is less overt-persuasive than TV courtroom language (D4 score = -0.4), and both are towards the non-overt persuasive end of Dimension 4 (see figure 4.4).



Non-overt persuasion

Figure 4.4. Mean score on Dimension 4, overt expression of argumentation, for authentic and TV courtroom language

Given that sub-registers are not considered at this stage of analysis, it is too early to interpret why authentic courtroom language is less narrative, less interactive, more elaborated, and less overtly persuasive than TV courtroom language and make such conclusions. Section 4.3 and 4.4 will provide a detailed interpretation at a sub-register level on the four dimensions of authentic and TV courtroom language. The sub-registers within authentic courtroom language will be described, followed by comparisons at a sub-register level across authentic and TV courtroom language.

4.3. Comparisons among the sub-registers of authentic courtroom language

The Dimension scores of the general registers of authentic and TV courtroom language have been compared in Section 4.2. The preliminary conclusions are that 1) authentic and TV courtroom language are similar in that both are rather interactive types of discourse along Dimension 1; 2) authentic courtroom language is less narrative than TV courtroom language along Dimension 2; 3) authentic courtroom language is more elaborated than TV courtroom language; and 4) authentic courtroom language is less overtly persuasive than TV courtroom language. In Section 4.2 sub-registers have not been taken into account. However, there is important variation among the sub-registers because sub-registers are better defined situationally in terms of communicative purposes. Therefore, Section 4.3 will compare the sub-registers within authentic courtroom language to explore whether there are any differences at a sub-register level.

4.3.1. Dimension 1 – involved vs. informational production features

Before discussing the results, it is important to understand that opening and closing statements are monologic while direct and cross are interactive. The overall pattern (see Figure 4.5) along Dimension 1 shows that authentic opening and closing statements are much less interactive than authentic direct examination and cross-examination, with authentic direct (D1 score = 20.06) being the most interactive sub-register, and authentic opening (D1 score = 5.41) being the most informative sub-register.

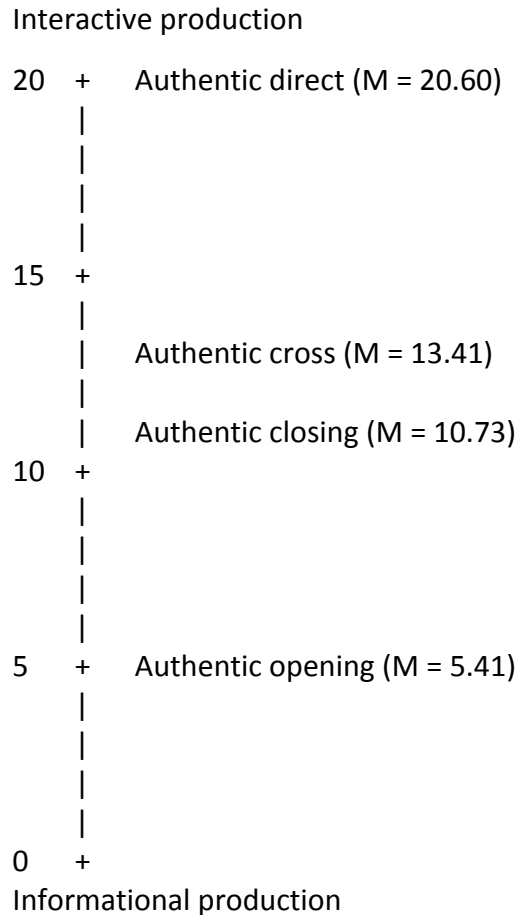


Figure 4.5. Dimension 1 score of the four sub-registers of authentic courtroom language

This result is not surprising considering the primary communicative purposes of the four sub-registers. The opening statement functions to outline the facts to be proved. Its principal purpose is to acquaint the jury with the nature and theory of the case. An opening statement is informative and convincing and is delivered in a clinical, detailed, and explanatory manner. As such, the opening statement is expected to be informational and structurally compressed, resulting in a low D1 score. The linguistic features expected to be frequent in the opening statement include attributive adjectives, nouns, and prepositional phrases, as these linguistic features help to package information in a condensed manner.

Text Sample 4-1a is an excerpt from an authentic direct examination, and Text Sample 4-2a is an excerpt from an authentic opening statement. The primary interactive features such as first- and second-person pronouns and contractions have been highlighted. The comparison

between these two text samples shows frequent use of interactive features, such as first- and second-person pronouns in direct examinations, and very little use of interactive features (in Text Sample 4-2a there is no use of interactive production features at all) in the opening statement.

Text Sample 4-1a: Authentic direct examination (from AC_DE_OJ_23)

Mr. Darden: Okay. And did YOU hear anything else?

Ms. Gilbert: Yes, I did.

Mr. Darden: What did YOU hear?

Ms. Gilbert: I heard someone being hit.

Mr. Darden: YOU heard a noise that YOU associated with someone being hit?

Ms. Gilbert: Yes.

Mr. Darden: And what did YOU do with that information?

Ms. Gilbert: That is when I went back and updated it to -- in the fact that I heard a female screaming and then I heard what I thought was a slap. I went back and updated it as a female being beaten at the location.

Text Sample 4-2a: Authentic opening statement (from AC_OP_OB_01)

The Turner Diaries will be in evidence, and the proof will show that the expressly stated purpose for the fictional bombing to destroy the FBI headquarters and the subbasement was that it had a bank of computers which were to be used for implementing what the author described as an Orwellian Big Brother style of an internal passport system which would enable the FBI to keep a record of whereabouts of the citizens at all times, a fictional account clearly distinguishable from the Government's proof.

However, using the same two text samples and this time only highlighting the informational production features such as prepositions, nouns, and attributive adjectives, the patterns shown by the two samples are opposite from those shown when the interactive features are highlighted. The direct examination excerpt uses far fewer informational production features than the opening statement excerpt, as shown below (prepositions, nouns, and attributive adjectives are highlighted in Text Sample 4-1b and Text Sample 4-2b):

Text Sample 4-1b: Authentic direct examination (from AC_DE_OJ_23)

Mr. Darden: Okay. And did you hear anything else?

Ms. Gilbert: Yes, I did.

Mr. Darden: What did you hear?

Ms. Gilbert: I heard someone being hit.

Mr. Darden: You heard a noise that you associated WITH someone being hit?

Ms. Gilbert: Yes.

Mr. Darden: And what did you do WITH that information?

Ms. Gilbert: That is when I went BACK and updated it to -- IN the fact that I heard a female screaming and then I heard what I thought was a slap. I went BACK and updated it AS a female being beaten AT the location.

Text Sample 4-2b: Authentic opening statement (from AC_OP_OB_01)

The Turner Diaries will be IN evidence, and the proof will show that the expressly STATED purpose FOR the FICTIONAL bombing to destroy the FBI headquarters and the subbasement was that it had a bank OF computers which were to be used FOR implementing what the author described AS an Orwellian Big Brother style OF an INTERNAL passport system which would enable the FBI to keep a record OF whereabouts OF the citizens AT all times, a FICTIONAL account clearly distinguishable FROM the Government's proof.

It is obvious that the opening statement (Text Sample 4-2b) uses many more informational production features, such as prepositions and nouns, than the direct examination (Text Sample 4-1b). These informational features help the opening statement pack information in a condensed way, and facilitate a thorough yet concise manner to convey the information.

Like the opening statement, the closing argument is also a monologue delivered by an attorney. The Dimension 1 score for the closing argument, however, shows that it is more interactive than the other monologic sub-register – the opening statement. Text Sample 4-3 is an excerpt of a closing argument, and Text Sample 4-4 is an excerpt of an opening statement. The interactive features such as first- and second-person pronouns and contractions are highlighted in the two text samples (in this case, Text Sample 4-4 does not use any first- or second-person pronouns or contractions).

Text Sample 4-3: Authentic closing argument (AC_CL_BB_05)

That's what the defendant did to Martin Richard. Dr. King told you that Martin did not die right away and that the shattering of his arm and the twisting of his internal organs were excruciatingly painful. Dr. Jennifer Hammers told you the same thing about

Krystle's broken leg. You know that Krystle lived to experience that excruciating pain because you can see her here screaming on the sidewalk before she dies.

Text Sample 4-4: Authentic opening statement (AC_OP_OB_01)

The Government's argument and proof is that The Turner Diaries was a blueprint for the Oklahoma City bombing in two ways. It was first an intellectual blueprint in the sense that Mr. McVeigh read it and believed in it and passed it on to his friends, because the bombing of the building in The Turner Diaries, which is analogous to the bombing of the building in Oklahoma City under the Government's proof, was done to wake up America.

In the closing argument excerpt (Text Sample 4-3), second-person pronouns are used several times to refer to the jurors, but are not used at all in the opening statement excerpt (Text Sample 4-4). The use of *you* urges the jurors to make a decision that favors the attorney's side. In the closing argument, *you* is always used together with sense verbs, such as *told you*, *you know*, *you can see*, as can be seen from Text Sample 4-3. It is supposed to make the jurors feel that they have seen and heard enough evidence and it is time for them to deliver a verdict that are based on the evidence that have been shown to them.

Although second-person pronouns are also used in the opening statement when the attorney explains what has to be proved and the evidence that will support his/her verdict (for example, "There is a videotape of Tim McVeigh which *you will see* in evidence in a flannel shirt sitting on top of his car"), it is not used as often as it is in the closing argument because the sentences in which the second-person pronoun is used in the opening statement are always replaced by phrases such as "The evidence will show that...". It is the function of the closing argument of relating to the jurors that makes the authentic closing use more second-person pronouns than the authentic opening.

In addition to second-person pronouns, there are other interactive features that are used more often in the authentic closing than in the authentic opening, such as WH-questions and contractions. Informational features such as prepositional phrases, nouns, and attributive adjectives are used less often in the closing than in the opening. As for why these individual features are used differently within different sub-registers, Chapter 5 will provide a detailed and thorough interpretation.

Finally, the D1 score for the cross-examination shows that it is less interactive compared with the other interactive sub-register – direct examination. Text Sample 4-5 is an excerpt of a direct examination, with first- and second-person pronouns and contractions highlighted:

Text Sample 4-5: Authentic direct examination (AC_DE_BB_21)

Q. Will **YOU** tell the jury what town **YOU** reside in?

A. **I** live in Charlestown, Massachusetts.

Q. And can **YOU** tell **US** how **YOU're** employed?

A. **I'm** a general practitioner, and **I** work over in Somerville.

Q. Tell **US** a little bit about **YOUR** educational background?

A. Sure. **I** went to college up in Maine, up in Lewiston, and then **I** went to medical school at the University of Massachusetts, and did **MY** residency at Tufts Family Medicine Residency.

There is a dense use of first- and second-person pronouns in the authentic direct examination (Text Sample 4-5). All the second-person pronouns in this excerpt refer to the witness himself and are used to ask him to introduce his background. On the other hand, the witness uses many first-person pronouns to answer the open-ended questions to briefly describe his living and employment background information. In the cross-examination however, the witness's background introduction is absent (because it was already introduced during the direct examination) and open-ended questions are rarely used, and therefore there is a lack use of first-person pronouns in authentic the cross-examination, as shown in Text Sample 4-6.

Text Sample 4-6: Authentic cross-examination (AC_CE_BB_13)

Q. And the driveway is right next to 144 Dexter?

A. Yes.

Q. When **YOU** heard "officer down," the gun battle had stopped at that point; the Mercedes was gone?

A. Yes, sir.

Q. Officer Reynolds, when **YOU** stopped the vehicles on Laurel, Tamerlan got out of the Mercedes, correct?

A. Yes.

Q. And Tamerlan had the gun when he got out of the Mercedes, right?

A. Yes.

In Text Sample 4-6, there are a few uses of second-person pronouns by the attorney to ask the witness questions, but there is not a single use of first-person pronouns because during the cross-examination witnesses are usually not permitted to provide a lengthy answer by using *I* or *we*, but to answer with only yes or no. It is the function of direct and cross-examinations and law enforcement regarding what a witness can and cannot say that makes the use of first-person pronouns much less common in cross-examinations than in direct examinations.

In addition to first-person pronouns, WH-questions are also used much less in cross-examinations. It is the less frequent use of these interactive features that make cross-examination less interactive than direct examination. Chapter 5 will show the frequency of the selected Dimension 1 individual features used in the sub-registers and provide further interpretations of their functions and purposes within the different sub-registers.

4.3.2. Dimension2 – narrative vs. non-narrative features

After a discussion of Dimension 1 (involved vs. informational production features) in courtroom language, now we will move on to Dimension 2 (narrative vs. non-narrative features). Before discussing the quantitative and functional results of narrativeness in the sub-registers of authentic courtroom language, it is important to remember that the interpretation of Dimension 2 scores should occur when law enforcement and the major content included in the sub-registers are taken into account.

For Dimension 2 (narrative vs. non-narrative features), the authentic opening and closing are relatively more narrative than authentic direct and cross-examination (see figure 4-6). Among the four sub-registers, the authentic closing argument (D2 score = 1.67) is the most narrative sub-register and the direct examination (D2 score = -1.16) is the least narrative sub-register. The pattern can be interpreted if the content of the opening statement and the closing argument, as well as the effects of the constraints imposed by the law and legal processes on the trial participants, are taken into account.

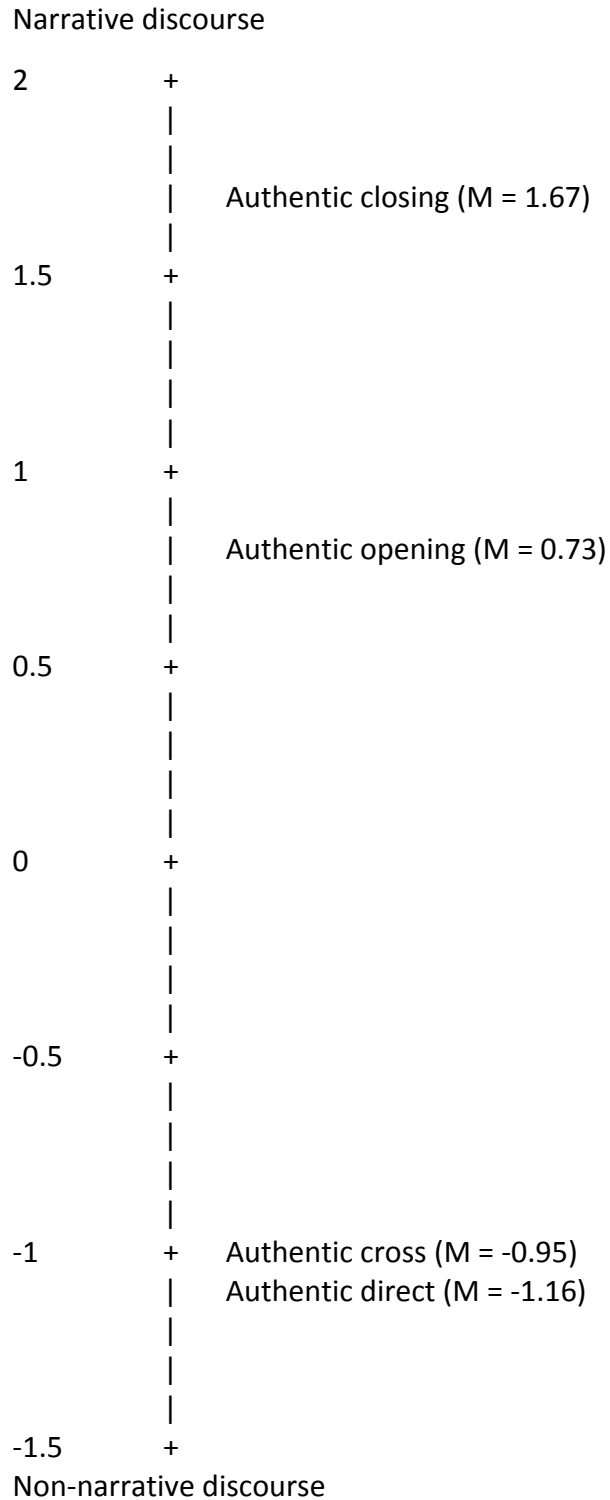


Figure 4.6. Dimension 2 scores for the four sub-registers of authentic courtroom language

The authentic opening statement always contains the following major types of content: 1) a brief description of the scene or location involved and some background information about the people involved in the trial; 2) a relating of the story of what happened in a chronological, story-like narrative fashion from beginning to end; 3) a clear definition and explanation of the contested issues, and a precise explanation of what has to be proved and the evidence that will support the verdict of the jurors; and 4) a retelling of the story that fills in details and offers an explanation of the causes of action and defenses, along with a brief summary of the proposed testimony of each witness and how the attorney plans to connect the dots.

From the major content included in the opening statement, we can expect the use of a combination of past tense (used for describing the crime in a chronological manner), present tense that consists primarily of meta-talk about the here-and-now of the trial process (for example, in a lawyer's objection sequences and judicial rulings), as well as 'future tense' that is made up of the prospective regulation of courtroom activity and the orientational opening statements and procedural requests. However, among all of the expected linguistic features, past tense is expected to be the dominating linguistic feature used during opening statement as the major communicative purpose of the opening statement is to acquaint the jury with the case, which is narrated in past tense. Text Sample 4-7 is an excerpt from the opening statement of the Oklahoma Bombing trial, where the attorney outlined the trial using past tense.

Text Sample 4-7: Authentic opening statement (AC_OP_OB_03)

HIS wife ***had*** gone inside to get ***HIM***, tell ***HIM*** that ***THEY were*** there. ***SHE walked*** back outside with ***HER*** husband and ***HE was*** standing at the side of ***HIS*** car, holding the door for ***HIS*** wife, when the force of the bomb nearly ***knocked HIM*** off ***HIS*** feet. At that moment, ***HE was*** about at least more than a city block from the front door of the Murrah Building; and ***HE heard*** a whirring sound, like the propeller of a helicopter, coming toward ***HIM***. ***HE pushed HIS*** wife quickly under the car to protect ***HER*** as more than 250 pounds of twisted metal ***came*** crashing down onto ***HIS*** car. Fortunately, ***IT landed*** on the hood of ***HIS*** car. ***IT crushed*** the car, but ***HIS*** wife and ***HIS*** nephew ***survived***.

In Text Sample 4-7 the prosecuting attorney frequently uses past tense to outline the case in a detailed manner to the jury, making this text more narrative. In this excerpt, another linguistic feature that is commonly used is third-person pronouns (capitalized and highlighted), which are always used to report past events. Linguistic features such as past tense and third-person pronouns characterize Dimension 2. It is primarily the frequent use of the past tense and third-person pronouns during the opening statement that makes it the most narrative sub-register among the four sub-registers within authentic courtroom language.

The direct examination, as discussed above, is the least narrative sub-register among the four. The direct examination is dominated by questions and answers between the attorney and witnesses. Therefore, a large chunk of narration, such as the opening statement and the closing argument, cannot be seen in the direct examination. Witness's testimonies are guided by the attorney's questions. Some questions require the use of past tense, such as those that require a description of a specific past time as shown by Text Sample 4-8, while other questions require the use of the present tense to introduce the witness's background, such as his/her job and daily routine, shown in Text Sample 4-9.

Text Sample 4-8: Authentic direct examination (AC_DE_BB_03)

Q. At some point **did** you actually just lay back and lay down on the pavement?

A. Yes. I **laid** down on the pavement and I **said** a prayer. I **said**, "God, if this is it, take me but let me know that Noah is okay." And right around that time the -- Aunt Penny who **was** with us **picked** Noah up and **placed** him down beside me, and I **knew** that he **was** going to be all right at that point.

In Text Sample 4-8, the witness is being asked to report whether she actually laid back and laid down on the pavement at some point in the past. The need to report a specific past event like this requires the frequent use of the past tense, and thus makes the testimony narrative.

Text Sample 4-9: Authentic direct examination (AC_DE_OJ_15)

Q. Where **do** you work?

A. At UMass Dartmouth.

Q. At what part?

A. I'm the director of the fitness center.

Q. What's your job at the UMass Dartmouth Fitness Center?

A. I am the director.

Q. How long have you been the director?

A. Fifteen years.

Q. What are your job responsibilities there?

A. Overall management of the facility, day-to-day operations. I supervise professional staff, work study students, aerobics instructors. And I oversee our strength and conditioning program for the Athletic Department.

In Text Sample 4-9, the present tense dominates the interaction because the questions being asked relate to the witness's background. In this example, the witness is asked about his workplace, his job title, and job duties; all are unchanged and explain a regular situation, requiring the frequent use of the present tense. Therefore, the text is less narrative.

It is worth noting that the first series of questions in the direct examination is typically directed towards permitting the witness an opportunity to introduce him- or herself to the jury, as the object is humanize the witness and provide the jurors with enough background that the jurors will feel comfortable with the witness. This purpose actually leads to more use of the present tense as it is used to express unchanging situations such as jobs, living arrangements, and daily routines. This purpose is only specific to direct examination, making it slightly less narrative than the other three sub-registers.

Another feature that could make the direct and cross-examinations less narrative than the opening and closing statements is the infrequent use of third-person pronouns. Direct and cross are interactive discourse, where first- and second-person pronouns are used much more often than third-person pronouns, as shown by Text Sample 4-10.

Text Sample 4-10: Authentic direct examination (AC_DE_BB_33)

Q. Thank you. On April 18th of 2013, that Thursday night, were you working that day?

A. I was.

Q. What was your assignment?

A. I was assigned to Central Square as a walking unit.

Q. And what was your shift that night?

A. I believe it was the three-to-eleven shift the, 3 p.m. to 11 p.m.

Q. You say you were on foot?

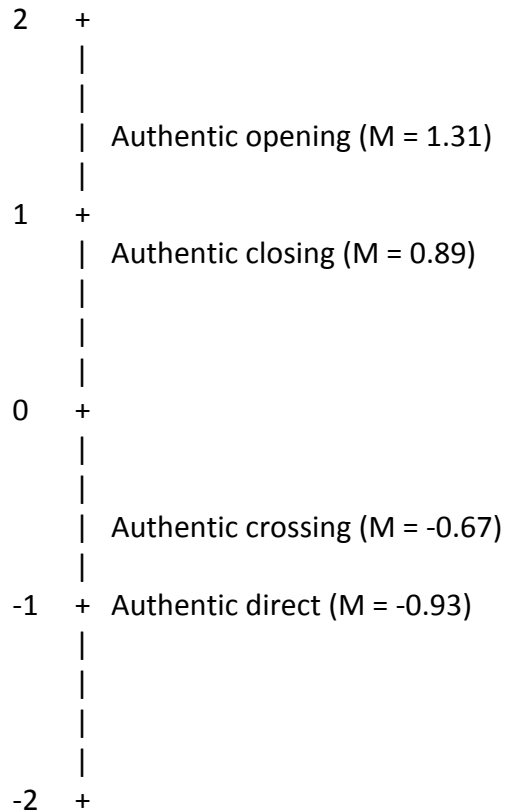
A. I was.

In Text Sample 4-10 there is not a single use of third-person pronouns as the questions being asked are all towards the witness, and therefore there is no need for the witness to report anything relating to a 'third person'. To conclude, it is primarily the infrequent use of past tense and third-person pronouns, the two linguistic features that make a discourse narrative, that make the direct examination and the cross-examination less narrative than the opening statement and the closing argument.

4.3.3. Dimension 3 – elaborated vs. situation-dependent features

Dimension 3 examines whether a text is more elaborated by using linguistic features such as WH-relative clauses, or more situation-dependent by using linguistic features such as time and place adverbials. Within authentic courtroom language, the opening statement is the most explicit and elaborated sub-register ($M = 1.31$), while the direct examination contains the most situation-dependent features ($M = -0.93$) (see figure 4.7).

Elaborated



Situation-dependent

Figure 4.7. Dimension 3 score of the four sub-registers of authentic courtroom language

Text Sample 4-11 is an excerpt of an authentic opening statement. The WH-relative clauses have been highlighted.

Text Sample 4-11: Authentic opening statement (AC_OP_OJ_09)

We also expect that the evidence will show that the reason the prosecution maintains there's only one killer is that Mr. Simpson – who they want to portray as a stalker, and stalkers don't come in pairs. It could only be one person under that scenario. That ex-husbands who are stalkers don't come in pairs and that's why they're wedded to this one murder theory.

In Text Sample 4-11, there are WH-relative clauses in object positions such as “Mr. Simpson – *who* they want to portray as a stalker,” and WH-relative clause in subject positions such as “That ex-husbands *who* are stalkers don’t come in pairs”. The frequent use of these WH-relative clauses is an indicator that this text is elaborated, because WH-relative clauses provide more details and supplementary information. For example, the sentence “We also expect that...Mr. Simpson – *who* they want to portray as a stalker, and stalkers don't come in pairs” does not only mention Mr. Simpson as the name of the defendant, but also uses “*who* they want to portray as a stalker” as a piece of supplementary information functioning to modify and characterize the defendant. Its function here is to predict and comment on the opponent’s evidence in order to tear it down before the opposing attorney has even had the opportunity to present his/her piece of evidence.

One of the most important pieces of content included in the opening statement is filling in the story with more details after telling the story one-time through in the narrative format, explaining the causes of action, defenses, and a brief summary of the proposed testimony of each witness. The jurors often appreciate if the attorney can tell the story in a more detailed and explanatory manner. Because of this unique purpose of the opening statement and the unique function of WH-relative clauses to provide more detailed information about a person, a place, a time, or a reason, it is no wonder that WH-relative clauses are much more common in the opening statement.

Text Sample 4-12 is an excerpt from an authentic direct examination, where time and place adverbials are used.

Text Sample 4-12: Authentic direct examination (AC_DE_BB_43)

Q. And now taking a look at 45-C for identification.

A. Okay. In 45-C[...], and ***then*** going ***up*** one more step, more ***toward*** the ***top*** of the picture where the leaf is[...]. And ***then*** coming ***toward*** this side, ***down toward*** the ***bottom*** of the screen[...], heading ***back down*** the step.

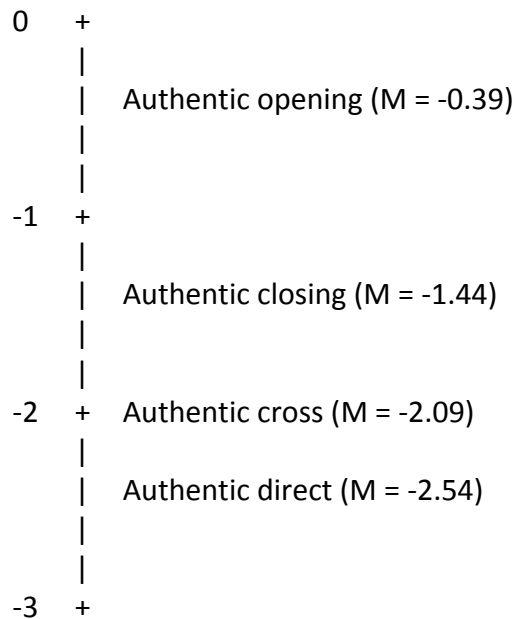
In Text Sample 4-12, there are dense uses of time and place adverbials to explain the shoe prints by an expert witness through the use of a visual image. During direct examinations, there are always occasions when attorneys need to show pictures and graphs to ask the witnesses for identification and explanation, which is highly situationally dependent. Without the picture or graph, the audience will not be able to fully understand what is being talked about. There is therefore a need to identify and describe pictures and other visual images during the direct and sometimes cross-examinations that make these two sub-registers contain more time and place adverbials.

To conclude, it is the more frequent use of WH-relative clauses that makes the opening statement a more elaborated type of discourse, and the more frequent use of time and place adverbials that makes direct examination the most situation-dependent sub-register within authentic courtroom language.

4.3.4. Dimension 4 – overtly persuasive features

Along Dimension 4, opening statement ($M = -0.39$) and closing argument ($M = -1.44$) are more overtly persuasive than direct ($M = -2.54$) and cross-examination ($M = -2.09$) (see figure 4.8). This result is not surprising at all if the communicative purposes of these four sub-registers are taken into account. The basic rule for the opening statement is that argumentative statements are not permitted. An opening statement gives counsel the opportunity to explain the case to the jury and to outline the supporting evidence. “It is not an occasion for argument” (United States v. Dinitz, 1976). However, there is not a clear line drawn between argument and explaining the “force and effect” of the evidence (Cotterill, 2003). Comments that stray away from the facts suggest argument. For example, when counsel begins to appeal to the jury’s passion or emotion, or talks about the societal importance of a case, an objection of “argument” is likely to be sustained. Counsel’s explanation of what certain legal terms mean is also generally considered argumentative. Opening statements are designed to be more matter-of-fact than closing arguments. However, attorneys attempt to “weave in a little argument”, particularly towards the end, often without objection (Cotterill, 2003).

Overt persuasion



Non-overt persuasion

Figure 4.8. Dimension 4 score of the four sub-registers of authentic courtroom language

The closing argument is without a doubt the single most important sub-register where attorneys stand before the jury and use their persuasive skills to convince the jurors that their theory of the case is the correct one. Based on the primary communicative purpose of the closing argument, which is to persuade the jurors, it is no wonder that this sub-register is more overtly persuasive than the other sub-registers. Text Sample 4-13 is an excerpt of the closing argument from the O.J.Simpson trial, within which the linguistic features that mark overt persuasion are frequently employed.

Text Sample 4-13: Authentic closing argument (AC_CL_OJ_03)

But who else **would** know when the children were going to be in bed? Who else **would** know when they **would** be safely out of the way? Who else **would** know when Nicole **would** be home alone with the children? Who else **would** know the perfect time to attack and get Nicole without the children being in the way? The Defendant.

In Text Sample 4-13, the prosecuting attorney uses a series of the modal of prediction - 'would' to emphasize that the only person who would know the best time to commit the murder is the Defendant himself. Being overtly persuasive by using linguistic features such as modals of prediction is quite common in authentic closing arguments.

Direct and cross-examinations, on the other hand, are not intended to be argumentative. The main purpose of these two sub-registers is to present evidence, piece by piece, to the jurors. Therefore, direct and cross-examinations are more narrative and informative rather than persuasive.

Other linguistic features characterizing Dimension 4 are mostly stance features, such as modals of prediction, modals of necessity, and modals of possibility. Stance features will be further discussed in Chapter 7, where individual stance features are examined and interpreted in the four sub-registers of authentic courtroom language, as well as across authentic and TV courtroom language.

4.4. Comparison of the same sub-registers across authentic and TV courtroom language

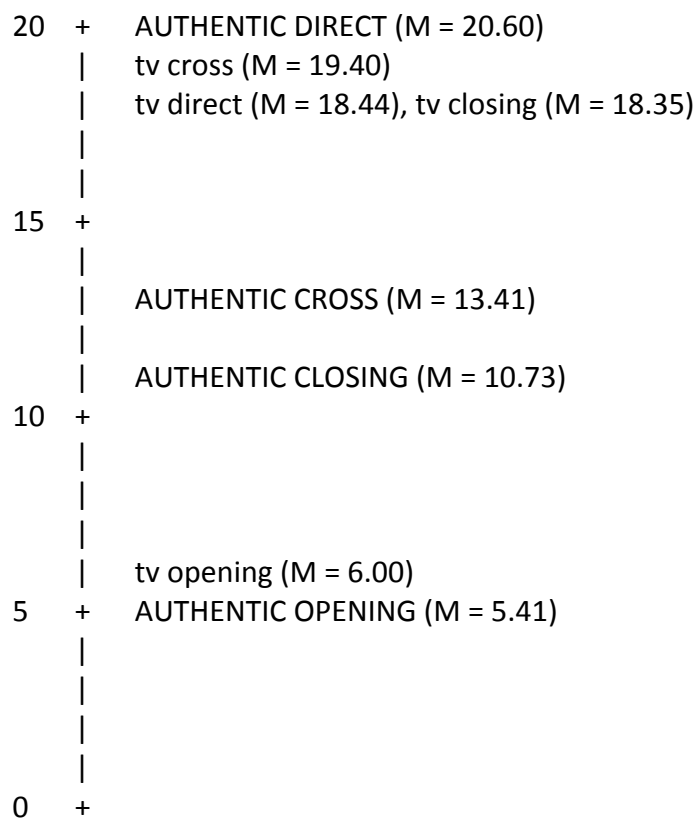
Section 4.3 describes and discusses the dimension scores among the sub-registers within authentic courtroom language, and it has been found that there is important variation in the use of linguistic features among the sub-registers due to their different situational characteristics, such as communicative purposes. Since sub-registers are better defined situationally, and therefore could impact the conclusions about the differences between authentic and TV courtroom language, Section 4.4 will compare the dimension scores of the same sub-registers across authentic and TV courtroom language (for example, comparing authentic cross-examination with TV cross-examination).

4.4.1. Dimension 1 – involved vs. informational production features

First, Dimension 1 scores show that authentic and TV direct examinations are both interactive, with the authentic direct (D1 score = 20.60) being slightly more interactive than the TV direct (D1 score = 18.44) (see figure 4.9). However, when looking at the closing argument, there is a big difference in Dimension 1 scores between TV closing and authentic closing arguments, with TV closing (D1 score = 18.35) being much more interactive than authentic

closing (D1 score = 10.73). These quantitative results reveal that there is not a fixed pattern between authentic and TV courtroom language in terms of which one is more interactive or informational, and that we need to examine the sub-registers in order to understand the relationship between authentic and TV courtroom language.

Interactive production



Informational production

Figure 4.9. Dimension 1 score of the four sub-registers of authentic and TV courtroom language

Text sample 4-14a is an excerpt from an authentic closing, and Text Sample 4-15a is an excerpt from a TV closing. In both excerpts, interactive features such as first- and second-person pronouns and contractions have been highlighted.

Text Sample 4-14a: Authentic closing argument (AC_CL_OB_02)

This is the picture of a cardboard box found in the Nichols' residence in April of 1995. And more than one witness said, Look at the orange coils. To some of us, maybe they look like extension cords. ***That's*** not what they are. Those are Primadet blasting caps that Bud Radtke said are just the same kind, just the same length, just the same delay that were stolen in ***my*** burglary in October OF 1994. Primadet blasting caps still in Nichols' house, still under his control months later. That fit, that matches just what the blaster said they lost in that burglary.

Text Sample 4-15a: TV closing argument (TC_CL_TP_03)

I couldn't even tell ***YOU*** what he looked like ***'cause I didn't*** look at him. ***I*** just looked straight ahead. Stopped at the traffic light, or walking down the street, I never look at ***'em***. Do you? ***It's*** easier not to, huh? But uh . . . maybe when ***you*** run one of these bums over . . . ***you*** should stop the car. Get out of the car. Take a look. Mr. Feldman knew he hit somebody. That ***we*** all know. ***I*** guess the only question for ***you*** to go back and decide . . . Is there any intrinsic value to human life? Or does he have to be somebody? ***I don't*** know. ***It's YOUR*** call.

From the two text samples we can see that the TV closing (Text Sample 4-15a) is much more interactive than the authentic closing (Text Sample 4-14a) as the TV closing uses more interactive features such as first- and second-person pronouns and contractions. Considering the primary purpose of TV courtroom language, which is to be entertaining and dramatic, its frequent use of interactive features facilitates its building connections with the audience. Although within the TV closing argument it looks like all the first-person pronouns are used to address the attorney herself and the second-person pronouns are used to address the jurors, in fact the use of first- and second-person pronouns in the TV closing is intended to create a 'conversation' or to build a connection with the audience who is watching the TV series, because the audience is the most important addressee of the TV series. In addition, the frequent use of contractions makes the TV closing less informal. Considering that the jurors and, more importantly, the audience watching TV are laypersons, the frequent use of informal features such as contractions allows the attorney to appear more approachable, casual, and humanized, rather than as a professional and an institutional character, thus making it easier for the attorney to win the case by appealing to jurors' sympathy and winning audience's heart.

If we use the same text samples but only highlight the informational features such as prepositions, nouns, and attributive adjectives, we will find opposite patterns as the authentic closing uses more informational features than the TV closing.

Text Sample 4-14b: Authentic closing argument (AC_CL_OB_02)

This is the **picture OF** a **cardboard box** found **IN** the Nichols' **residence IN** April **OF** 1995. And more than one **witness** said, Look **AT** the **orange coils**. To some **OF** us, maybe they look like **extension cords**. That's not what they are. Those are Primadet **blasting caps** that Bud Radtke said are just the **same kind**, just the **same length**, just the **same delay** that were stolen **IN** my **burglary IN** October **OF** 1994. Primadet **blasting caps** still **IN** Nichols' **house**, still **UNDER** his **control months** later. That fit, that matches just what the **blaster** said they lost **IN** that **burglary**.

Text Sample 4-15b: TV closing argument (TC_CL_TP_03)

I couldn't even tell you what he looked like 'cause I didn't look **AT** him. I just looked **straight AHEAD**. Stopped **AT** the **traffic light**, or walking **DOWN** the **street**, I never look **AT** 'em. Do you? It's **easier** not to, huh? But uh . . . maybe when you run one of these **bums OVER** . . . you should stop the **car**. Get out **OF** the **car**. Take a **look**. Mr. Feldman knew he hit somebody. That we all know. I guess the **only question FOR** you to go **BACK** and decide . . . Is there any **intrinsic value** to **human life**? Or does he have to be somebody? I don't know. It's your **call**.

In the authentic closing excerpt (Text Sample 4-14b), there are many uses of nouns, prepositions, and attributive adjectives. It is important to notice that in the authentic closing, there are frequent uses of nouns modified by adjectives, for example, “orange coils”, “extension cords”, and “blasting caps”, all of which provide detailed and critical information serving to refresh the jury members’ memory about the contested information of the trial that they need to know and memorize before delivering the verdict. In the authentic closing, there is a segment where lawyers discuss in some detail the key facts and what was either proven or disproven by the evidence. Lawyers review the testimony of each witness by summarizing and highlighting the important key facts that were established, which is exactly what Text Sample 4-14b does. In Text Sample 4-14b, the attorney shows a picture (which can be known from the first sentence “This is the picture of a cardboard box...”) and describes the picture in order to

emphasize the key facts that the attorney believes will influence the verdict. The more detailed, vivid, and accurate the information is, the more likely the jurors will remember the key facts and evidence which will largely influence the verdict. This need for an accurate and vivid description requires the frequent use of specific nouns and adjective that modify the nouns. Therefore, it is the primary function of the closing argument, which is to recap the key facts and evidence by discussing accurate and detailed information, that leads to the frequent use of specific nouns modified by attributive adjectives in the authentic closing argument.

All these different uses of the interactive and informational features of authentic and TV closing arguments can be related back to the communicative purposes of these two sub-registers. For the authentic closing, its primary purpose is to clarify and define the issues in dispute, briefly summarize the facts proven and the attorney's legal theories, discuss in some detail the key facts and what was either proven or disproven by the evidence, and summarize again very shortly the contested issues and what has been proven or not. As such, it requires the use of the linguistic features that facilitate the description of detailed information, such as attributive adjectives, nouns and prepositional phrases. Attribute adjectives and nouns can help with accurate and vivid descriptions that refresh jurors' minds in noticing and memorizing the important evidence. Prepositional phrases facilitate the descriptions that relate to a particular time and place, which are always the most important facts and evidence of a trial.

The TV closing argument, although bearing the same function as the authentic closing argument, has a larger 'meta' purpose that is absent from the authentic closing, which is to be entertaining and dramatic in order to appeal to the audience watching the TV series. Therefore, the addressees are not only the jurors, but, more importantly, the audience. The frequent use of common nouns (compared with many specific nouns used in the authentic closing argument such as "coil"), first- and second-person pronouns, and contractions can all result in an elaborated structure and facilitate a better understanding, secure an interactive manner, and keep the audience flowing with the plots more easily.

In addition to a large difference regarding the interactiveness of texts between the authentic closing argument and the TV closing argument, another large difference regarding the interactiveness of texts lies between the authentic cross-examination and the TV cross-

examination, with TV cross (D1 score = 19.40) being much more interactive than authentic cross (D1 score = 13.41).

Text Sample 4-16 is an excerpt from a TV cross-examination, and Text Sample 4-17 is an excerpt from an authentic cross-examination. First- and second-person pronouns and contractions are highlighted in both text samples. It can be seen from the two text samples that the TV cross-examination (Text Sample 4-16) is using more interactive features (in the examples, first- and second-person pronouns, contractions) than the authentic cross-examination (Text Sample 4-17).

Text Sample 4-16: TV cross-examination (TC_CE_TP_03.)

Eugene: Mr. Augusta, when the police told YOU they might have the guy and YOU got into the squad car to identify the person they had, truthfully, YOU wanted it to be the man who robbed YOU didn't YOU?

Victim: Of course I did. I wanted him off the street and I wanted MY watch and wallet back.

Eugene: Ah, that's right. Do YOU know whether they found YOUR wallet and watch in the possession of MY client?

Victim: I'm told they didn't.

Text Sample 4-17: Authentic cross-examination (AC_CE_OB_02)

Q. YOU saw all of the bullet holes in the shrink wrap and in the boat when YOU arrived, correct?

A. That is not correct.

Q. YOU did not see any of that. YOU did not see the boat?

A. No.

Q. YOU did see Mr. Tasrnaev actually arrested at some point?

A. I saw him travel by me on a stretcher.

For TV cross-examination, the main purpose is to entertain, and cross-examination is the stage where most conflicts are produced to create intense and dramatic feelings in the audience. Scenarios such as witnesses being uncooperative are common in TV cross-examinations. Rather than simply answering yes or no, these uncooperative witnesses explain and expand their answers without permission. This actually increases the frequency of first-

person pronouns as the witnesses use *I* or *we* while providing lengthy explanations, which can be seen in Text Sample 4-18.

Text Sample 4-18: TV cross-examination (TC_CE_TP_03.)

Eugene: Mr. Augusta, when the police told YOU they might have the guy and YOU got into the squad car to identify the person they had, truthfully, YOU wanted it to be the man who robbed YOU didn't YOU?

Victim: Of course I did. I wanted him off the street and I wanted MY watch and wallet back.

Eugene: Ah, that's right. Do YOU know whether they found YOUR wallet and watch in the possession of MY client?

Victim: I'm told they didn't.

In Text Sample 4-18, the attorney asks the victim whether the suspect he is asked to identify is the man who robbed him (the first question in Text Sample 4-18), which is a yes/no question. Instead of simply answering yes or no, the victim is being uncooperative by giving a long answer (as shown by the sentence “Of course I did. I wanted him off the street and I wanted MY watch and wallet back.”). The victim wants to cover up the fact that he is irresponsible for mistakenly identifying a different man as the man who robbed him, and to show that he is a good citizen and that he wants the bad guy to be off the street. He says so in order to gain the jurors’ empathy and in the hopes that they will see him as a hero who captured the bad guy. In the lengthy answer provided by the victim, he uses a series of the first- person pronoun *I*.

Another common way to create an intense and dramatic feeling in TV during cross-examinations is to let the attorneys frequently use the second-person pronoun *you* when impeaching the witnesses because the *you*-statement makes a sentence sound more aggressive, as shown by Text Sample 4-19.

Text Sample 4-19: TV cross-examination (TC_CE_TP_12)

Bobby: So this world he lives in, which YOU so object to, YOU wanted him to become a partner in it. YOU get alimony, don't YOU, Sharon?

Sharon: Yes.

Bobby: YOU make money off this world, YOU urge him to go for partner and now YOU cite that world as ground for parental unfitness. Is hypocrisy a value YOU pass on to Kendall?

In Text Sample 4-19, the attorney, Bobby questions the witness, Sharon, in a very aggressive manner by repetitively using the second-person pronoun *you*. His intention is to show that it is the witness who made the defendant earn money and now it is again the witness who accuses the defendant of not being able to be a responsible parent because he simply spends too much time on work and making money, and therefore should be deprived of the children's custody. In Text Sample 4-19, the questions asked by the attorney with the frequent use of *you* give the jurors the impression that the defendant's wife (in this example who filed the case against her husband) is the one who should be blamed. It further implies that the defendant has become the 'victim' and that the jury should therefore sympathize with the defendant, which greatly increases the defendant's chance to win the case. The use of second-person pronouns, with the purpose of sounding aggressive, is common in TV cross-examination and thus makes the frequency of second-person pronouns rather high, and even higher than in authentic cross-examination.

Finally, the use of WH-questions is also much more frequent in TV cross than in authentic cross, making TV cross-examination a much more interactive discourse than authentic cross-examination. As mentioned earlier in this section, while WH-questions dominate authentic direct examination, it is leading questions that dominate authentic cross-examinations. There can be circumstances where it might be helpful to flesh out factual details using more open-ended questions, such as WH-questions. For example, questions related to distances, positions, or locations might be explored by simply asking the witness to explain or provide more detail, without the use of leading questions. The use of open-ended questions can also be very effective when the examiner believes the witness's testimony is patently false. Open-ended questions requesting a witness to explain or provide greater detail can demonstrate the falsity of the testimony. It "requires the lie to become more complex, which in turn, can cause difficulty for the witness to create facts on the spot" (Curry, 2017: p. 97). Requiring the witness to provide extreme detail on the fabricated portions of the story is how

inconsistencies and falsities can be revealed. Despite the usefulness of open-ended questions such as WH-questions during cross-examination, it is not common to see the frequent use of open-ended questions in authentic courtroom language as witnesses are not easy to attack and they are always cautious and defensive during cross-examinations.

On the other hand, open-ended questions such as WH-questions are much more common in TV cross-examinations. TV cross-examinations use many WH-questions to “force” witnesses to create more complex “facts” to cover their lies so that they later on are exposed to be lying. This is very frequently used in TV cross-examinations to create dramatic effects as most audiences enjoy watching how the witness is discredited after being asked a series of WH-questions and giving a set of answers, which finally in turn gives himself/herself up. Text Sample 4-20 to Text Sample 4-24 are typical examples showing the use of WH-questions in TV cross-examinations (note that Text Sample 4-20 to Text Sample 4-24 are from the same trial).

Text Sample 4-20: TV cross-examination (TC_CE_TP_03)

Eugene: When you pulled up to the scene **where** did you see my client?

Victim: He was standing between two uniformed police officers, about twenty feet away.

In Text Sample 4-20, the WH-question is “Where did you see my client?”. The victim answers by giving a very detailed and accurate answer that the defendant was standing between two police officers, ‘about twenty feet away’. This is just the beginning of the witness being trapped in the attorney’s WH-questions.

Text Sample 4-21: TV cross-examination (TC_CE_TP_03)

Victim: Well-eh, it looked like it might be him.

Eugene: **How** so, sir?

Victim: Well, size and build-wise it could be him.

Eugene: Size and built? Ten minutes earlier you couldn't give the officers a size and build description.

Victim: Look, I was in shock a little bit. I'd just been assaulted.

In Text Sample 4-21, the WH-question asked by the attorney is “How so, sir?”, requiring the witness to explain how he recognized and determined the person he saw was the defendant. The witness answers the question by saying he recognized the defendant because of his size and build; however, earlier he acknowledged that he could not give the officers a size and build description. All the victim could say is that the man who robbed him had a ‘big black head’. By now the witness was beginning to realize that he has been trapped by his own lies.

Text Sample 4-22: TV cross-examination (TC_CE_TP_03)

Eugene: As you saw this man standing twenty feet away, ***what*** about him made you think that this is the man who robbed you, sir?

Victim: I don't know, I just remember thinking that it might be him and so that's why I got out of the car to take a closer look and when I saw him up close I knew it was him, I knew it!

Eugene: But you couldn't recognize him from twenty feet away.

Victim: That's right, I said that.

In Text Sample 4-22, the victim says he could not recognize the defendant from twenty feet away and that he had to get out of the car to take a closer look after the attorney asks him the WH-questions – “What about him made you think that this is the man who robbed you?”. This answer leads to the witness finally exposing himself as having been lying.

Text Sample 4-23: TV cross-examination (TC_CE_TP_03)

Eugene: But yet the next day in a police lineup standing twenty feet away you did recognize him. ***How*** is that possible?

Renee: Objection!

Judge: Overruled.

Eugene: Twenty feet away the night before you can't tell. Twenty feet away the following morning you pick him out in an instant.

Victim: After I saw him the second time there were other characteristics that registered. Build, stance, posture.

In Text Sample 4-23, the defense attorney Eugene’s WH-question about how it is possible the next day in a police lineup standing twenty feet away that the victim recognized

the defendant when he could not the night before, leads to an objection from the prosecuting attorney Renee, because Renee realizes the question will bring up detrimental testimony that will make the victim lose the case.

Text Sample 4-24: TV cross-examination (TC_CE_TP_03)

Eugene: **How** could you be wrong about something so general as that?

Victim: I don't know sir. As I said before I was in some shock.

Before the question in Text Sample 4-24, the victim insists that the suspect had a “big black head”, which is the only description he provided to the police officers. He then says the defendant who was standing in front of him seems to have a smaller head while insisting that the defendant and the suspect he saw the other day are the same person. Based on the conflict in the testimonies provided by the victim at two different times, the defense attorney Eugene asks the victim how he could be so wrong with such a general description as “big black head”. In Text Sample 4-24, the WH-question “How could you be wrong about something so general as that?” directly leads to the victim’s damaging testimony that he didn't know and he was “in some shock”, making the victim a tool to discredit himself and finally lose the case.

The above set of text samples has demonstrated how TV cross-examinations frequently use WH-questions to create attractive plots. In contrast, in authentic cross-examinations, it is not common to see as many uses of WH-questions because witnesses rarely expose their weaknesses in such an easy way and thus it is challenging for attorneys to control the witnesses with WH-questions. Instead, in authentic cross-examinations, attorneys prefer to use leading questions to take control of witnesses. This difference between TV and authentic cross-examination make TV cross use more WH-questions than authentic cross.

Text Sample 4-25 is an excerpt of an authentic cross-examination from the O.J.Simpson trial. In this text excerpt, all of the three questions are yes/no questions (yes/no questions are highlighted in Text Sample 4-25), not permitting the witness Detective Fuhrman to provide any explanation or lengthy answers that WH-questions actually allow.

Text Sample 4-25: Authentic cross-examination (AC_CE_OJ_12)

Q. Now, in 1994, at 1:05 a.m., while you were sound asleep, my understanding is, you received a phone call from Detective Phillips, correct?

A. Yes, sir.

Q. Had you seen Mr. O.J. Simpson personally between 1985 and June of 1994?

A. No, sir.

Q. Mr. Phillips told you that there was a double homicide in Brentwood and that one of the victims might well be the former wife of Mr. O.J. Simpson; did he not?

A. Yes, sir.

To summarize, the more frequent use of interactive features such as first-person pronouns, second-person pronouns, and WH-questions makes TV cross-examination slightly more interactive than authentic cross-examination. Again, the difference between authentic and TV courtroom language at a sub-register level shows that there is not a fixed pattern as to which of the two (authentic vs. TV courtroom language) is more interactive or informational, and that we need to examine the sub-registers in order to detect the relationship between authentic courtroom language and TV courtroom language.

4.4.2. Dimension 2 – narrative vs. non-narrative features

Moving to Dimension 2 and comparing the narrativeness of the sub-registers across authentic and TV courtroom language, it is necessary to first discuss a few main differences that could influence the narrativeness of authentic and TV courtroom language.

Regarding the TV opening statement, it bears a different purposes than the authentic opening statement does. The TV opening statement is used for attorneys to boast and to create tension between prosecution and defense attorneys, and even between attorneys and the judge. It is much shorter than the authentic opening and does not bear the function of outlining the trial, mainly due to strict time limit for TV series. Since the opening statement always occurs at the beginning of each episode, it is also used to set the tone for that episode. It is the specific features of TV series, i.e. being dramatic and being strictly limited by time constraints, that make the TV opening statement different from the authentic opening. The TV opening is not narrative because its main purpose is to entertain and create conflicts rather than to outline the case, and therefore it has a lower Dimension 2 score (D2 score = -1.41) than the authentic opening statement (D2 score = 0.73) (see figure 4.10).

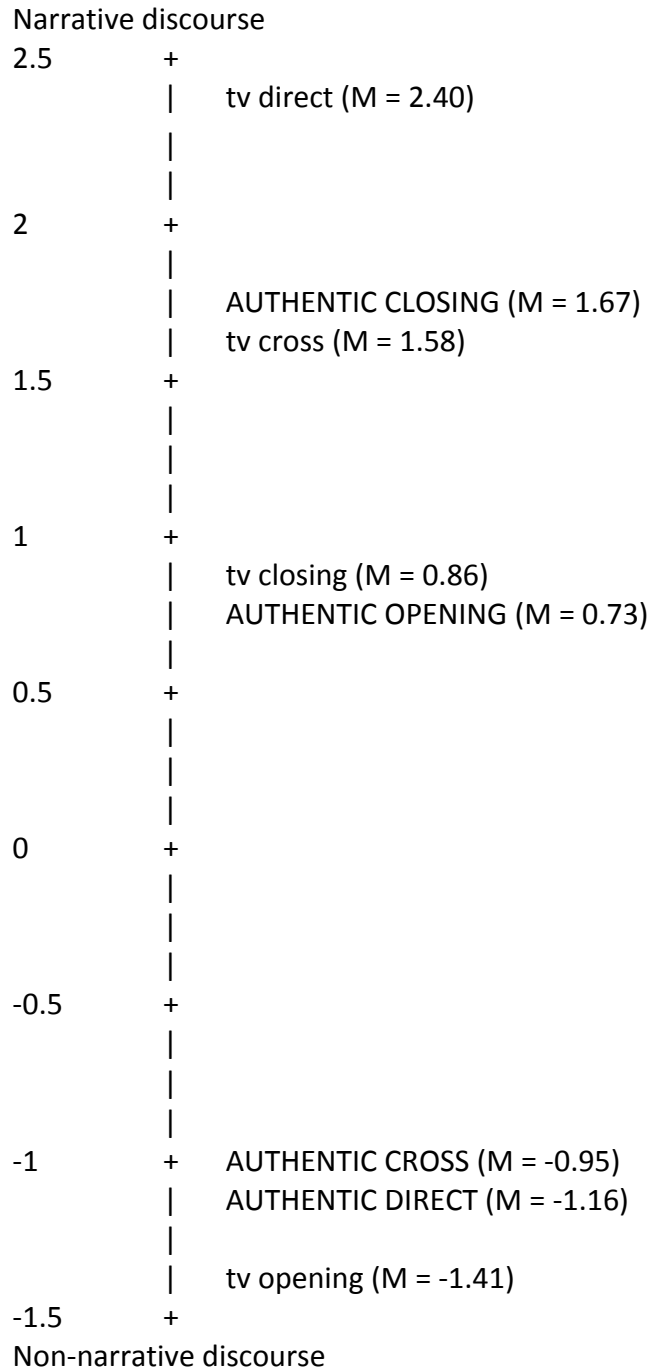


Figure 4.10. Dimension 2 score of the four sub-registers of authentic and TV courtroom language

Text Sample 4-26 is an excerpt from a TV opening statement, in which present tense verbs are highlighted.

Text Sample 4-26: TV opening statement (TC_OP_BL_01)

Denny Crane: **Hate** old people. Always have. They're babies. Hell, there's a reason half of them **are** in diapers. The elderly **make** up a large percentage of the wealth in this country. They **run** most of the Fortune 500 companies. They're running the war, for God's sakes. And most of them **are** viable, healthy people. What **do** they do? **Retire** at age 65 and **start** draining our resources. We got enormous poverty in this country. We can't educate our kids, partly because these strong-bodied, strong-minded senior citizen farts **are** living off of Social Security. Why shouldn't we overcharge 'em?

Judge Brian Franzetti: Mr. Crane, I'm not following your argument here.

Denny Crane: That's 'cause you're a moron. Judges, old people - they all gotta go.

Judge Brian Franzetti: Mr. Crane!

In Text Sample 4-26, the defense attorney Denny Crane uses a series of present tense verbs (highlighted) and makes his opening statement less narrative, as present tense is the main linguistic feature that makes a text non-narrative. As can be seen from this excerpt, its main purpose is to create conflicts between the attorney, himself, and the judge, which can be shown by the sentence that Denny Crane says to the judge - "That's 'cause you're a moron." In real life, it is quite impossible to see an attorney showing any disrespectfulness to the judge.

In the authentic opening statement, past tense verbs are quite frequent because the main function is to outline the trial and acquaint the jury with what happened. Text Sample 4-27 is an excerpt of an opening statement that shows the intense use of past tense and very limited use of present tense.

Text Sample 4-27: Authentic opening statement (AC_OP_OB_03)

His wife **had** gone inside to get him, tell him that they **were** there. She **walked** back outside with her husband and he **was** standing at the side of his car, holding the door for his wife, when the force of the bomb nearly **knocked** him off his feet. At that moment, he **was** about at least more than a city block from the front door of the Murrah Building; and He **heard** a whirring sound, like the propeller of a helicopter, coming toward him. He **pushed** his wife quickly under the car to protect her as more than 250 pounds of twisted metal **came** crashing down onto his car. Fortunately, it **landed** on the hood of his car. It **crushed** the car, but his wife and his nephew **survived**.

Unlike the TV opening statement (Text Sample 4-26) in which present tense verbs are used frequently, the authentic opening excerpt (Text Sample 4-27) does not have a single use of present tense; all the verbs are in their past tense form. It is the frequent use of the past tense that makes the authentic opening more narrative than the TV opening.

While the authentic opening and closing are more narrative than the TV opening and closing, the TV direct and cross are more narrative than the authentic direct and cross. The authentic direct often includes several components: 1) witness introduction, where the witnesses are permitted an opportunity to introduce themselves to the jury; 2) setting the stage, where the witness describes the events leading up to the main event and the locations of the scene in question, if relevant; 3) direct examination of the witness, where attorneys usually use leading questions to guide the witness on how to answer certain questions, especially those that are non-contested matters, to get the witness to the main event quickly; 4) revisiting important areas by asking very precise and simple questions, with many attorneys also using pictures or graphs to ask witnesses if they can remember any accurate information, such as a specific location or signs; and 5) concluding questions, where the attorney goes back one final time for a recap of the most important points of the testimony.

Within these five major types of content contained in the authentic direct examination, present tense is often used when the witness gives an introduction of himself/herself (see Text Sample 4-28, present tense verbs are highlighted), and when the witness is asked to clarify something specific and accurate from a graph or picture (see Text Sample 4-29, present tense verbs are highlighted). The frequent use of present tense verbs and fewer use of past tense verbs make direct examinations less narrative.

Text Sample 4-28: Authentic direct examination (witness self intro using present tense)

Q. Where do you work?

A. Marathon Sports.

Q. And where's that located?

A. It is located on Boylston Street, 671, Boston, Mass.

Q. What do you do there?

A. I'm the store manager.

In Text Sample 4-28, the present tense is used to ask the witness about his job and other regular conditions. The past tense is not used in the interaction, and third-person pronouns are not used because the questions focus on the witness himself. Therefore, the interaction is not narrative.

Text Sample 4-29: Authentic direct examination (witness describing image using present tense)

Q. Can we have Exhibit 6, please.

Q. So **do** you see that store called “Sugary Heaven”?

A. Yes, I **do**.

Q. And **is** Marathon Sports, your store, just to the left?

A. Yes.

Q. And **is** that you standing in the doorway with your arms crossed?

A. Yes, it **is**.

Q. What **are** you doing in that picture?

A. Basically, I’**m** – the finish line **is** obviously just to the left of where I would be looking, so I’**m** just watching some of the runners finishing, probably noting maybe the times that they’**re** coming in. Because I **have** to kind of go in and out, I can’t really hang out necessarily out there, so I just kind of **guard** the door a little bit.

In Text Sample 4-29, the attorney uses a picture – Exhibit 6, which the witness is shown—to ask the witness what he is doing in the picture. The present tense dominates the interaction, and is used to refer to the events that are here and now (for example, ‘So do you see that store called “Sugary Heaven”?’ is asking for the witness to identify during the trial and in the courtroom whether he can see the store called “Sugary Heaven”), or to refer to regular and unchanged situations (For example, “And is Marathon Sports, your store, just to the left?” is a question about the location of the witness’s store). In addition, since the focus of this interaction is on the witness, there is a lack of use of third-person pronouns. Therefore, the lack of past tense and third-person pronouns makes this authentic direct excerpt less narrative.

Another condition when the authentic direct uses less past tense but more present tense is when expert witnesses give their testimonies regarding their expertise. These

testimonies occur within the present tense or sometimes future tense to inform the court about a specific technique or skill that closely relates to the current trial (see Text Sample 4-30).

Text Sample 4-30: Authentic direct examination (AC_DE_OJ_07)

Q. When you **are** collecting items of evidence that contain possible biological material, but other than blood drops, what technique or techniques **will** you use?

A. I **will** use one of two techniques: one is to wear a pair of gloves and pick up the item and place it into a paper bag, or I **will** use a scoop technique where I **will** place the bag next to the item to be collected and push it in with a card or pencil.

In Text Sample 4-30, the attorney asks the expert witness what he will use to collect a certain type of material by using future tense and present tense. The expert witness then answers the question by also using future tense. The use of future tense indicates not only what the expert will do when he collects this type of material, but also contains a hypothetical meaning, which can be replaced by *would* (for example: “I would use a scoop technique where I would place the bag...”).

There are many occasions in the authentic direct where present tense or future tense are used to discuss a regular condition or an event that relates to the “here and now”, or simply when the attorney and the witness are discussing what happened in a picture, or when the attorney directs the witness’s attention to a picture or graph and asks him/her whether he/she can remember anything.

In the TV direct, however, there are not many occasions when a witness’s background information is introduced, or when a picture is discussed. Instead, within the TV direct there are only past events relating to the trial that are discussed in the past tense, making the TV direct examination use more past tense than the authentic direct examination. Text Sample 4-31 is an excerpt of a TV direct examination, where the witness is describing what occurred on the afternoon the crime was committed. In Text Sample 4-31, past tense verbs dominate the interaction as the questions and answers are referring to an event that happened in the past.

Text Sample 4-31: TV direct examination (TC_DE_MO_06)

Q. Please describe what **occurred**.

A. Most of the 1-8's **were** present, including the minor, Mr. Butler. The minister **had** just finished a eulogy when a late-model Oldsmobile 98 **approached** the site.

Q. **Did** you recognize the occupants?

A. They **were** members of the Treys. Kevin Powell who I'd dealt with previously **was** in the rear seat. When Mr. Powell **proceeded** to lower the rear door window, the minor Butler **pulled** a semi-automatic pistol from his jacket, **fired** four times, killing Mr. Powell.

Q. **Were** any of the occupants of this car armed?

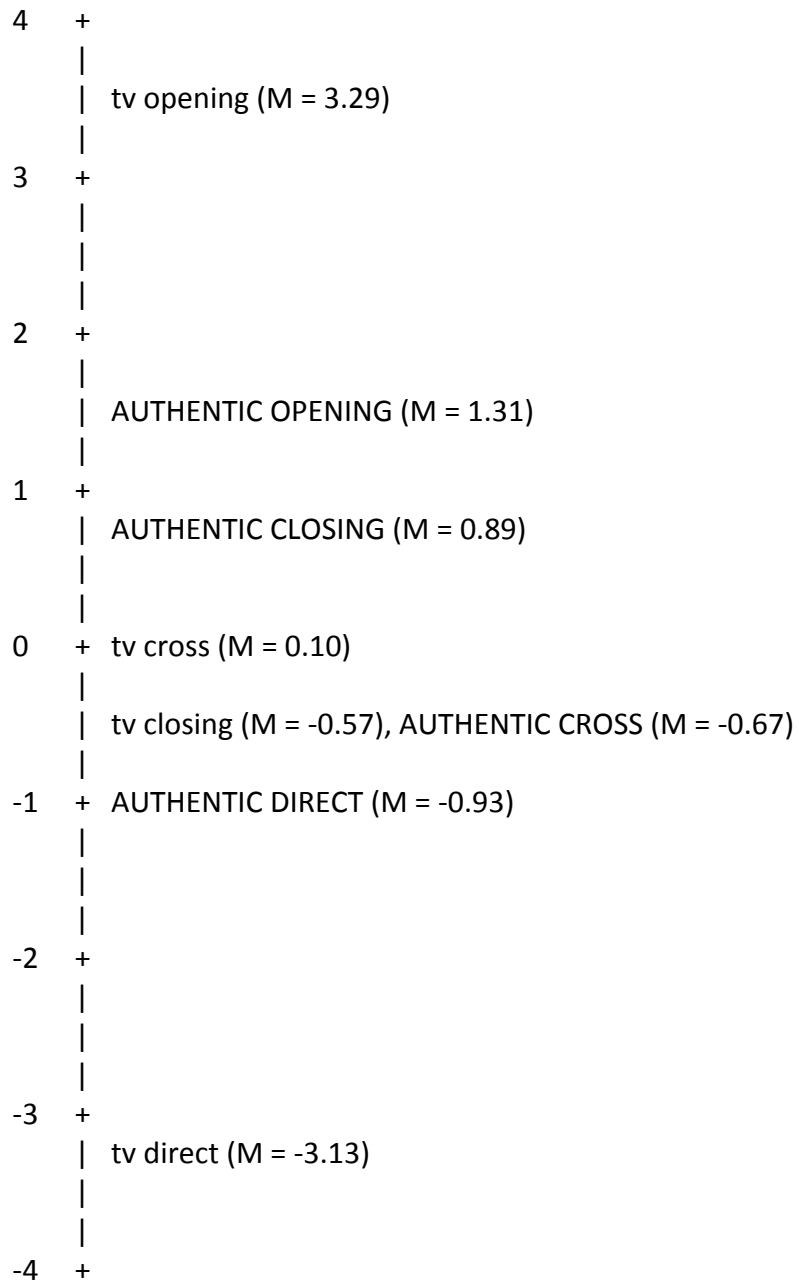
A. We **stopped** them two blocks from the cemetery. A search of the car **failed** to turn up weapons.

After discussing the major content included in the authentic and the TV direct examinations, it is not surprising to see that the past tense is used much more often in the TV direct because it only focuses on the past events. In contrast, the authentic direct examination also bears other functions such as witness introduction and lead-in questions regarding regular conditions where the present tense is used. It is the less frequent use of the past tense that makes the authentic direct less narrative than TV direct.

4.4.3. Dimension 3 – elaborated vs. situation-dependent features

Along Dimension 3, there is a large difference between the authentic opening and the TV opening, with the TV opening ($M = 3.29$) being much more elaborated than the authentic opening ($M = 1.31$) (see figure 4.11). When looking at the frequency of WH-relative clauses in TV opening, it is not particularly more frequent than in the authentic opening. Therefore, the preliminary conclusion is that it is not the additional use of WH-relative clauses that makes the TV opening more elaborated, but probably the reduced use of time and place adverbials that makes the TV opening less situation-dependent, because after all whether a text is more elaborated or situation-dependent is all relative along the dimension.

Elaborated



Situation-dependent

Figure 4.11. Dimension 3 score of the four sub-registers of authentic and TV courtroom language

As mentioned previously, during the authentic opening attorneys usually provide detailed information particular to the case, sometimes including a piece of evidence such as audio recordings. This feature of the opening statement requires the use of time and place adverbials for the descriptions of the pictures. Text Sample 4-32 is an excerpt from the O.J.Simpson opening statement, in which time adverbials are repetitively used in order to describe the content of an audio recording.

Text Sample 4-32: Authentic opening statement (AC_OP_OJ_08)

“Detective Phillips: it is probably going to be **about** an hour to an hour and a half.” So here we have them calling more than six hours, the very first time, 6:49. **Then** when the coroner wants to roll, says, “do you want us to roll **now**,” they **then** say, “maybe an hour to an hour and a half **later**.” Move **to** the next page please.

In Text Sample 4-32, both time and place adverbials are used to describe a critical piece of information by the defense attorney. Descriptions like this are absent from the TV opening, in which the main function is to boast and to create tension between the attorneys, so that the plots are more interesting to watch. It is this difference between authentic and TV openings that makes the TV opening use fewer time and place adverbials, making it less situation dependent.

Another interesting difference is that the TV direct ($M = -3.13$) is much more situation dependent than the authentic direct ($M = -0.93$) (see figure 5-11). This pattern might be a combined result of 1) less use of WH-relative clauses, and 2) more use of time and place adverbials in the TV direct. In the TV direct, time adverbials such as ‘then’ are used rather frequently when the attorney asks the questions and the witness describes a particular event in a sequential manner. Text Sample 4-33 is an excerpt from a TV direct examination.

Text Sample 4-33: TV direct examination (TC_DE_TP_09)

Q. Could you tell us what happened **next**?

A. The driver reached **out** his side of the window, holding something. I thought it was a stuffed animal, it was orange colored. And **then**, I saw its legs moving, and I could tell it was alive. I thought ‘what’s going on?’ **Then, after** five or ten seconds, he let it go. And it hit my windshield and stuck **there** for a few seconds.

Q. Could you tell what it was *then*?

A. Yes. It was a cat.

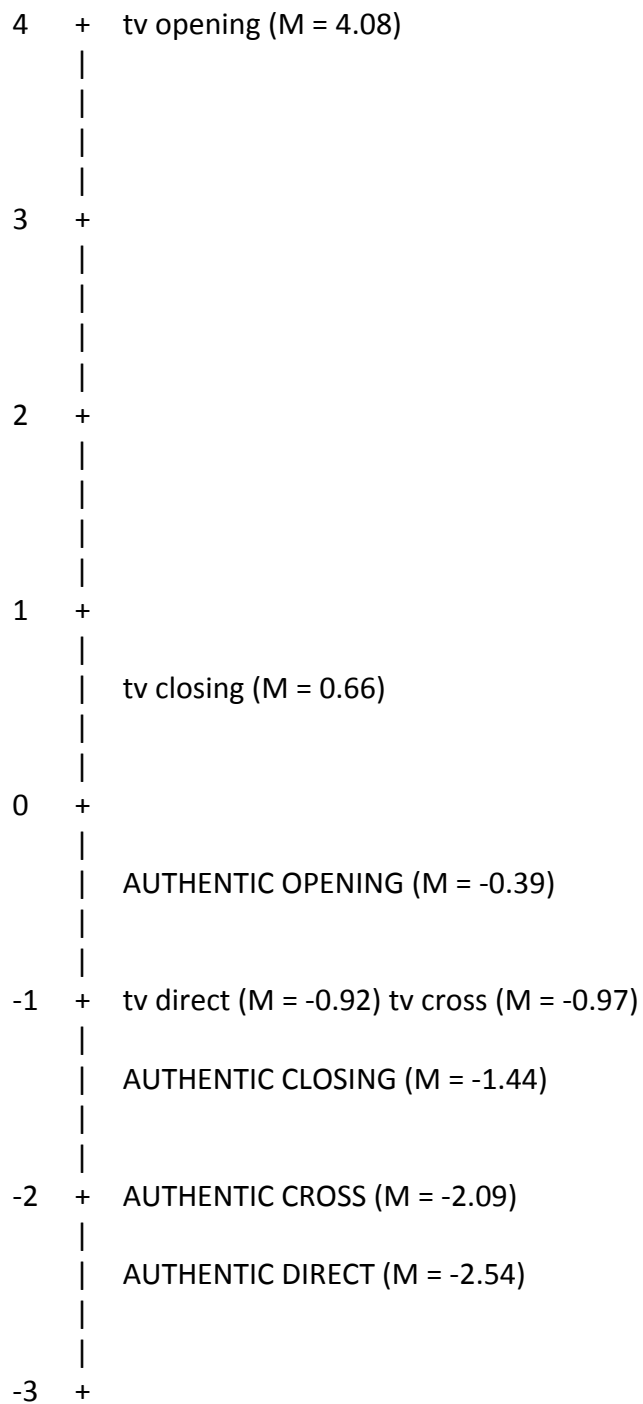
Q. What happened *then*, sir?

In Text Sample 4-33, the attorney keeps asking the witness “What happened then?”, which is not common in the authentic direct. Within the authentic direct, although the attorney asks the witness questions regarding a particular event, the question *what happened then?* is usually avoided because it is seen as an unskillful way to examine a witness, especially when it is used consecutively. However in the TV direct examination, *What happened then?* is commonly used by attorneys. It is very likely that the additional use of this question leads to an increased use of time adverbials such as *then* and *next*, and makes the TV direct more situation dependent than the authentic direct.

4.4.4. Dimension 4 – overtly persuasive features

Along Dimension 4, the TV opening (D4 score = 4.08) is much more overtly persuasive than the authentic opening (D4 score = -0.39) (see figure 4.12). The TV opening, as mentioned previously, bears different communication purposes from the authentic opening. The TV opening is used to boast and make the plots more intense. In the process of creating conflicts and tension, the TV opening cannot avoid using linguistic features that express overt persuasion because those linguistic features can help with stance expression, which in turn facilitates the production of different opinions and conflicts.

Overt persuasion



Non-overt persuasion

Figure 4.12. Dimension 4 score of the four sub-registers of authentic and TV courtroom language

Text Sample 4-34 is an excerpt from the TV opening statement, in which to-infinitive is used in a condense manner to express the attorney's stance.

Text Sample 4-34: TV opening statement (TC_OP_MO_01)

'To protect and to serve'. Not to assault. Not to brutalize. Not to act as vigilante no matter what the imagined provocation.

In Text Sample 4-34, to-infinitive clauses are used to emphasize the attorney's stance that the duty of a police officer is to serve people but not to commit violent crime under the color of authority. The use of to-infinitive clauses makes the text quite argumentative.

In the authentic opening statement, linguistic features used to express overt argumentation such as infinitives are also common. However, the authentic opening bears many other functions such as narration of past events in an explanatory manner and the description of causes of action, which are absent from the TV opening. Therefore, there are many other linguistic features available to fulfill those other functions of the authentic opening, making it less overtly persuasive than the TV opening.

4.5. Conclusion of the chapter

Chapter 4 briefly describes the principles of Multi-Dimensional Analysis, and applies the MDA model to the corpus of authentic courtroom language and the corpus of TV courtroom language. It then further analyzes each dimension by showing the quantitative results and functional interpretation. First, the dimension scores of the sub-registers of authentic courtroom language are discussed, followed by detailed functional interpretations of the quantitative results. A comparison of the same sub-registers across authentic and TV courtroom language is then conducted to illustrate the difference between authentic and TV courtroom language at a sub-register level.

The overall results show that in order to understand the differences between authentic and TV courtroom language, we must examine the language used at a sub-register level because the sub-registers are better defined situationally. The functional interpretations regarding the differences between authentic and TV courtroom language reveal that 1) there is

not a fixed pattern between authentic and TV courtroom language as to which one is more interactive, narrative, elaborated or overtly persuasive, and 2) the degree of difference regarding the interactiveness, narrativeness, explicitness, and persuasiveness of the texts largely varies.

In the process of functional interpretation of the dimension scores, I have identified a few linguistic features that characterize the dimension for further analysis. For example, first- and second-person pronouns were briefly analyzed in this chapter to illustrate how the communicative purposes of the texts influence the use of first- and second-person pronouns. In Chapter 5, these linguistic features will be further explored, with a focus on the interactive and informational production features.

CHAPTER 5: INDIVIDUAL FEATURES – INTERACTIVE AND INFORMATIONAL PRODUCTION FEATURES

In Chapter 4, a Multi-Dimensional Analysis model was applied to the corpus of authentic courtroom language and the corpus of TV courtroom language. Both the quantitative results and the functional interpretations were discussed, with text samples listed to illustrate the differences among the sub-registers of authentic courtroom language, as well as the differences across the authentic and TV courtroom language. Chapter 5 and Chapter 6 will then zoom in and focus on Dimension 1 (involved vs. informational production features) and Dimension 2 (narrative vs. non-narrative features) because of their importance across multi-dimensional studies and their hypothesized status as universal parameters of register variation (Biber, 2014). Selected linguistic features that characterize Dimension 1 will be explored in Chapter 5 and certain linguistic features that mark Dimension 2 will be discussed in Chapter 6. For Chapter 5, I will only focus on the selected interactive and informational production features.

Along Dimension 1, the interactive features that will be analyzed include first- and second-person pronouns, WH-questions, and contractions. First- and second-person pronouns are expected to be common in courtroom language to show the interactive feature of spoken discourse. WH-questions will be explored because they characterize an interactive discourse and requires an expanded answer, which is likely to be frequently used in direct examinations. Courtroom language is expected to be located on the Dimension 1 scale towards the formal end of spoken discourse. In spoken discourse, contractions mark a reduced surface form. It is therefore worth exploring the use of contractions in courtroom language to see how the informality of spoken discourse and, at the same time, formal properties of courtroom trials will influence the use of this linguistic feature. Section 5.2 will focus on the informational production features that mark Dimension 1. These features include nouns, prepositions, and attributive adjectives, all of which are the most important contributors that help pack information in a condensed manner.

Table 5.1. Dimension 1 linguistic features analyzed in Chapter 5

Dimension 1	Linguistic features
Interactive production features	First and second person pronouns, contractions, WH-questions
Informational production features	Nouns, prepositions, attributive adjectives

5.1. Interactive production features

Dimension 1 has the highest dimension score in all the four sub-registers of authentic and TV courtroom language, showing that the two registers (authentic and TV) and the four sub-registers (opening statement, direct examination, cross-examination, closing argument) are mostly characterized by interactive language use. Section 5.1 will focus on the most important features that mark interactive production discourse, which can be characterized as interactional and reduced in form. The features that will be analyzed in Section 5.1 are first- and second-person pronouns (and the possessive forms), WH-questions, and contractions. Table 5.2 shows the mean frequencies and standard deviations (within parentheses) of the four interactive features in the four sub-registers that occur within authentic courtroom language. Table 5.3 shows the results of a one-way ANOVA of the four interactiveness features of authentic courtroom language. Statistical differences were found in the use of all the four interactive production features. Post hoc tests were also run to understand where the significant differences are. The following sub-sections will analyze the use of each of the interactive production features separately.

Table 5.2. Mean frequency and standard deviation of the four interactive production features within authentic courtroom

Authentic courtroom	First-person pronouns	Second-person pronouns	WH-questions	Contractions
Authentic opening	17.14 (8.17)	19.81 (8.41)	0.46 (0.33)	12.39 (5.36)
Authentic direct	38.49 (14.66)	34.74 (10.64)	5.65 (2.71)	16.77 (6.54)
Authentic cross	29.69 (11.52)	43.86 (15.86)	0.92 (1.31)	22.14 (9.41)
Authentic closing	15.17 (8.11)	23.83 (7.14)	1.83 (1.09)	20.29 (5.73)

Table 5.3. Results of one-way ANOVA of the four interactive production features within authentic courtroom

Linguistic features	F-Value	P-Value	R ²
First-person pronouns	27.61	< .001	0.21
Second-person pronouns	27.75	< .001	0.21
WH-questions	114.56	< .001	0.53
Contractions	15.23	< .001	0.13

5.1.1. Comparison within authentic courtroom language

Similar to the structure of Chapter 4, the analysis of the selected linguistic features will start by comparing the use of these linguistic features among the sub-registers within authentic courtroom language. Section 5.1.2 will then compare the use of these linguistic features across authentic and TV courtroom language.

5.1.1.1. First-person pronouns

First-person pronouns are used more frequently in authentic direct and least frequently in authentic closing. Post hoc tests show that significant differences were found between opening and direct, opening and cross, direct and cross, direct and closing, as well as cross and closing. R square indicates that 21% of the variance in the frequency of first-person pronouns can be predicted by the sub-registers of authentic courtroom language.

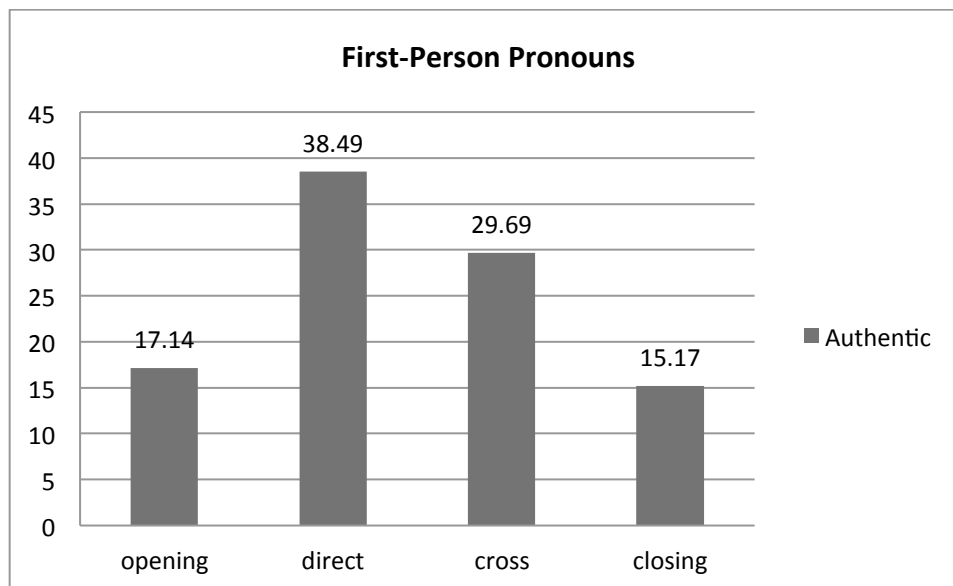


Figure 5.1. Mean frequency of first-person pronouns used in the four sub-registers of authentic courtroom

First, to compare opening statements and direct examinations, direct ($M = 38.49$, $SD = 14.66$) uses more first-person pronouns than opening ($M = 17.14$, $SD = 8.17$). The communicative form of direct examination is questions and answers between attorney and witness, and therefore it is rather interactive. The communicative priority is to elicit wanted information from witnesses, requiring them to provide lengthy and expanded answers and explanations. This need for expanded explanations requires the witness to use first-person pronouns frequently, as shown by Text Sample 5-1.

Text Sample 5-1: Authentic direct examination (AC_DE_OJ_23)

Mr. Darden: What did you hear?

Ms. Gilbert: At first **I** heard a female screaming and that is when **I** went back and changed **my** incident type from an unknown trouble to a screaming woman.

Mr. Darden: Okay. And did you hear anything else?

Ms. Gilbert: Yes, **I** did.

Mr. Darden: What did you hear?

Ms. Gilbert: **I** heard someone being hit.

Mr. Darden: You heard a noise that you associated with someone being hit?

Ms. Gilbert: Yes.

Mr. Darden: And what did you do with that information?

Ms. Gilbert: That is when **I** went back and updated it to -- in the fact that **I** heard a female screaming and then **I** heard what **I** thought was a slap. **I** went back and updated

it as a female being beaten at the location, to give the responding officer an indication of what was going on, that it was no longer an unknown trouble.

In Text Sample 5-1, the first-person pronouns are all used by the witness Ms. Gilbert when she answers the questions, and none are used by the attorney Mr. Darden. There is a mixture of yes/no questions and WH-questions in this excerpt. WH-questions usually elicit more use of first-person pronouns than yes/no questions because WH-questions require longer and expanded answers.

The closing argument, on the other hand, is a monologue delivered by an attorney, and is not as interactive as direct or cross-examinations. First-person pronouns are much less frequently used in the closing argument because the focus of the closing argument is not the attorney but the trial itself. Attorneys rarely refer to themselves during closing arguments, and as such there is no need for first-person pronouns. Text Sample 5-2 is an excerpt of a closing argument.

Text Sample 5-2: Authentic closing argument (AC_CL_OB_02)

We'll start with the most natural question: Who is going to use the card? And the answer is, at least in **my** neighborhood, it's who paid for it. And the proof was seven money orders all made payable from, quote, "Daryl Bridges," this false and phony name, two of them identified by Jennifer McVeigh as "the handwriting of my brother," and the other of Terry Nichols by other witnesses and your own observation. The two men who used the card are the same men who paid for it.

In Text Sample 5-2, there are only a very few uses of first-person pronouns. The use of *we* in the first sentence has a special function that matches the communicative priority of the closing argument, which is to persuade the jurors to deliver a verdict that favors the attorney's own side. By using *we*, the attorney refers to himself and the jurors. The use of the plural form of the first-person pronoun *we* makes the jurors feel as if they are on the same side as the attorney, and that they are on the same page regarding the fact that they have seen the same evidence and heard the same testimonies, which implies that they should make the same decision when it comes to delivering the verdict. This function of first-person pronouns is almost particular to the closing argument.

Another significant difference in the frequency of first-person pronouns is found between authentic direct and authentic cross, with authentic cross ($M = 29.69$, $SD = 11.52$) using much fewer first-person pronouns than direct ($M = 38.49$, $SD = 14.66$). This difference is not surprising considering the main communicative purposes of direct and cross. The purpose of direct examination is to elicit wanted information from witnesses, and the information is always elicited through open-ended questions since open-ended questions such as WH-questions can lead to expanded answers that attorneys want. When answering these open-ended questions, the use of first-person pronouns cannot be avoided, as shown by Text Sample 5-3.

Text Sample 5-3: Authentic direct examination (AC_DE_OJ_01)

Ms. Clark: And then what did you do?

Mr. Park: Uh, I got out of the car and walked towards the back and had a cigarette, and when I was done, I got back in the car and listened to the radio a little bit.

Mr. Clark: Okay. What time was it when you parked on Ashford?

Mr. Park: When I parked on Ashford?

Ms. Clark: Yes.

Mr. Park: It was 10:25.

Ms. Clark: And how do you know that?

Mr. Park: I looked at my watch and there's also a clock on the radio.

Ms. Clark: And what happened next after you parked? What did you do?

Mr. Park: Uh, I got outside. I walked towards the back of the car, uh, had a cigarette. I got back inside the car, listened to the radio for a few minutes and then just at about 10:39, I proceeded to drive up to the driveway.

In Text Sample 5-3, the prosecuting attorney Ms. Clark asks five WH-questions, which requires the witness to answer by frequently using first-person pronouns. From this excerpt we can see the frequent use of WH-questions is one reason why first-person pronouns are used frequently in direct examination.

The other way to elicit expanded answers during direct examination is by asking "Can you describe...", which is usually followed by witness's detailed description of a particular event, which can also increase the frequency of first-person pronouns, as can be seen from Text Sample 5-4.

Text Sample 5-4: Authentic direct examination (AC_DE_BB_10)

Q. Can you describe how that went?

A. Yeah. You know, I think it was at nighttime. And he came in and I just – we worked for about an hour on it. And it was difficult. You know, some things, you know, weren't clear to my facial-wise, but I did the best I could with, you know, the hat and the glasses and the five o'clock shadow, what I remember of his face.

In Text Sample 5-4, the witness is asked about how the situation went about a sketch he did with the FBI. In this excerpt, the witness uses the first-person pronouns when giving the description of the event. This excerpt shows that the use of “Can you describe...” also increases the frequency of first-person pronouns during direct examination.

It is reasonable to expect that WH-questions and other open-ended questions such as those starting with “Can you describe...” will elicit expanded answers. However, one interesting finding is that even when a witness is asked a yes/no question during direct examination, the witness is actually expected to give a much more detailed answer or expanded explanation than a simple *yes* or *no*, since the questions being asked have multi-layer functions, as shown by Text Sample 5-5.

Text Sample 5-5: Authentic direct examination (AC_DE_BB_06)

Q. Okay. And over here, do you recognize that structure behind what I just circled?

A. With the blue tent is the announcer's platform. So it is there that I sit during the time when announcing the race.

In Text Sample 5-5, the attorney asks the witness if he recognizes the structure behind what the attorney just circled. It is a question not only asking about the witness's ability to recognize the structure, but also to describe what the structure is. In direct examinations, this type of question is not uncommon. Attorneys use this type of question to elicit key facts or evidence that may favor their own side. In Text Sample 5-5, the witness answers the yes/no question by giving an more expanded answer than just *yes* or *no*, within which he uses the first-

person pronoun *I*, again increasing the frequency of first-person pronouns used in direct examinations.

On the other hand, the purpose of the cross-examination is to discredit the witness by asking almost only yes/no questions such as leading questions that suggest to the witness the answer that the examining party desires. The use of yes/no questions results in a very infrequent use of first-person pronouns found in the witness's answers. Text Sample 5-6 is an excerpt of cross-examination in which first-person pronouns are not used at all.

Text Sample 5-6: Authentic cross-examination (AC_CE_BB_02)

Q. And you put the image of the Montessori – that's not where I want to be. That's in front of the Montessori, right?

A. Yes, ma'am.

Q. Those legs that are circled, that's Tamerlan Tsarnaev, right?

A. They are, yes.

Q. The Montessori school is a greater distance from Marathon Sports than Fairfield and Boylston Street is from the Forum, is that correct?

A. Yes, ma'am.

Q. So – and the time that you have on here of – it says, "14:50:24"?

A. Yes.

Q. Again, that's information that came from the camera, and you don't know if that's accurate?

A. Correct.

In Text Sample 5-6, all of the questions asked by the attorney are yes/no questions, requiring the witness to answer by only saying yes or no. Unlike in direct examination where even a yes/no question implies an expanded answer, during cross-examination, if a yes/no question is asked, it usually requires a *yes* or *no* answer while expanded answers are rigorously prohibited; this is signaled by attorney's requirement to answer the question only with *yes* or *no*, as seen in Text Sample 5-7.

Text Sample 5-7: Authentic cross-examination (AC_CE_BB_02)

Q. You wrote that down somewhere?

A. That would be – Yeah. That would be from the metadata itself. If you go onto the imagery, a right click and do properties, you can receive the metadata from there.

Q. My question is: Did you keep a record somewhere of that metadata as you compiled this?

A. I can go back to the original imagery and extract it any time I need.

Q. Can you just tell me whether you wrote it down?

A. No, ma'am. Other than on the imagery, no.

In Text Sample 5-7, the witness tries twice to answer the attorney's yes/no question by giving a "more than enough" type of answer, until the attorney asks, "Can you just tell me whether you wrote it down?" The witness finally answers "No, ma'am". This excerpt shows that a yes/no question during cross-examination always requires a strict *yes* or *no* answer, and no more than that.

To summarize, it is this need of the cross-examination that makes the use of first-person pronouns much less frequent in cross-examinations compared with direct examinations, where witnesses frequently use first-person pronouns in providing lengthy answers and explanations.

5.1.1.2. Second-person pronouns

Second-person pronouns are used most frequently in cross-examination ($M = 43.86$, $SD = 15.86$), and least frequently in opening statement ($M = 19.81$, $SD = 8.41$). The two interactive sub-registers – direct and cross-- use significantly more second-person pronouns than the two monologic sub-registers – opening and closing. Significant differences in the frequency of second-person pronouns are also found between opening and direct, opening and cross, closing and cross, as well as direct and cross. R square indicates that 21% of the variance in the frequency of second-person pronouns can be predicted by the sub-registers of authentic courtroom language.

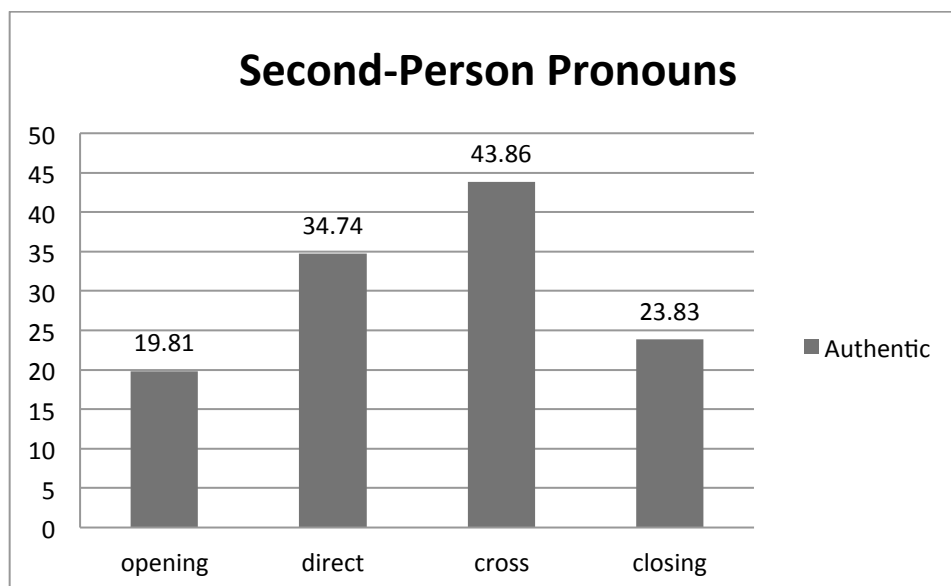


Figure 5.2. Mean frequency of second-person pronouns used in the four sub-registers of authentic courtroom

First, we will compare the use of second-person pronouns between opening statements and cross-examinations. The primary communicative purpose of the opening statement is to acquaint the jurors with the nature and theory of the case by outlining the facts to be proved. As such, the focus of the opening statement is the trial itself and not the jurors, though the jurors are the primary addressees of the opening statement. Therefore, second-person pronouns are not frequently used in the opening statement. Text Sample 5-8 is an excerpt of an opening statement.

Text Sample 5-8: Authentic opening statement (AC_OP_OB_01)

He will tell ***you*** that he had basic training at Fort Benning, Georgia, where he met Terry Nichols, who was his platoon guide. He also met Tim McVeigh in basic training, and they became friends and roommates. His permanent base, like Mr. Nichols and Mr. McVeigh, was at Fort Riley, Kansas.

In Text Sample 5-8, the attorney uses second-person pronouns to address the jurors, and this is the only occasion when an attorney uses second-person pronouns during the

opening statement – to address the jurors, especially when the attorney explains the cause of action, defenses, and gives a brief summary of the proposed testimony of each witness.

On the other hand, cross-examination is used to discredit a witness by mainly asking leading questions that contain frequent use of second-person pronouns. Text Sample 5-9 is an excerpt of cross-examination, where a set of yes/no questions is asked, with second-person pronouns frequently employed.

Text Sample 5-9: Authentic cross-examination (AC_CE_OB_01)

Q. And do you remember that I called your lawyer and asked if it would be all right with her for me to visit with you for a little bit?

A. Yes, you did.

Q. And when I met with you, it was in your lawyer's room at the hotel?

A. Yes.

Q. And I had a special agent of the FBI with me, Mr. Michalic. I introduced you to him?

A. Yes, you did.

Q. Your lawyer was present for the entire interview?

A. Yes.

Q. Before I ever met with you or before Ms. Behenna met with you, you had told, apparently, Ms. Ramsey that you saw two men on the morning of the 19th. Do you remember that?

A. Yes. Yes, I did.

Q. Excuse me?

A. Yes.

Q. In other words, when you talked to me, it wasn't the first time you said there were two men. You had told Mrs. Ramsey that before; that there were two men that you saw.

A. Yes.

In Text Sample 5-9, the second-person pronoun *you* is used in every single yes/no question, and is even used when the witness answers the questions, as can be seen from the first answer "Yes, you did". The need to use *you*, especially when an attorney asks the witness questions, leads to the frequent use of second-person pronouns during cross-examination. In addition to the frequency, another difference in the use of second-person pronouns between opening statements and cross-examinations is that the opening uses second-person pronouns to address the jurors, while the cross uses second-person pronouns to address the witness. It is

the interactive nature and the need to ask questions that make cross-examination employ many more second-person pronouns than the opening statement.

Another significant difference is detected between direct ($M = 34.74$, $SD = 10.64$) and cross-examination ($M = 43.86$, $SD = 15.86$), with cross-examination using significantly more second-person pronouns than direct examination.

As mentioned earlier, closed-ended questions such as leading questions dominate the cross-examination, whereas open-ended questions such as WH-questions or questions that start with “Can you describe...” dominate the direct examination. In closed-ended questions, second-person pronouns are used more frequently than in open-ended questions. This is because closed-ended questions are usually quite specific and much better defined and constrained. In the process of making the questions more defined and specific, second-person pronouns are used more often to allow the attorney to narrow down and specify the questions. Text Sample 5-10 is an excerpt of a cross-examination wherein second-person pronouns are highlighted.

Text Sample 5-10: Authentic cross-examination (AC_CE_BB_14)

Q. I see. When Mr. Weinreb showed **you** some pictures, did **you** – **you** were able to recognize those pictures from April 20th?

A. No, I can recognize them from now. I wasn't at the boat. I wasn't allowed back there.

In Text Sample 5-10, the attorney at the beginning intends to ask a yes/no question by using “did you”, but then he immediately changes that question into a statement form, a leading question – “you were able to recognize those pictures from April 20th?”, which is more face-threatening for the witness. The question asked here has been very well defined, and can be broken down into three elements. The first element is to define the first timeline, which is “When Mr. Weinreb showed you some pictures”. The second element defines the second timeline, which is when the witness recognized those pictures. The last element, which is also the main purpose of the question, is whether the witness was able to recognize the picture. In the process of defining the question, the second-person pronoun *you* is used three times,

although *you* is used twice to restate the question and transform a yes/no question into a more face-threatening leading question.

Text Sample 5-11 is another typical example of a well-defined and constrained question asked during cross-examination. In this example, *you* is used twice at the beginning of the question to direct the witness's attention to a particular spot of the evidence (in this example, the red-brown stain). Then *you* is again used to define the point in time "when you winterized" the boat. Finally, *you* is used to specify which boat the attorney's question refers to. This example also shows that second-person pronouns are often used to narrow down the questions during cross-examination.

Text Sample 5-11: Authentic cross-examination (AC_CE_BB_14)

Q. Showing you Exhibit 3029, directing you to this part of the berth, was that red-brown stain there when you winterized your boat in the previous fall?

A. It was not there.

On the other hand, open-ended questions such as WH-questions and questions beginning with "Can you describe..." are much less defined. However, these open-ended questions allow for much more expansive explanations and detailed answers. Within these less defined questions, second-person pronouns are used much less frequently. Text Sample 5-12 is an excerpt from a direct examination where the "can you describe..." type of open-ended question is asked. Text Sample 5-13 is an excerpt from a direct examination in which a WH-question is asked.

Text Sample 5-12: Authentic direct examination (AC_DE_BB_16)

Q. Can you describe generally what the atmosphere was there?

A. Basically, we had a lot of government agencies from across the state and region that were centered on the eighth floor and tried to coordinate the effort as far as the investigative effort, in reaction to the bombings.

Text Sample 5-13: Authentic direct examination (AC_DE_BB_16)

Q. How did you discover that?

A. That was discovered in the morning hours after reviewing essentially open-source media and also receiving tips from the public.

In Text Sample 5-12, *you* is used only once in the open-ended question “Can you describe generally what the atmosphere was there?”, and also used only one time in Text Sample 5-13 in “How did you discover that?” From the text samples we can see that the difference in the frequency of second-person pronouns between direct and cross-examination results largely from the way questions are framed in these two sub-registers. In cross-examinations, closed-ended questions such as leading questions are much more frequent than in direct examinations. On the other hand, open-ended questions such as WH-questions are much more prevalent in direct examinations than cross-examinations. It is this difference that results in the more frequent use of second-person pronouns in cross-examination than in direct examination.

5.1.1.3. WH-questions

WH-questions are used most frequently in direct examination ($M = 5.65$, $SD = 2.71$) and least frequently in the opening statement ($M = 0.46$, $SD = 0.33$). It is also interesting to find that the closing argument ($M = 1.83$, $SD = 1.09$) uses slightly more WH-questions than the opening statement. Significant differences are found between direct and cross-examination, with direct examination using much more WH-questions than cross-examination. R square shows that 53% of the variance in the frequency of WH-questions can be predicted by the sub-registers of authentic courtroom language.

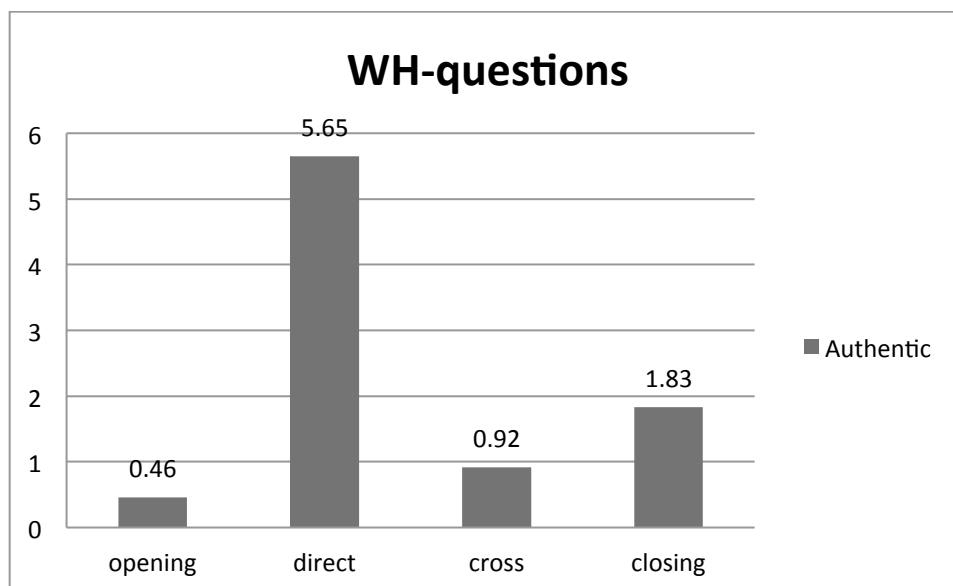


Figure 5.3. Mean frequency of WH-questions used in the four sub-registers of authentic courtroom

The use of WH-questions have been briefly explained when discussing the use of first- and second-person pronouns and the main purpose of direct and cross-examinations, as well as the way questions are delivered during the two interactive sub-registers. This section will explore in further detail how WH-questions are used in authentic courtroom language.

In direct examination, the role of the attorney is to assist the witness in describing an event clearly and thoroughly. The first series of questions in direct examinations is typically directed towards permitting the witness an opportunity to introduce him or herself to the jury, because general background information helps the jury get to know the witness and assess his/her credibility. Within these questions, WH-questions are usually used, as Text Sample 5-14 shows.

Text Sample 5-14: Authentic direct examination (AC_DE_BB_01)

Q. Good afternoon, Mr. Kilgore. Would you tell the jury, please, **where you reside by naming the city and the state?**

A. Asheville, North Carolina.

Q. **And how long have you lived there?**

A. I've lived there for four years.

Q. **And who do you live there with?**

A. I live there with my wife and my eight-month-old daughter.

Q. And are you employed at this time?

A. I am.

Q. All right. Can you tell the jury ***what you do?***

A. Well, I, for the last four years, have been self-employed as a mobile auto detailer, and I'm actually transitioning into a technical director in a new job for a travelling sort of Broadway-style production.

Q. And for that production, ***what do your duties entail?***

A. They entail running sound, lighting, producing videos, just to name the main ones.

In Text Sample 5-14, five WH-questions are used to ask about the witness's name, place of residence, years living there, people he lives with, and his job duties. For all the witnesses that are involved in direct examination, background information is always the first to be asked by attorneys using WH-questions. It is important to mention that in cross-examination, background information is not included most of the time because it has already been introduced during direct examination. This lack of background information introduction is one of the few reasons why cross-examination uses fewer WH-questions than direct examinations.

Most people, especially non-experts, have never testified before and are unfamiliar with the rules of courtroom examination. The attorney's role therefore is to assist and direct the witness through the examination. For example, if the question is too broad, such as "What happened?" the witness will not know where to start or how much detail to provide. Therefore, attorneys must use questions that provide the witness some guidance on how to answer. This is usually when leading questions or other types of close-ended questions are permitted to get the witness to the main event more quickly. As such, during direct examination, although WH-questions are rather frequently used, attorneys always use WH-questions and other open-ended questions with leading questions and other close-ended questions to elicit wanted information. Text Sample 5-15 is a typical example of the combined use of WH-questions and close-ended questions.

Text Sample 5-15: Authentic direct examination (AC_DE_BB_12)

Q. All right. And the owners of California Pizza Kitchen told law enforcement they could stage their operations there?

A. Yes.

Q. All right. ***And after you got there, what happened?***

A. Upon my arrival at the California Pizza Kitchen, I was immediately dispatched by an FBI supervisor go to a secondary command post at the Westin Hotel up on Huntington Ave.

Q. **And where is that in relation to Boylston Street where the bombings happened?**

A. Approximately two or three blocks away.

Q. **When you got to the Westin, what happened there?**

A. I was assigned, along with Boston Police Department Sergeant Earl Perkins, to head up a video canvass and collection team within the Boylston Street area.

Q. Okay. **What does “canvass and collection” mean?**

A. The mission of this tea would basically be to be dispatched down to the Boylston Street area, recover, collect and preserve any potential video evidence that we could find.

In Text Sample 5-15, a yes/no question (“And the owners of California Pizza Kitchen told law enforcement they could stage their operations there?”) is asked before the first WH-question “And after you got there, what happened?” is asked. In this example, the first yes/no question functions to guide the witness to talk about what happened when he got to California Pizza Kitchen. It also serves to guide the jurors’ attention to California Pizza Kitchen and what happened there. In direct examination, it is quite common to see an attorney asking a yes/no question followed by a few WH-questions. The yes/no question usually sets the scene for the following WH-questions, guiding the witness to expand his/her answers around a particular topic.

On the other hand, WH-questions are used much less in cross-examination compared with direct examination, which again can be explained by the primary communicative purpose of the cross-examination. The cross-examination functions to scrutinize a witness’s testimony and weaken its force, in short, to discredit the direct testimony. As such, during cross-examination, if attorneys ask a witness to explain “why” or “how” something happened, they just permitted the witness to say anything at will, which is the last thing the attorney wants because it could result in damaging testimony, making the examiner lose the battle.

While it is the general rule to use only leading questions during cross-examination, there are always exceptions. There can be circumstances where it might be helpful to flesh out factual details using more open-ended questions, such as WH-questions. Generally, this occurs when the questions concern less contested information. For example, questions related to

distances, positions, or locations might be explored by simply asking the witness to explain or provide more detail, without the use of leading questions. Text Sample 5-16 is a typical example to show how WH-questions are used to elicit less contested matters during cross-examination.

Text Sample 5-16: Authentic cross-examination (AC_CE_BB_01)

Q. And you said that they did. **Can you tell me what you mean by that, when you say “to scale”?**

A. When I see that and compare it to my experience of walking up and down the street along there quite often, it looks about right to me.

Q. It looks about right?

A. That’s right.

Q. But you haven’t done any measurements of your own?

A. That’s correct.

In Text Sample 5-16, the attorney asks the witness what he means by saying “to scale”, and it is a question asking about position. The witness answers the WH-question by saying “it looks about right to me”. Then the attorney immediately captures the key word “about” and asks another question, “You haven’t done any measurements of your own?”, which actually weakens the accuracy of the witness’s previous testimony. From this example, we can see that WH-questions are also used in cross-examination. Unlike direct examination, where a series of WH-questions is used to help the witness expand their answers that will favor their own side, during cross-examination, a WH-question is often followed by a series of yes/no questions to discredit the witness.

Text Sample 5-17 is another example of WH-questions used in cross-examination. This time it is used to elicit a detailed explanation from the witness in order to later attack the witness by pointing out the conflicts or logical fallacy in the witness’s answers, which is another common way to use WH-questions in cross-examination to discredit the witness.

Text Sample 5-17: Authentic cross-examination (AC_CE_BB_02)

Q. I’m sorry. **Can you just explain that to me for a minute?**

A. So with the proprietary players, you have the ability, some of them, to actually apply the date/time group or not apply the date/time group. I was asked during the

processing, that if it did have a date/time group, to ensure that the date/time group was visible regardless if the time was correct or not.

Q. So 2:28:53 would actually – if that time were accurate, would place that image before the previous image we saw, which was in front of Back Bay Social Club, correct?

A. Correct.

...

Q. So you decided to place the image of Jahar Tsarnaev passing the corner of the Fairfield and Boylston Street after the image of Tamerlan Tsarnaev passing the Montessori school, right?

A. I did.

Q. **And what was that based on?**

A. It was just the proper way that I laid it out. There was no specific reason why I placed one in front of the other.

Q. And did you take into account the distances involved?

A. No, I did not.

In Text Sample 5-17, two open-ended questions (“Can you just explain that to me for a minute?”, “And what was that based on?”) are asked by the defense attorney of Tamerlan Tsarnaev to the FBI audio/video analyst Anthony Imel, and both serve to undermine the witness’s credibility. In this case, both open-ended questions ask about the accuracy of the timelines of the security video. As it turns out from the witness’s answers (the witness did not take the distances into account), the accuracy of the camera video timelines is not guaranteed. In this text sample, the WH-question “And what was that based on?” is asked in order for the following yes/no question “And did you take into account the distances involved?” to be asked, with the intention of eliciting the witness’s answer “NO, I did not [take into account the distances involved]”, which will discredit the witness himself. During cross-examination, attorneys do not ask a question that they do not know the answer to in order to get control of the witness. In this case, the attorney knew that the witness did not take the distances into consideration, and all the questions he asked to the witness are intended to make the witness confess that he did not take the distances into consideration when making the camera video, successfully discrediting the witness.

To conclude, WH-questions are used in both direct examination and cross-examination. However, when WH-questions are used in direct examination, they serve to guide the witness to expand their answers that will ultimately support their own side of the story. On the contrary,

when WH-questions are used in cross-examination, they are always used to elicit answers that will jeopardize the witness's credibility. In addition, during direct examination, it is common to see a yes/no question followed by a series of WH-questions; whereas during cross-examination, it is frequent to see a WH-question followed by a set of yes/no questions. It is this difference in communicative purpose between direct and cross-examination that makes the frequency and function of WH-questions different in the two sub-registers.

Finally, it is interesting to find that WH-questions are used slightly more often in the closing argument than in the opening statement. Text Sample 5-18 is an excerpt of the closing argument from the O.J. Simpson trial. The attorney lists a set of WH-questions to remind the jurors of the questions they should ask themselves before delivering a verdict, and to help the jurors to chart pieces of information together in a way that favors the attorney's own side. After all it is two versions of the story that compete with each other, and whichever one is more convincing wins the case. In the opening statement, this function is absent because the opening statement should explain the trial but not raise questions, especially because questions will very likely confuse the jurors.

Text Sample 5-18: Authentic closing argument (AC_CL_OJ_03)

Or if he intended to go somewhere, **why didn't he just get back in the car and go either in the Bentley or in the Bronco? Why wait for Kato to be out of sight?**

In Text Sample 5-18, the prosecuting attorney asks two WH-questions ("why didn't he...in the Bronco?" and "why wait...sight?") in order to guide and help the jurors find the contested information that proves that O.J. Simpson committed the double murder.

This section discusses the use of WH-questions used within authentic courtroom language. They are used much more often in direct examination than cross-examination due to the communicative priorities of the two sub-registers. The following section will explore the use of another main interactive feature – contractions within authentic courtroom language.

5.1.1.4. Contractions

Contractions are most common in cross-examination ($M = 22.14$, $SD = 9.41$) and least common in opening statement ($M = 12.39$, $SD = 5.36$). It is interesting to find that cross-

examination uses more contractions than direct examination ($M = 16.77$, $SD = 6.54$), and the difference is significant. In addition, significant differences are also found between opening and cross, as well as opening and closing argument. R square shows that 13% of the variance in the frequency of contractions can be predicted by the sub-registers of authentic courtroom language.

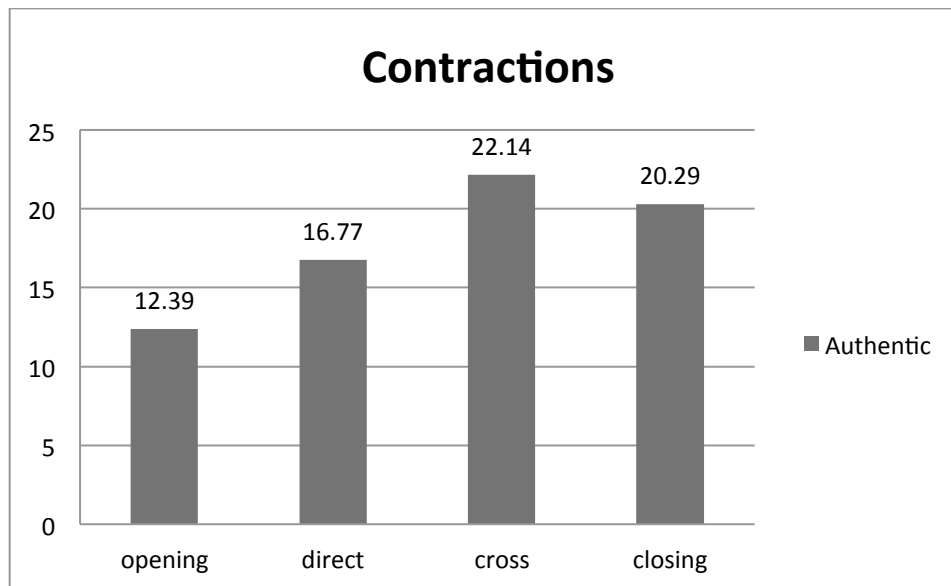


Figure 5.4. Mean frequency of contractions used in the four sub-registers of authentic courtroom

Before interpreting the frequency and function of contractions, it is important to mention again that in authentic cross-examination, leading questions dominate because giving the witnesses an opportunity to answer at will is the last thing an attorney wants. A question is “leading” if it “suggests to the witness the answer the examining party requires” (People v. Williams, 1997: p.672). Good cross-examination uses leading questions to force the witness to answer only the questions posed, no more and no less. Well-crafted leading questions are concise and simple, requiring the witness to admit or deny only one statement of fact at a time. For example, “You were driving up Maple approaching the intersection of Lincoln, isn’t it correct?”

The object of leading questions is to force the witness to either confirm or deny the statement with a “yes” or “no”. The most common method is to use a simple tag question at the end or at the beginning of the facts stated, for example, “Isn’t it true, the light was red when you approached the intersection?” or “The light was red when you approached the intersection, wasn’t it?” As such, contractions are particularly common in authentic cross-examinations, compared with the other three sub-registers. Text Sample 5-19 is an example of cross-examination, where tag questions are used particularly frequently to force the witness to answer the questions by only saying “yes” or “no”.

Text Sample 5-19: Authentic cross-examination (AC_CE_OB_02)

Q. That was long before December of 1996, ***wasn't it?***

A. Sure.

Q. In fact, you saw Q507 under the microscope with Mr.Burmeister, ***didn't you?***

A. Yes, I did.

Q. And ***that's*** when you commented at that time to others that his work in finding those crystals were brilliant?

A. Yes, absolutely.

Q. And at that time you ***didn't*** raise any issue about the ability of those crystals to be on Q507 after ***they'd*** been recovered from the crime scene; ***isn't that right?***

A. ***That's*** correct.

Q. And Mr.Burmeister told you at that time that some of those crystals were actually embedded into the plywood; ***isn't that right?***

A. No, not at that time.

Text Sample 5-19 shows a condensed use of tag questions after each of the yes/no questions, such as “wasn't it?”, “didn't you?” These tag questions are specific to cross-examination, and are not very commonly seen in the other three sub-registers, which is quite likely a reason for the significant difference in the frequency of contractions between cross-examination and the other three sub-registers.

5.1.2. Comparison across authentic and TV courtroom language

Section 5.1.1 describes the use of a few interactive production features (first-person pronouns, second-person pronouns, WH-questions, and contractions) in the four sub-registers of authentic courtroom language. Section 5.1.2 will then compare the use of these linguistic

features across authentic and TV courtroom language, and provide a detailed interpretation and explanation of how and why these linguistic features are similar and/or different across the two courtroom registers.

5.1.2.1. First-person pronouns

To compare the frequency of first-person pronouns across authentic and TV courtroom language, the overall pattern shows that first-person pronouns are used more often in TV courtroom than in authentic courtroom language. Significant differences are found between authentic direct ($M = 38.49$, $SD = 14.66$) and TV direct ($M = 59.44$, $SD = 23.64$), authentic cross ($M = 29.69$, $SD = 11.52$) and TV cross ($M = 45.62$, $SD = 12.24$), as well as authentic closing ($M = 15.17$, $SD = 8.11$) and TV closing ($M = 32.26$, $SD = 16.11$). R square shows that 33% of the variance in the frequency of first-person pronouns can be predicted by the sub-registers of authentic and TV courtroom language.

Table 5.4. Mean frequency and standard deviation of the four interactive production features within authentic and TV courtroom

Register	First-person pronouns	Second-person pronouns	WH-questions	Contractions
Authentic courtroom				
Opening	17.14 (8.17)	19.81 (8.41)	0.46 (0.33)	12.39 (5.36)
Direct	38.49 (14.66)	34.74 (10.64)	5.65 (2.71)	16.77 (6.54)
Cross	29.69 (11.52)	43.86 (15.86)	0.92 (1.31)	22.14 (9.41)
Closing	15.17 (8.11)	23.83 (7.14)	1.83 (1.09)	20.29 (5.73)
TV courtroom				
Opening	26.76 (20.60)	33.52 (14.98)	1.44 (2.70)	24.00 (23.88)
Direct	59.44 (23.64)	33.78 (15.36)	4.24 (3.65)	24.19 (12.16)
Cross	45.62 (12.24)	58.36 (15.40)	3.68 (3.55)	35.38 (13.51)
Closing	32.26 (16.11)	16.45 (10.32)	2.66 (2.29)	32.35 (13.04)

Table 5.5. Results of one-way ANOVA of the four interactive production features within authentic and TV courtroom language

Linguistic features	F-Value	P-Value	R ²
First- person pronouns	28.86	< .001	0.33
Second-person pronouns	35.52	< .001	0.37
WH-questions	38.25	< .001	0.39
Contractions	26.70	< .001	0.31

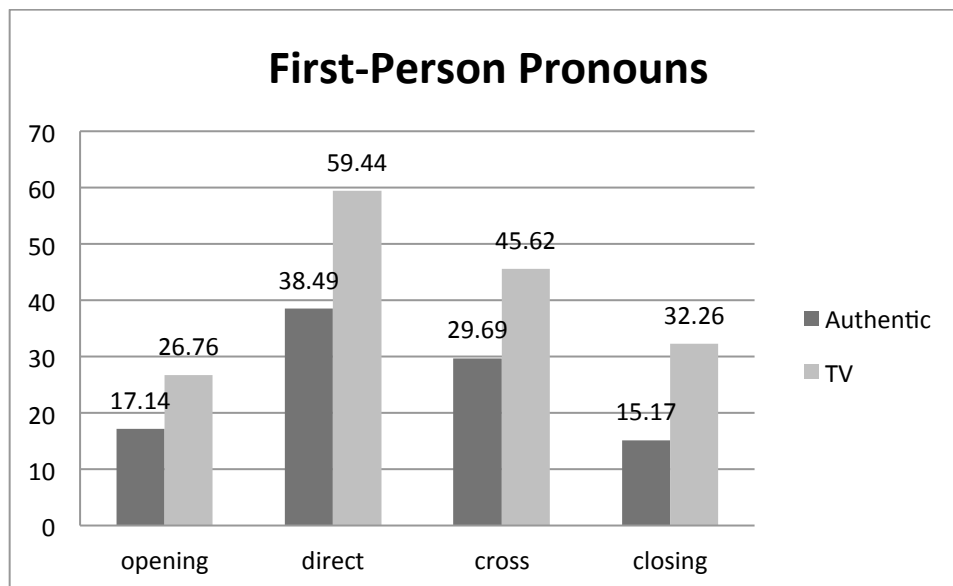


Figure 5.5. Mean frequency of first-person pronouns used in the four sub-registers of authentic and TV courtroom

To compare the use of first-person pronouns between authentic and TV direct examination, TV direct examination uses many more first-person pronouns than authentic direct examination. Text Sample 5-20 is an excerpt of TV direct examination, where first-person pronouns are densely used in the witness's answers.

Text Sample 5-20: TV direct examination (TC_DE_BL_06)

A. I was hurrying home because, well, I had been away for about a week and I was excited to see him.

Q. And when you got home?

A. I pulled into the garage, went into the kitchen, called out his name. His car was there, so I was sure he was home. It was only about 9:30 I couldn't imagine him being in bed. But... he was.

Text Sample 5-20 is a typical example of direct examination, where first-person pronouns are frequently used in the witness's answers. However, in authentic courtroom language, there are many occasions, especially during direct examination of an expert witness,

when first-person pronouns are either rarely used or are completely absent from the witness's answers, as shown by Text Sample 5-21.

Text Sample 5-21: Authentic direct examination (AC_DE_OJ_07)

Mr. Goldberg: And what, if anything, were you trying to determine by measuring the footprints and the blood dots?

Mr. Fung: I was asked to determine whether the person was running or walking.

Mr. Goldberg: First of all, did you make any preliminary determination as to the shoe size?

Mr. Fung: Yes. The preliminary determination was that it was a large shoe size consistent with being worn by an adult.

Mr. Goldberg: And another thing you said you were looking at was the distance between shoeprints - for what purpose were you looking at that?

Mr. Fung: When a person runs, they will have a longer distance between each shoeprint than when they walk.

Mr. Goldberg: And was the distance here for an adult relatively long consistent with running or shorter?

Mr. Fung: It was relatively shorter.

Mr. Goldberg: And finally, you said that you looked at the trailing or tailing - what did you mean by that?

Mr. Fung: When a drop of blood hits an object, when it has some type of velocity besides going down, it will typically have a splashing effect in the direction that it is traveling and you can determine direction by analyzing that.

In Text Sample 5-21, Dennis Fung, an LAPD criminologist, is asked questions regarding the footprints and the blood dots, which is his expertise. Although the attorney keeps using second-person pronouns in his questions, the witness uses a first-person pronoun only once in "I was asked to determine whether the person was running or walking". As for the answers to other questions, first-person pronouns are completely absent. In authentic direct examination, it is quite common to see the absence of first-person pronouns when an expert witness is explaining a particular scientific/technical issue or forensic procedure. However, in TV courtroom, there are far fewer expert witnesses and therefore much less description or explanation of scientific issues or forensic procedures. This is not surprising because if there is too much scientific explanation involved in TV courtroom language, the audience might very likely get bored and lose interest in the TV series. Therefore, the main reason why authentic

direct uses many fewer first-person pronouns than TV direct is because many more expert witnesses are involved in authentic courtroom language , and when they are direct examined, first-person pronouns are used with much less frequency than when a layperson witness is direct examined.

A significant difference in the frequency of first-person pronouns is also found between authentic and TV cross-examination, with TV cross-examination using much more first-person pronouns than authentic cross-examination. Text Sample 5-22 and Text Sample 5-23 are two excerpts of TV cross-examinations.

Text Sample 5-22: TV cross-examination (TC_CE_BL_01)

Q. So, I guess **my** client's strategy was if at first you don't succeed, try, try again. A strategy you certainly ratified.

A. Well, I—

Q. Since dogged perseverance was rewarded the first time, I guess it would only be natural for him to adopt this strategy again.

A. I may have sent mixed signals the first time, but I did no such thing this time.

Q. Ah. When you left, did you tell prospective employers the reason?

A. No, I—

Q. Why not?

A. I suppose I feared that it wouldn't depict **me** in the best possible light. I was a married woman having an affair.

Q. Got it. So this stigma you refer to—people wondering whether you were fired or not—that stigma was at least partly caused by your embarrassment over your own behavior—a married woman having an affair.

A. I suppose that's true. But I—

Q. Thank you, Ms. Moore.

Text Sample 5-23: TV cross-examination (TC_CE_BL_07)

Q. When in fact it wasn't only your business. You built it up together over the two years.

A. I founded the company, and most of the clients that she left with were **mine**.

Q. Now Ms. Rogers, as business partners, as a couple, you two were quite prominent. Isn't that right? Your photos were constantly in the Globe or Boston magazine being called the new IT Girls. You two got more publicity than your clients.

A. It works to the client's benefit as well, so I don't see your point.

Q. My point is you two got a lot of publicity together, as a couple, business just went through the roof. Even if you were defrauded, it wasn't exactly to your financial detriment.

A. It was certainly to **my** detriment, when she left.

Q. Well, but even so. You make more money now than you did before even meeting Tracy, so how could you have been hurt?

A. How have I been hurt? She caused me to fall in love with her!

It is interesting to find that in both text samples, instead of asking questions, the attorney makes statements that the witness later could comment on or respond to. The way the attorney forms the questions elicits more information from the witness than a simple “yes” or “no”. For example, in Text Sample 5-22, the attorney says, “Since dogged perseverance was rewarded at the first time, I guess it would only be natural for him to adopt this strategy again”. This is not a question but a statement, which elicits the witness’s response “I may have sent mixed signals the first time, but I did no such thing this time”. In this response, first-person pronouns are used twice. In Text Sample 5-22 we can also see that the witness tries to respond to the attorney’s questions and statements, but is constantly interrupted by the attorney, which can be seen from the witness saying “Well, I –”, “No, I –”, “But I –”. This type of interruption is common in TV cross-examination because showing how the attorney’s power and making the witness appear defenseless can increase the dramatic effect of a TV series. It is, however, not common to see this type of interaction in an authentic cross-examination.

This statement-like question (with a sarcastic tone sometimes) is particular to TV cross-examination. It elicits more use of first-person pronouns because of the witness’s expanded answers and responses to those questions posed by the attorney. Text Sample 5-24 is a typical example of an authentic cross-examination, where yes/no questions are asked, followed by a strict yes or no answer.

Text Sample 5-24: Authentic cross-examination (AC_CE_OB_02)

Q. And that's when you commented at that time to others that his work in finding those crystals was brilliant?

A. Yes, absolutely.

Q. And at that time you didn't raise any issue about the ability of those crystals to be on Q507 after they'd been recovered from the crime scene; isn't that right?

A. That's correct.

Q. And Mr. Burmeister told you at that time that some of those crystals were actually embedded into the plywood; isn't that right?

A. No, not at that time.

Q. You didn't observe that when you looked through the microscope?

A. No, ma'am.

In Text Sample 5-24, yes/no questions are followed with the tag question "isn't it?" There is not a single use of first-person pronouns in the witness's answers, only yes or no. To compare these questions asked during authentic cross-examination with those asked during TV cross-examination, we can find that in TV cross-examination, taglines are also used in the attorney's questions (as in "Now Ms. Rogers, as business partners, as a couple, you two were quite prominent. Isn't that right?" in Text Sample 5-23). However, in TV cross-examination, there are more statements after the tagline ("Your photos were constantly in the Globe or Boston magazine being called the new IT Girls. You two got more publicity than your clients."), and therefore elicit a witness's responses that are more than a simple yes or no. In authentic cross-examination, there is no more statement after the tagline.

To conclude, in authentic cross-examination, when a yes/no question is asked, the attorney usually expects a simple yes or no answer and no more than that whereas in TV cross-examination, more information is always elicited by the questions during cross-examination, with the intention of making the drama more attractive. In those expanded answers, first-person pronouns are always used for the witness to explain a particular event that he/she is involved in. Therefore, TV cross-examination uses more first-person pronouns than authentic cross-examination.

Finally, a significant difference is also found in the frequency of first-person pronouns between authentic closing and TV closing, with TV closing using more first-person pronouns. A typical authentic closing argument often contains a few basic components. First, due to the incremental and slow nature of a trial, by the close of the evidence, some jurors may still not be entirely clear regarding the contested issues or the cause of actions or defense involved. Therefore, the beginning of the closing argument is usually devoted to clarifying and defining the issues. Attorneys summarize briefly the facts proven and their legal theories in a narrative format, weaving the facts and the law together. These introductory comments are designed to ensure that all jurors are on the same page before the attorney moves on to a more detailed discussion about the facts and the law. This first part of the argument often does not involve

the use of first-person pronouns. Text Sample 5-25 is an example of the introductory comments of an authentic closing argument.

Text Sample 5-25: Authentic closing argument (AC_CL_OB_01)

On April 19, 1995, a crime of ghastly proportions was committed. On that day a truck packed with explosives parked in downtown Oklahoma City filled with explosives. Only a wall of windows separated the unsuspecting children and women and men inside that building from the truck and the explosives that set outside. The truck bomb exploded, the building gave way, and suddenly many lives were ended and many, many more were changed forever. America stood in shock. Who could do such a thing? Who could do such a thing? It's a question that began to ripple across this country coast to coast. And finally it's come to rest right here in this courtroom. It's fallen to you as members of this jury to answer that question. Based on the evidence, based on what you've heard, the answer is clear. Tim McVeigh did it. Tim McVeigh and Terry Nichols in concert with each other planned and executed the violent attack on the Murrah Building and are responsible for the murders of those persons who died.

In Text Sample 5-25, first-person pronouns are not used at all, because it is the feature of the case summary that makes the use of first-person pronouns unnecessary at this point. The next component of an authentic closing argument is the evidence. This is where the attorney discusses in some detail the key facts and what was either proven or disproven by the evidence. If it is a longer trial like the O. J. Simpson trial, the attorneys usually review the testimony of each witness by summarizing and highlighting only the important key facts that were established. Important photographs, documents, or other key parts of the evidence are shown again to the jury. This is where first-person pronouns are frequently used when the attorney repeats what the witnesses have testified. Text Sample 5-26 is an example of an attorney discussing the key evidence in detail.

Text Sample 5-26: Authentic closing argument (AC_CL_OB_01)

But Marife Nichols testified, and she said we did buy gas and we did buy at that gas station, but not on Easter Sunday; we bought it the day before. She told you about her travels and why she remembered that. And she said we didn't drive enough after the time we got gas on Saturday that we'd need gas again.

In Text Sample 5-26, the first-person pronoun *we* is repetitively used when the attorney reports Marife Nichols' testimony. In an authentic closing, first-person pronouns, especially the plural form *we* are also frequently used with the verbs *know* and *see* when the attorney appeals to the jurors' emotion. Text Sample 5-27 is an excerpt of the closing argument from the Boston Marathon Bombing case.

Text Sample 5-27: Authentic closing argument (AC_CL_BB_01)

We can't tell you who shot Officer Collier. That's what **we** know. **We** know he was shot in the hand, possibly as he was reaching for the microphone, on the radio. **We** know he as shot twice in the head at close range.

In Text Sample 5-27, the first-person pronoun *we* has been repetitively used by the attorney to relate to the jurors and remind the jurors what they are supposed to know before the deliberation.

In the TV closing argument however, many of the components of the authentic closing argument, such as those that are mentioned above such as defining the issues, summarizing the case and to reviewing the key evidence and testimonies, are absent. Instead, in the TV closing argument, the focus is always on the attorney. TV closing argument is when the attorney appeals to the jurors by delivering a 'performance' that is more dramatic and egocentric than the authentic closing argument. Text Sample 5-28 is an excerpt from Boston Legal, delivered by the defense attorney Alan Shore.

Text Sample 5-28: TV closing argument (TC_CL_BL_07)

I've been accused of reflectively, perhaps even glibly, orchestrating a little revenge. Well, **I** guess that's how **I** wanted it to look. A man punched **me** in the face, in front of **my** girlfriend, and while **my** instinct was to hit him back, the truth is, **I** was afraid. **I** was fearful, that if **I** retaliated he would beat **me** up.

In Text Sample 5-28, the defense attorney Alan Shore creates a scenario for the jurors to imagine. Shore intends to make the point that the defendant acted in self-defense rather than deliberately killing the victim. An attorney's creating a fake scenario and making him/herself as

the protagonist is commonly seen in TV closing arguments. In TV series, the attorneys are usually the leading characters and all the plots and conflicts are developed around them. Therefore, it makes sense that during the closing argument when the plot reaches its climax, the attorney substitutes the defendant or the victim with him/herself in a fake scenario that he/she creates for the jurors in order to convince them and deliver a verdict that favors the attorney's side. In this process of scenario creation, first-person pronouns cannot be avoided and are actually frequently used. It is this different communicative purposes of authentic and TV closing arguments that makes the TV closing argument employ more first-person pronouns than the authentic closing argument.

5.1.2.2. Second-person pronouns

Unlike first-person pronouns, which are generally used more often in TV courtroom language than in authentic courtroom language, there is not a general pattern in the use of second-person pronouns. A significant difference is only found in the frequency of second-person pronouns between authentic cross-examination and TV cross-examination, with TV cross (M = 58.36, SD = 15.40) using more second-person pronouns than authentic cross (M = 43.86, SD = 15.86). R square shows that 37% of the variance in the frequency of second-person pronouns can be predicted by the sub-registers of authentic and TV courtroom language. Text Sample 5-29 is an excerpt of TV cross-examination.

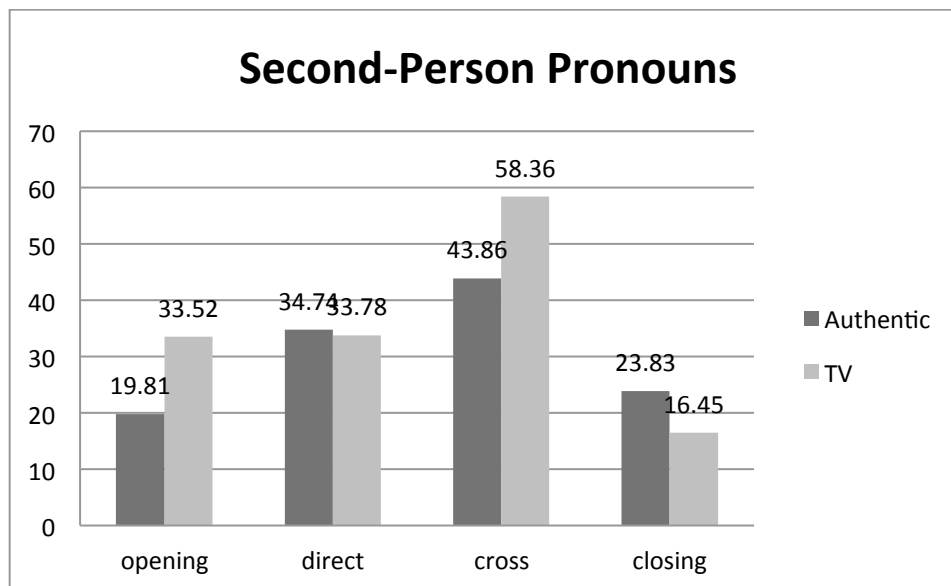


Figure 5.6. Mean frequency of second-person pronouns used in the four sub-registers of authentic and TV courtroom

Text Sample 5-29: TV cross-examination (TC_CE_TP_12)

Bobby: So this world he lives in, which you so object to, you wanted him to become a partner in it. You get alimony, don't you, Sharon?

Sharon: Yes.

Bobby: You make money off this world, you urge him to go for partner and now you cite that world as ground for parental unfitness. Is hypocrisy a value you pass on to Kendall?

In Text Sample 5-29, *you* is frequently used by the attorney Bobby to reinforce his tone of being aggressive. The *you*-statement is rather common in TV cross-examination because of its invasive tone and its being face-threatening, which can add up to the dramatic effects of TV cross-examination.

In authentic cross-examination, however, the use of *you* is not as frequent as it is in TV cross-examination. *You* in authentic cross is usually just used to ask questions by the attorney. It is also interesting to find that second-person pronouns are almost exclusively used by attorneys in both authentic and TV cross-examination, but not by witnesses.

5.1.2.3. WH-questions

WH-questions show an interesting pattern when they are used in authentic and TV direct examination, as well as authentic and TV cross-examination. Significant differences are found in the frequency of WH-questions between authentic and TV direct examination, with authentic direct ($M = 5.65$, $SD = 2.71$) using more WH-questions than TV direct ($M = 4.24$, $SD = 3.65$), and between authentic and TV cross-examination, with TV cross ($M = 3.68$, $SD = 3.55$) using more WH-questions than authentic cross ($M = 0.92$, $SD = 1.31$). R square shows that 39% of the variance in the frequency of WH-questions can be predicted by the sub-registers of authentic and TV courtroom language.

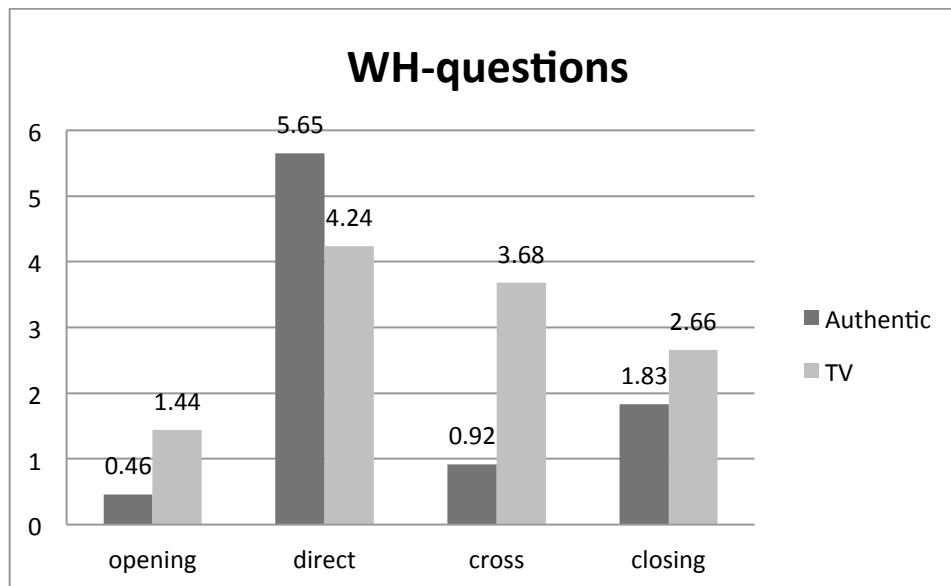


Figure 5.7. Mean frequency of WH-questions used in the four sub-registers of authentic and TV courtroom

In authentic direct examination, there are usually two ways to elicit wanted information. One is through WH-questions, and the other is by asking “can you describe...”. However, in TV direct examination, there are other ways to elicit expanded answers from witnesses. Text Sample 5-30 is an example showing how expanded answers are elicited through other forms of questions rather than WH-questions.

Text Sample 5-30: TV direct examination (TC_DE_BL_03)

A. I beat the crap out of him. E-excuse me. I was a different person then.

Q. Okay. Mr. Stone. **We need to be very specific about what happened back then.**

A. Well, he tried to get into a game of pickup hoops. Me and another guy in the game, we started dissing him a little. He said something back, and we beat him up pretty good. I'm not proud of it.

In Text Sample 5-30, the question is not directly asked in the form of a WH-question. Instead, it is a statement, "We need to be very specific about what happened back then". The witness then provides a detailed answer about happened in the past.

In TV direct examination, yes/no questions are used very often. However, instead of requiring a yes/no answer, these yes/no questions actually ask for an expanded answer, as Text Sample 5-31 shows.

Text Sample 5-31: TV direct examination (TC_DE_TP_09)

A. Instead of doing a positive feature, as they promised, they ambushed me with this... this big story... on bugs.

Q. **Bugs?**

A. Bugs in the kitchen, bugs on the floor. They condemned my restaurant as unsanitary. It's the lead story on the news. My restaurant is closed. My reputation is destroyed. By those liars.

In this example, the attorney asks "Bugs?" instead of asking "What do you mean they ambushed you with this big story on bugs?" For one reason, the attorney actually expects the witness to provide a more detailed answer about how those people ambushed him with the story on bugs. For another reason, the interaction is more coherent when the attorney asks "bugs?" than reforming a WH-question asking about the same thing. In addition, by saying only "bugs?", the attorney gets the same detailed and expanded answers as if he had asked a WH-question. Text Sample 5-32 is another example to show how the attorney elicits expanded answers from the witness by using questions other than WH-questions.

Text Sample 5-32: TV direct examination (TC_DE_TP_09)

A. My intent was to do a positive piece. That is not something that I was just saying.

Q. **But at some point, you obviously changed the focus.**

A. That point came when we discovered how unsanitary the kitchen was. This was a revered North end family restaurant. The chef was practically an icon, and that was the story we wanted to tell, but when I saw how filthy it was back there, it became a bigger story. And a more important one for people to hear, given the health issue.

In Text Sample 5-32, when the attorney asked, “But at some point, you obviously changed the focus.”, he actually expects the witness to explain how and why he changed the focus in his story written about the restaurant. Again, instead of using WH-question, the attorney delivers the question in a different way but also is able to elicit a detailed answer from the witness.

In general, TV direct is less formal than authentic direct, in which attorneys usually ask questions more formally using WH-questions. In TV direct, by sometimes reducing the form of the questions, it speeds up the interaction between the attorney and the witness, therefore making the plots more intense for the audience. In addition, it is important to mention that in TV direct examination, the attorney’s question is usually closely connected to the witness’s answer. This can actually provide the audience with a more coherent context and make the whole story easier to follow and understand. In contrast, in authentic direct, attorneys do not always follow the witness’s answer. Instead, they sometimes initiate a new topic or a new question and guide the witness to follow their direction. It is the more different ways to elicit expanded answers in TV direct examination that makes use of WH-question less frequent in TV direct than in authentic direct.

As for the use of WH-questions in cross-examination, however, it shows the opposite pattern with TV cross using more WH-questions than authentic cross. Text Sample 5-33 is an excerpt of TV cross-examination, in which WH-questions are highlighted.

Text Sample 5-33: TV cross-examination (TC_CE_BL_05)

Q. **How many years in the lab?**

A. Five.

Q. **How ‘bout the junior member? How many years did he have?**

A. I'm not sure
 Q. More than five?
 A. I believe so.
 Q. Just out of curiosity, **what was his finding?**
 A. Inconclusive.
 Q. He could not determine that my client fired a gun?
 A. Nor could he rule it out.
 Q. He could not determine that my client fired a gun.
 A. Correct. But I determined she did.
 Q. You trace-metaled my client. Did you test for powder residue on her hand?
 A. Yes. She tested negative.
 Q. Gee, **how could that be?**
 A. We determined that she likely wore gloves when she fired the gun.
 Q. So she was careful to wear gloves when she shot them, then afterwards, she took the gloves off and handled the gun?

In Text Sample 5-33, the attorney uses three WH-questions to ask about how long a junior lab member is trained, intending to imply that because of the short training time, the conclusion that the junior member obtains from the lab is inconclusive and not convincing. The attorney then asks about the lab findings, which leads to another conclusion that the defendant tested negative for powder residue. The attorney finally asks another WH-question to the witness about how they determine the defendant fired a gun when the test for powder residue is negative.

As mentioned above, WH-questions are always used to trap the witness, because this type of question requires an expanded answer. On the one hand, the witness has more opportunity to offer an expanded and detailed explanation if he/she wants. However, it also creates the risk of saying something that can demonstrate the falsity of the testimony because details can highlight inconsistencies or incredulous scenarios. As such, many attorneys use a series of WH-questions to elicit wanted information and use this information to discredit the witness. In TV series, this type of interaction helps to push the plot to its climax. Audiences enjoy watching how the witness gradually traps him/herself in answering those WH-questions. The more frequent this type of scene is, the more likely the audience is to find the scene attractive. Therefore, this need for being dramatic in TV cross-examination makes the use of WH-questions more common than in authentic cross.

5.1.2.4. Contractions

The use of contractions shows a consistent pattern between authentic and TV courtroom language, with TV courtroom using more contractions in all four sub-registers than authentic courtroom. Significant differences were found in the frequency of contractions in all the sub-registers except for opening statement. R square shows that 31% of the variance in the frequency of contractions can be predicted by the sub-registers of authentic and TV courtroom language.

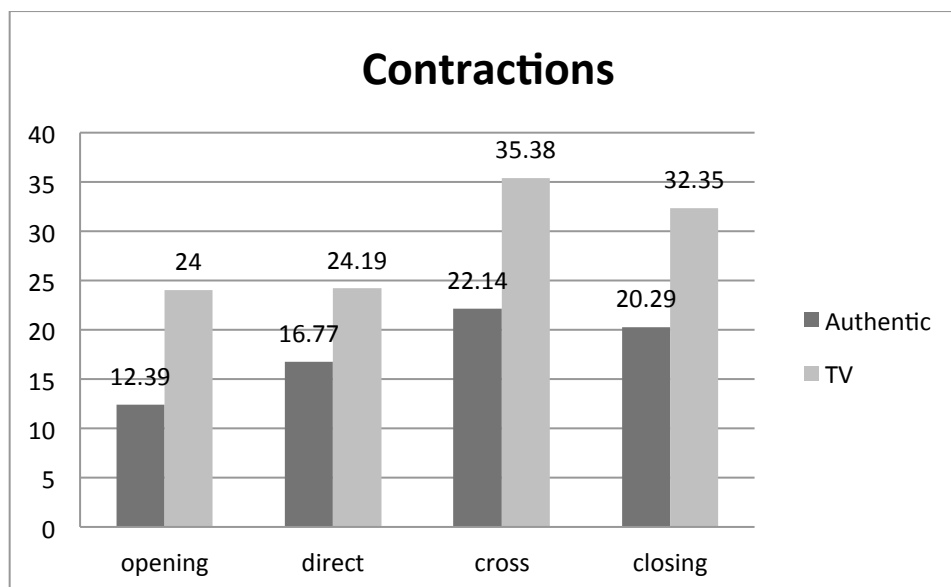


Figure 5.8. Mean frequency of contractions used in the four sub-registers of authentic and TV courtroom

There are a few reasons why TV courtroom language uses more contractions than authentic courtroom language. First, to compare the frequency of contractions between authentic direct examination and TV direct examination, TV direct uses more contractions than authentic direct. During authentic direct examination, attorneys tend to ask more WH-questions than close-ended questions; whereas in TV direct examination, attorneys tend to ask more close-ended questions such as leading questions, and they also tend to use negative tag questions after the leading questions, as seen in Text Sample 5-34.

Text Sample 5-34: TV direct examination (Murder One S1E4)

Q. Tell me, detectives carry pepper spray, **don't they?**

A. Yes.

Q. And yet Detective Velacek skipped right to this baton, **isn't that correct?**

A. I don't know about skipped. I'm sure he thought it was an appropriate use of force.

In Text Sample 5-34, the attorney asks two leading questions that end with a negative tag question (“don't they?” and “isn't that correct?”). Again, the frequent use of leading questions, especially leading questions ending with a negative tag question, is not uncommon in TV direct examination but is very rare in authentic direct examination. This is why TV direct uses more contractions than authentic direct.

During cross-examination, leading questions are frequently used to force the witness to either confirm or deny a statement with a *yes* or *no*. The most common method is to use a simple tag question at the end or at the beginning of the facts stated. Tag questions that are commonly used include “isn't it true...?”, “correct?”, “didn't it?”, and “were you?” In authentic cross-examination, attorneys tend to use “is that correct?”, “right?”, or “correct?”, as seen in Text Sample 5-35.

Text Sample 5-35: Authentic cross-examination (AC_CE_OJ_10)

Q. All right. As far as you know; **Is that right?**

A. That's correct.

Q. Now, you described for Miss Clark that when you were at the Los Angeles Police Academy, that they kind of glossed over this crime scene maintenance and training; **Is that correct?**

A. Right.

Q. And much of what you've learned, you learned actually on the job once you actually got in the field; **Is that correct?**

A. Yes, sir.

In addition to “is that right?” and “is that correct?”, attorneys in the authentic cross-examination of the O. J. Simpson trial also tend to use tag questions such as “have you not?”, “did you not?”, “are you not?”, instead of “haven't you?”, “didn't you?”, and “aren't you?”. It

seems like a personal style followed by the attorneys in the O. J. Simpson trial. Text Sample 5-36 and Text Sample 5-37 are two examples of such use.

Text Sample 5-36: Authentic cross-examination (AC_CE_OJ_12)

Q. You have referred to the depressed area in the past as a troth of some sort; **have you not?**

A. Yes.

Text Sample 5-37: Authentic cross-examination (AC_CE_OJ_12)

Q. You eliminated that possibility in your own mind rather quickly in this case; **did you not?**

A. Officer Riske informed us of the situation.

Within TV cross-examination however, there is a tendency for attorneys to use negative tag questions after leading questions. Text Sample 5-38 and Text Sample 5-39 are two excerpts from TV cross-examination.

Text Sample 5-38: TV cross-examination (TC_CE_BL_04)

Q. Thank you. And one of the reasons that they have these meetings, among others, is so that doctors can freely swap information to learn. **Isn't that correct?**

A. Yes.

Text Sample 5-39: TV cross-examination (TC_CE_MO_10)

Q. In fact, your investigation showed that Jessica knew and was sexually linked to at least a dozen adult men, **isn't that right?**

A. Yes.

Moreover, in TV cross-examination, many leading questions begin with a negative *be* verb or *do* verb, shown by Text Sample 5-40 and Text Sample 5-41.

Text Sample 5-40: TV cross-examination (TC_CE_MO_10)

Q. So, ***couldn't any one of those men*** have raped and killed her?

A. Theoretically, yes.

Text Sample 5-41: TV cross-examination (TC_CE_TP_05)

Q. ***Don't you*** think you should've at least checked? You hear a thump, you think you've hit somebody.

A. I did check. I looked around.

In TV cross-examination, the reason why negative tag questions and questions beginning with a negative *be* verb or *do* verb are more frequent is primarily because these linguistic features make the tone more aggressive and face-threatening, making the TV cross-examination more dramatic. It is the use of these linguistic features that make the frequency of contractions more in TV cross-examination than authentic cross-examination.

Finally, as for closing arguments, authentic closing argument seems to be more formal than TV closing argument and therefore uses contractions less frequently than TV closing.

Section 5.1 describes how interactive production features are used in authentic courtroom language, as well as their use across authentic and TV courtroom language. Section 5.2 will then focus on selected informational production features, including nouns, adjectives, and prepositions, as these are the main linguistic features that characterize an informational production discourse.

5.2. Informational production features

Table 5.6 shows the mean frequency and the standard deviation of the three informational production features in the four sub-registers of authentic courtroom. Table 5.7 shows the results of one-way ANOVA of the three informational production features. Statistical differences were found in the use of prepositions and attributive adjectives, but not in nouns. Post hoc tests were also run to understand where the significant differences are. The following sub-sections will analyze the use of each of the informational production features separately.

Table 5.6. Mean frequency and standard deviation of the three informational production features within authentic courtroom

Authentic courtroom	Nouns	Prepositions	Attributive adjectives
Opening	247.25 (39.05)	100.74 (8.13)	20.42 (5.26)
Direct	225.01 (45.49)	81.82 (11.28)	17.29 (7.39)
Cross	237.54 (54.14)	76.77 (14.79)	14.79 (7.05)
Closing	233.05 (27.51)	92.77 (8.98)	18.68 (4.83)

Table 5.7. Results of one-way ANOVA of the three informational production features within authentic courtroom language

Linguistic features	F-Value	P-Value	R ²
Nouns	2.29	.079	0.02
Prepositions	22.64	< .001	0.18
Attributive adjectives	4.75	.003	0.04

5.2.1. Comparison within authentic courtroom language

The analysis will begin by describing the use of these informational production features in the sub-registers of authentic courtroom language. Section 5.2.2 will then compare the use of these linguistic features across authentic and TV courtroom language. The informational production features analyzed in this section are associated with communicative situations that require a high informational focus and provide ample opportunity for careful integration of information and precise lexical choice.

5.2.1.1. Nouns

Within authentic courtroom language, nouns are used more frequently in opening statement ($M = 247.25$, $SD = 39.05$) and least frequently in direct examination ($M = 225.01$, $SD = 45.49$). No significant difference was found between any two of the sub-registers. R square indicates that only 2% of the variance in the frequency of nouns can be predicted by the sub-registers. From frequency alone we cannot see much difference in the use of nouns among the sub-registers within authentic courtroom language. However, one thing that is obvious is that opening statement uses more nouns than the other three sub-registers because the opening statement is supposed to provide greater density of information compared with the other three sub-registers, and that nouns facilitate conveying large amounts of information. It is the special function of opening statements to describe the story, define the issues, and introduce the

witnesses' testimonies, making it the most informational sub-register of authentic courtroom language using more nouns than the other three sub-registers.

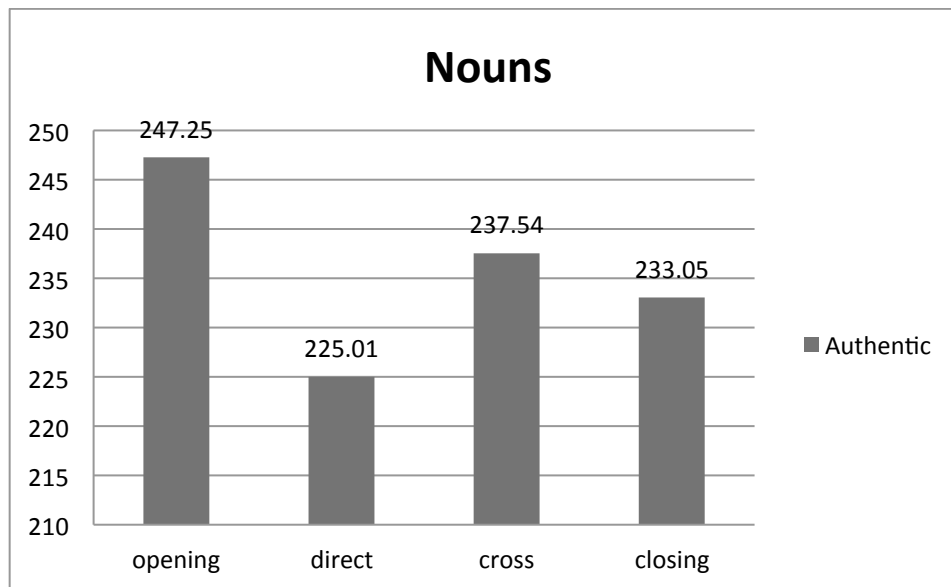


Figure 5.9. Mean frequency of nouns used in the four sub-registers of authentic courtroom

The other three sub-registers, however, seem to rely more heavily on the use of verbs than nouns, making the presence of nouns less frequent than in opening statements. Text Sample 5-42 is an excerpt from an authentic opening statement, and Text Sample 5-43 is an example of an authentic direct examination, in which nouns are highlighted.

Text Sample 5-42: Authentic opening statement (AC_OP_OB_04)

The Turner Diaries taught him how to mix the different ***ingredients***, how to set up the ***bomb***, right down to how to drill a ***hole*** between the ***cargo box*** and the ***cab*** of the ***truck*** so that he could detonate it, so that the ***fuse*** could run into the ***cab*** of the ***truck*** and he could fuse it from where he was sitting in the front of the ***cab***.

Text Sample 5-43: Authentic direct examination (AC_DE_OB_06)

Q. And what do you mean by the ***plastic***?

A. There was a ***plastic slip*** that went over the actual ***license*** to laminate it; and I thought that he was going to like put the ***iron*** directly on the ***plastic***, which would ruin the ***iron***.

Q. So how did you put it together?

A. I like put a ***towel*** over it, and I ironed it until it fused together.

From Text Sample 5-42 and Text Sample 5-43 we can see that although the difference in the frequency of nouns is not obvious, the opening statement still uses slightly more nouns than the direct examination. If we use the same excerpts but only highlight the verbs this time, we will find a different pattern (verbs are highlighted).

Text Sample 5-44: Authentic opening statement (AC_OP_OB_04)

The Turner Diaries ***taught*** him how to ***mix*** the different ingredients, how to ***set*** up the bomb, right down to how to ***drill*** a hole between the cargo box and the cab of the truck so that he could ***detonate*** it, so that the fuse could ***run*** into the cab of the truck and he could ***fuse*** it from where he was ***sitting*** in the front of the cab.

Text Sample 5-45: Authentic direct examination (AC_DE_OB_06)

Q. And what do you ***mean*** by the plastic?

A. There ***was*** a plastic slip that ***went*** over the actual license to ***lamine*** it; and I ***thought*** that he was going to like ***put*** the iron directly on the plastic, which would ***ruin*** the iron.

Q. So how did you ***put*** it together?

A. I like ***put*** a towel over it, and I ***ironed*** it until it ***fused*** together.

Text Sample 5-44 and Text Sample 5-45 show that authentic direct uses slightly more verbs than opening statement. This pattern is not surprising considering the function of the direct examination, where witnesses are always questioned regarding what they saw or did in the past. In the process of describing the past event, verbs are always relied upon.

5.2.1.2. Prepositions

Prepositions serve to integrate large amounts of information into a text, and help to pack information in a condensed manner. Prepositions are used most frequently in opening statement and least frequently in cross-examination. The general pattern shows that the two monologic sub-registers use more prepositions than the two interactive sub-registers.

Significant differences have been found between opening statement ($M = 100.74$, $SD = 8.13$) and direct examination ($M = 81.82$, $SD = 11.28$), opening statement and cross-examination ($M = 76.77$, $SD = 14.79$), direct examination and cross-examination, direct examination and closing argument ($M = 92.77$, $SD = 8.98$), as well as cross-examination and closing argument. R square

shows that 18% of the variance in the frequency of prepositions can be predicted by the sub-registers.

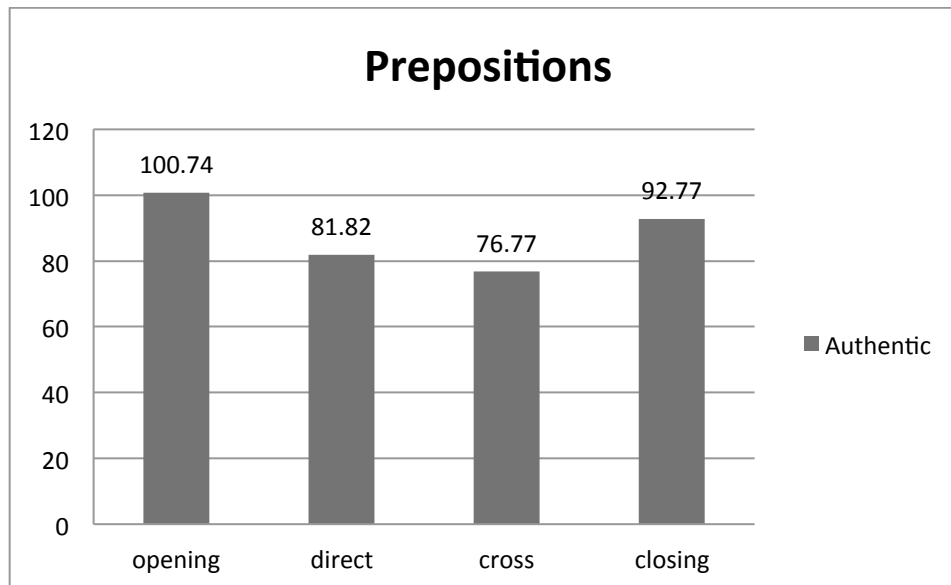


Figure 5.10. Mean frequency of prepositions used in the four sub-registers of authentic courtroom

Regarding the primary communicative functions of the opening statement and the closing argument, it is not surprising to find that openings and closings use more prepositions than direct and cross-examinations because the two monologic sub-registers need prepositions to help them pack information in a condensed way. Text Sample 5-46 is an excerpt from an opening statement, and Text Sample 5-47 is an excerpt from a direct examination, where prepositions are highlighted.

Text Sample 5-46: Authentic opening statement (AC_OP_OB_03)

***In** the Water Resources Building – that’s another building **to** the west **of** the Murrah Building **across** the street – an ordinary legal proceedings began **in** one **of** the hearing rooms; and **at** the same time, **in front of** the Murrah Building, a large Ryder truck pulled up **into** a vacant parking space **in front of** the building and parked right **beneath** those plate glass windows **from** the day-care center.*

Text Sample 5-47: Authentic direct examination (AC_DE_OJ_09)

Q. And something that's called blood spatter or blood splatter interpretation?

A. It's blood pattern interpretation.

Q. Okay. Doctor, I would like to turn *for* a second *to* your writings. How many books or monographs or chapters *in* textbooks have you written?

A. Including books or booklet, monographs or chapter, more than 20, more than 20 now.

Q. Are some *of* these books used *as* textbooks *in* forensic science?

A. Yes.

From Text Sample 5-46 and Text Sample 5-47 we can see that the opening statement excerpt uses much more prepositions than the direct examination excerpt. The primary function of those prepositions in the opening statement excerpt is to make the text more structurally compressed. For example, when the attorney introduces the Water Resources Building, he says, "that's another building to the west of the Murrah Building across the street". There are three prepositions (*to*, *of*, *across*) in the sentence used to describe the position of the Water Resources Building, making the text structure more condensed than describing the position of the Water Resources Building using other linguistic features such as relative clauses.

Attorneys usually are well prepared to deliver the opening statement as it is arguably one of the most important parts of a trial for the jurors' minds are fresh and more receptive to new information. Attorneys usually revise and edit the opening statement to make sure the structure is compressed and can be delivered in a way that makes the jurors know and understand fully all the important facts of the case. The editing and revision before the delivery of the opening statement allows for a condensed structure containing frequent prepositions.

In the direct examination excerpt, prepositions are used much less because the direct examination is more structurally elaborated compared with the opening statement. The direct examination is less prepared than the opening statement, especially the witness's part, and the answers are more impromptu if the witness is nervous during trial. Therefore, the pressure of real-time production makes the text structure more elaborated and less compressed. As such, during direct examination, instead of using prepositions to compress large amounts of information under the pressure of real-time production, the direct examination uses more structurally elaborated features such as relative clauses.

5.2.1.3. Attributive adjectives

Attributive adjectives are used to further elaborate nominal information. They are a more integrated form of nominal elaboration than predicative adjectives or relative clauses since they pack information into relatively fewer words and more compressed structures. Within authentic courtroom, attributive adjectives are used most frequently in opening statements and least frequently in cross-examinations. Like the use of prepositions, attributive adjectives are used more often in the two monologic sub-registers than the two interactive sub-registers. Significant differences are found between opening statement ($M = 20.42$, $SD = 5.26$) and cross-examination ($M = 14.79$, $SD = 7.05$), and between direct examination ($M = 17.29$, $SD = 7.39$) and cross-examination. R square shows that only 4% of the variance in the frequency of attributive adjectives can be predicted by the sub-registers. Text Sample 5-48 is an excerpt of authentic opening statement, where attributive adjectives are highlighted.

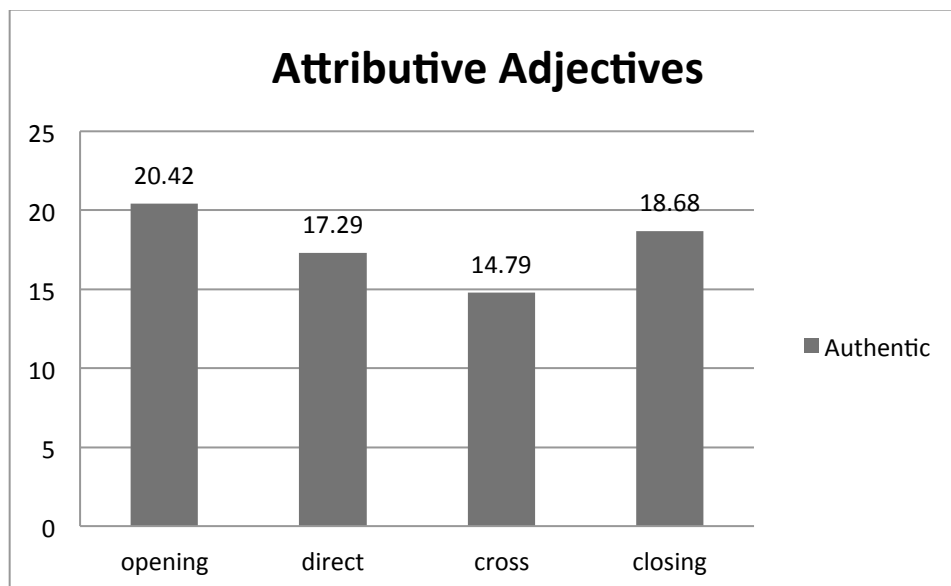


Figure 5.11. Mean frequency of attributive adjectives used in the four sub-registers of authentic courtroom

Text Sample 5-48: Authentic opening statement (AC_OP_OB_03)

And the **only** reason they died, the **only** reason that they are no longer with us, no longer with their **loved** ones, is that they were in a building owned by a government that Timothy McVeigh so hated that with **premeditated** intent and a **well-designed** plan that

he had developed over months and months before the bombing, he chose to take their ***innocent*** lives to serve his ***twisted*** purpose.

In Text Sample 5-48, the function of the adjectives is mainly to reinforce the claim that the defendant knows exactly what he did and the consequences of his actions (as shown by “premeditated”, “well-designed”, and “twisted”), and that he planned the crime and conducted the crime with the purpose of killing innocent people (as shown by “only” and “innocent”). Again, it is the opening statement where attorneys set the tone for the entire trial. Attorneys use adjectives to convince the jurors whether the defendant is guilty or not. In addition, these attributive adjectives make the structure of the opening statement more condensed, therefore allowing it to grab the jurors’ attention immediately, compared with a more elaborated and loose structure that requires more time to convey information and therefore risk losing the jurors’ attention.

Text Sample 5-49: Authentic cross-examination (AC_CE_OJ_03)

Q. You were slightly ***embarrassed*** that you had called the police when you realized it was O. J. Simpson, because there really was nothing ***suspicious*** that evening?

A. I can’t speculate as to whether it was suspicious behavior or not. All I said is that I observed the party on the sidewalk.

In Text Sample 5-49, predicative adjectives are used in the question, which makes the structure of the text more elaborated compared with using attributive adjectives. The main reason why predicative adjectives and other elaborated linguistic features are preferred during cross-examination is because these interactions occur under the pressure of real-time production, where people usually are not prepared to organize their utterances in a compressed manner.

5.2.2. Comparison across authentic and TV courtroom language

Section 5.2.1 describes the use of nouns, prepositions, and adjectives, the three important informational production features within authentic courtroom language. Section 5.2.2 will compare the use of nouns, prepositions and attributive adjectives across authentic

and TV courtroom to explore the similarities and differences in the use of these linguistic features.

Table 5.8. Mean frequency and standard deviation of the three informational production features within authentic and TV courtroom

Register	Nouns	Prepositions	Attributive adjectives
Authentic courtroom			
Opening	247.25 (39.05)	100.74 (8.13)	20.42 (5.26)
Direct	225.01 (45.49)	81.82 (11.28)	17.29 (7.39)
Cross	237.54 (54.14)	76.77 (14.79)	14.79 (7.05)
Closing	233.05 (27.51)	92.77 (8.98)	18.68 (4.83)
TV courtroom			
Opening	270.86 (23.78)	81.10 (19.70)	30.98 (9.41)
Direct	234.50 (42.05)	81.77 (19.39)	21.92 (13.31)
Cross	249.30 (34.93)	83.17 (16.59)	20.21 (6.95)
Closing	242.03 (32.55)	83.38 (14.14)	29.32 (10.76)

Table 5.9. Results of one-way ANOVA of the three informational production features within authentic and TV courtroom language

Linguistic features	F-value	P-value	R ²
Nouns	2.6	0.012	0.04
Prepositions	7.79	< .001	0.12
Attributive adjectives	12.37	< .001	0.17

5.2.2.1. Nouns

The overall pattern shows that TV courtroom language uses more nouns than authentic courtroom language in every single sub-register. R square shows that 4% of the variance in the frequency of nouns can be predicted by the sub-registers of authentic and TV courtroom language. Significant difference is not found between the sub-registers of authentic and TV courtroom language. However, one thing that is worth exploring is the type of nouns that are used in authentic and TV courtroom language. It is important to know that there are many more expert witnesses involved in the authentic courtroom than in the TV courtroom, and when they describe a particular forensic procedure, special terminology is frequently employed.

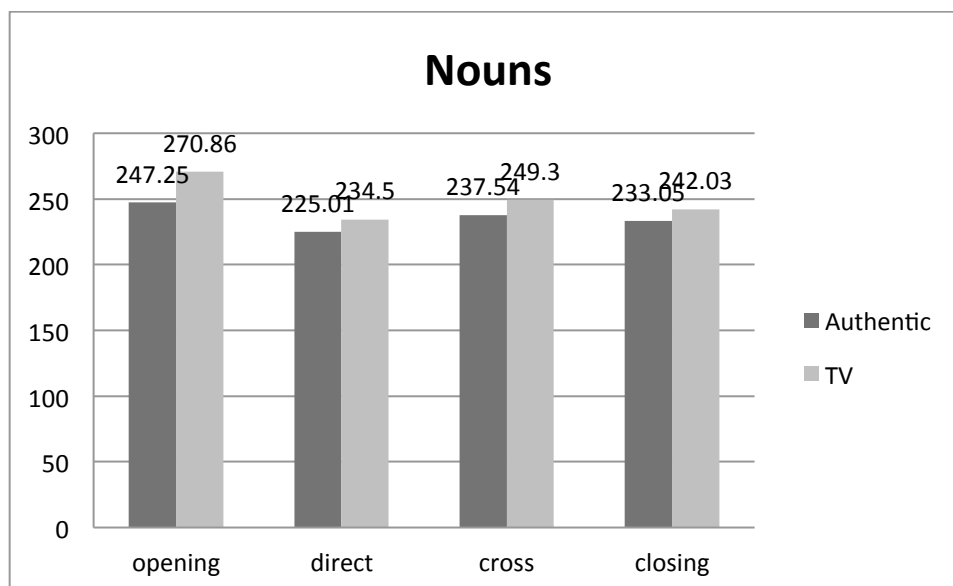


Figure 5.12. Mean frequency of nouns used in the four sub-registers of authentic and TV courtroom

In addition, it is necessary to bear in mind that the corpus of authentic courtroom language includes only criminal trials, while the corpus of TV courtroom language includes both criminal and civil trials. This will make a difference in the type of nouns used in the two corpora because more special and forensic-related nouns are expected to be used in criminal trials in which forensic procedures are usually involved.

Another consideration when exploring the type of nouns used in authentic and TV courtroom language is audience's perception. For TV courtroom language, its primary audience is people who watch the TV series, and its communicative priority is to entertain those people. Therefore, it makes sense to use more common nouns as opposed to unfamiliar forensic or special nouns in order to keep its audience's attention. If too many unfamiliar nouns are used, the TV series will risk losing its audience.

Although there is not clear boundary between common nouns and special nouns, in this study I made this distinction according to whether it is a forensic or special field-related term to examine what type of nouns are used more often in authentic and TV courtroom language. Text Sample 5-50 is an excerpt from an authentic direct examination, where the expert witness Henry Lee (the chief criminalist for state of Connecticut who is an expert in blood pattern

interpretation) is examined. All the nouns are underlined in the excerpt, and the special nouns are underlined, bolded and italicized.

Text Sample 5-50: Authentic direct examination (AC_DE_OJ_09)

Q. Now, on this low **velocity drop**, the way you did it, it was vertical?

A. It is directly perpendicular to the surface, ninety-degree **drop**.

Q. Now, if one were to measure the **diameter** of those **drops**, could this be correlated with the source of it to the target?

A. In general we can do an estimation. We have to know the **substrata**. Is this paper, carpet, pavement or wood? Each **substrata** surface will have different effect. You cannot use the paper to compare a carpet or use the carpet to compare the pavement; therefore, you have to know the **drop size**, how big a **drop**, and have to know the **substrata**. Sometime we can make some **correlation**. We cannot make, say, an exact determination how high.

...

Q. So would it be fair to say that the impact **angle** can be determined to some extent by the **width** and **length** of the **bloodstain** pattern?

A. Yes.

In Text Sample 5-50, Henry Lee, the expert on blood pattern interpretation in the O. J. Simpson trial, uses some terminology that has special meaning within the blood pattern interpretation field, such as “velocity”, “drop”, “diameter”, and “substrata”. Again, there is not a clear distinction regarding which words are special terminology and which are common nouns. In this excerpt, we can also say that “surface”, “source”, and “target” are terminology because the blood pattern interpretation field gives them particular meaning, which is different from their common meanings seen in other contexts. However, the point made here is that words that are less commonly seen in daily life contexts or can only be seen in forensic contexts are categorized as terminology (highlighted by being bolded, italicized, and underlined).

Text Sample 5-51 is an excerpt from a TV direct examination, in which a doctor is examined. Common nouns are underlined, and special nouns are underlined, bolded and italicized.

Text Sample 5-51: TV direct examination (TC_DE_TP_02)

A. Mr. Martin had entered into what we call a dissociative state.

Q. I see. And could you describe what that means for the jury, doctor?

A. Essentially it's a psychological splitting **mechanism**, causing **segregation** of normal integrated patterns of perception.

Q. Uh doctor, I'm sure you feel you've just explained it, but...

A. Basically when the victim broke off the relationship, Mr. Martin snapped. He lost conscious control and pretty much was on automatic **pilot** when he strangled her.

Q. So he didn't know what he was doing?

A. In my opinion he did not.

Text Sample 5-51 is one of the very few examinations of an expert witness in TV courtroom language. To compare Text Sample 5-50 (the authentic direct examination of expert witness) and Text Sample 5-51 (the TV direct examination of expert witness) we can find that in TV direct examination, special terminology is used much less frequently. Compared with Text Sample 5-50, the expert witness provides much shorter answers and explanations, and the doctor even uses terminology to explain terminology, which is not commonly seen in authentic courtroom language. Text Sample 5-52 is another example of an authentic direct examination, in which Henry Lee, the expert on blood pattern interpretation, is examined.

Text Sample 5-52: Authentic direct examination (AC_DE_OJ_09)

Q. As a predicate for explaining **bloodstain** patterns, could you explain for us briefing something about the circulatory system as it relates to how blood comes out of the body?

A. Yes, sir. In this closed **circulation** system carry the **oxygen** nutrient through the body and that is why we can function. Once this system interrupt, the blood will come up. Depends which part of the body. If an **artery**, the blood will gush out, so-called arterial **spurting**, arterial **gushing**. If a **vein** was cut, the blood will rush out. If just a capillary cut, the blood dripping out. Once it has come out of our body, we cannot take back any more, we cannot control any more. The environment and the physics takes over. It is no longer--can be controlled by an individual. Once the blood come out, would deposit to a surface. The surface usually is the lowest surface, whatever lowest surface. For example, here, that is--if I dripping the blood or ink onto this surface, that is the lowest surface. If I drip here, (Indicating), the carpet going to be lowest surface. It stops on the surface according to the physics, the **gravity**.

Q. Could you demonstrate for the jury, for example, you mentioned a **drop**, what is known as a low **velocity drop**?

A. Yes. If the blood come out without any force, just dripping, going to form certain patterns. This pattern, (Indicating), generally we consider a low **velocity blood drop**.

In Text Sample 5-52, the expert witness provides quite expanded answers to the question asking about the circulatory system as it relates to how blood comes out of the body. The answers are clearer and have many more examples and demonstrations compared with the TV direct examination of the expert witness. Therefore, nouns, especially special nouns that can be commonly seen in the forensics field, are used much more often in authentic courtroom language.

Generally speaking, terminology and special nouns are used much less frequently in TV examinations because there are much fewer expert witnesses examined in TV courtroom language compared with authentic courtroom language. In addition, even when an expert is examined in the TV courtroom, they use much less terminology in order not to overwhelm the audience who watches the TV series. In other words, TV examinations of expert witnesses can also be seen as a mini and simplified version of authentic examinations of expert witnesses.

This section discusses the use of nouns across authentic and TV courtroom language. Although nouns are used slightly more often in TV courtroom language, when we look into the type of nouns used in the two registers, differences emerge, showing that authentic courtroom uses language more special nouns than TV courtroom language, and that TV courtroom uses more common nouns than authentic courtroom.

5.2.2.2. Prepositions

There is not a consistent pattern as to whether authentic or TV courtroom language uses more prepositions. One thing that is worth being discussed is the use of prepositions in TV opening statements. In authentic courtroom language, prepositions are used most frequently in the opening statement; while in TV courtroom language, prepositions are used least frequently in the opening statement. R square shows that 12% of the variance in the frequency of prepositions can be predicted by the sub-registers of authentic courtroom and TV courtroom language.

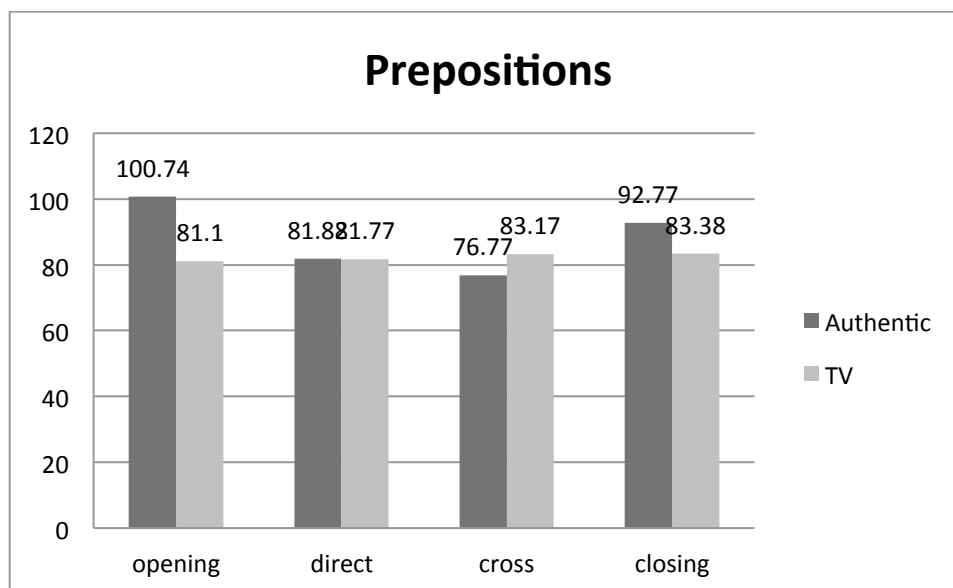


Figure 5.13. Mean frequency of prepositions used in the four sub-registers of authentic and TV courtroom

As mentioned in Section 5.1 that authentic and TV opening statements bear different functions. It is these different functions of authentic and TV opening statements that lead to this pattern. In the authentic opening statement, prepositions are needed to pack information in a compressed manner. The main function of the TV opening statement, however, is for attorneys to boast in order to create tension between themselves and the other attorneys as well as the judge. In other words, the need for dramatic effects that are particular to TV opening statements makes the use of prepositions less necessary than it is in authentic opening statements.

Text Sample 5-53: TV opening statement (TC_OP_MO_02)

Hate old people. Always have. They're babies. Hell, there's a reason half **of** them are in diapers. The elderly make up a large percentage **of** the wealth **in** this country. They run most **of** the Fortune 500 companies. They're running the war, for God's sakes. And most **of** them are viable, healthy people. What do they do? Retire **at** age 65 and start draining our resources. We got enormous poverty **in** this country. We can't educate our kids, partly because these strong-bodied, strong-minded senior citizen farts are living off **of** Social Security. Why shouldn't we overcharge 'em?

Text Sample 5-54: authentic opening statement (AC_OP_OB_03)

In the Water Resources Building – that’s another building to the west of the Murrah Building across the street – an ordinary legal proceedings began in one of the hearing rooms; and at the same time, in front of the Murrah Building, a large Ryder truck pulled up into a vacant parking space in front of the building and parked right beneath those plate glass windows from the day-care center.

Text Sample 5-53 is an excerpt from a TV opening statement in which the attorney is creating tension between himself and the judge, who is a senior person. Text Sample 5-54 is an excerpt from an authentic opening statement in which the attorney describes a past event. From the two excerpts we can see that their communicative functions are completely different. The frequency of prepositions in the TV opening statement is much lower than that used in the authentic opening statement. The prepositions used in the authentic opening statement make the structure of the text compressed. Most of them are used to describe the location of the building (e.g., “another building to the west of the Murrah Building across the street”) and where the Ryder truck was parked (e.g., “a large Ryder truck pulled up into a vacant parking space in front of the building and parked right beneath those plate glass windows”). In the TV opening statement, however, most prepositions are used to describe a condition or a status (e.g., “most of the Fortune 500 companies”, “retire at age 54”).

5.2.2.3. *Attributive adjectives*

The overall pattern in Figure 5.14 shows that attributive adjectives are used more often in TV courtroom language than in authentic courtroom language. Significant differences are found between authentic ($M = 17.29$, $SD = 7.39$) and TV direct examination ($M = 21.92$, $SD = 13.31$), authentic ($M = 14.79$, $SD = 7.05$) and TV cross-examination ($M = 20.21$, $SD = 6.95$), as well as authentic ($M = 18.68$, $SD = 4.83$) and TV closing argument ($M = 29.32$, $SD = 10.76$). R square shows that 17% of the variance in the frequency of attributive adjectives can be predicted by the sub-registers of authentic and TV courtroom language.

It is also interesting to find that the pattern of the use of attributive adjectives in TV courtroom language is the same as that of authentic courtroom language, in that opening statements and closing arguments generally use more attributive adjectives than direct and cross-examinations. This is not surprising because attributive adjectives are used to make the

text structure more compressed, which is a feature of the opening statement and the closing argument where the texts are preplanned before delivery. On the other hand, direct and cross-examination occur under more pressure of real-time production, making the structure of direct and cross-examination more elaborated and loose.

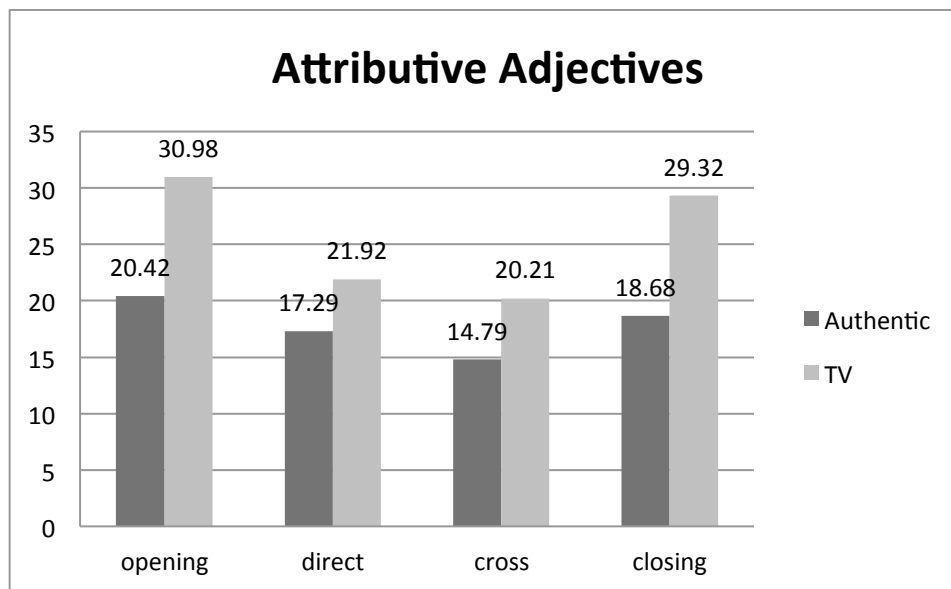


Figure 5.14. Mean frequency of attributive adjectives used in the four sub-registers of authentic and TV courtroom

Text Sample 5-55 is an excerpt from a TV closing cross-examination, and Text Sample 5-56 is an excerpt from an authentic cross-examination. Frequency and function of the attributive adjectives will be discussed and compared.

Text Sample 5-55: TV cross-examination (TC_CE_BL_02)

Q. One ***last*** question, and this one I ask you as a layperson, a human being. Is it conceivable to you that if you had a ***loved*** one who had panicked and committed a ***horrible*** crime, say murder, somebody you cared deeply for – perhaps a brother, a ***best*** friend, maybe your son had done this ***horrible*** thing.

Text Sample 5-56: Authentic cross-examination (AC_CE_BB_39)

Q. Residues detected carbon, oxygen, iron magnesium. You explained to us already that those are items that are included in low explosives?

A. They're included in some pyrotechnic formulations. They can be in some low explosives, but they're commonly found -- those, in particular, were common for firework material.

Q. Actually, those things can be found everywhere in nature, but the combination starts to suggest fireworks and pyrotechnic formulations?

A. Correct.

Q. Going on, silicone, sulfur, calcium, chlorine, potassium, barium and zinc, those are things also found when you analyzed these gloves that were found in the Honda CR-V?

A. Yes.

Q. Again, you analyzed many, many things, and for many of them you concluded there was no explosive residue, right, on many of the items that came into your laboratory?

A. Correct.

Q. But these certainly were of note because of that particular collection of elements indicated pyrotechnic formulations, right?

A. Yes.

From the two text samples, although we cannot see the difference in the frequency of attributive adjectives, we find that the adjectives used in the authentic cross-examination are necessary. In other words, if these adjectives were deleted or changed, the meaning would be different. For example, “low explosives” cannot be replaced by “explosives”, “pyrotechnic formulations” cannot be replaced by “formulations”. However, in the TV cross-examination, if the adjectives are deleted or changed, the meaning will not be radically impacted. For example, “loved one” could be replaced by “significant one”, “horrible crime” can be simply replaced by “crime” because crime already possesses the connotation of being horrible.

The other reason that adjectives are used more often in TV courtroom language is that they help make the plots more intense and dramatic. Text Sample 5-57 is an excerpt from a TV opening statement in which most of the attributive adjectives function to create a conflict between the attorney and the judge. This person portrayed in this TV series who produced the following excerpt is a renowned defense attorney who never cares about what other people think of him and always wins the case.

Text Sample 5-57: TV opening statement (TC_OP_BL_03)

And most of them are **viable**, **healthy** people. What do they do? Retire at age 65 and start draining our resources. We got **enormous** poverty in this country. We can't educate our kids, partly because these **strong-bodied**, **strong-minded senior** citizen farts are living off of **Social** Security.

In Text Sample 5-57, attributive adjectives such as “strong-bodied” and “strong-minded” function to strengthen the sarcastic tone of the defense attorney, making what he says about senior people more harsh and difficult to accept. The audience would enjoy watching this type of scene, and attributive adjectives help to achieve the goal of TV courtroom language by being dramatic.

5.3. Conclusion.

Chapter 5 discusses the use of the main interactive production features (first- and second-person pronouns, WH-questions, contractions) and informational production features (nouns, prepositions, adjectives) that characterize Dimension 1. It has been found that situational characteristics such as audience and communicative purpose play a vital role in determining the frequency and function of these linguistic features. Section 5.1.1 and 5.2.1 describe how the interactive and informational production features are used in authentic courtroom language. Section 5.1.2 and 5.2.2 then compare the use of these linguistic features across authentic and TV courtroom language, to understand how the particular features of TV, such as the need for being dramatic and the different audience, could influence the linguistic features used in TV courtroom language.

Chapter 6 will then focus on the linguistic features that mainly characterize Dimension 2 (narrative vs. non-narrative discourse), including third-person pronouns, past tense, present tense, and past perfect. Again, the frequency and function of these linguistic features will be discussed within authentic courtroom language first. The second half of Chapter 6 will then compare the use of these linguistic features across authentic and TV courtroom language.

CHAPTER 6: INDIVIDUAL FEATURES - NARRATIVE VS. NON-NARRATIVE

PRODUCTION FEATURES

In Chapter 5, a thorough discussion is provided of the use of interactive and informational production features that characterize Dimension 1 (involved vs. informational production features). Chapter 6 will then focus on Dimension 2 (narrative vs. non-narrative discourse) and explore the use of the selected linguistic features that mainly characterize Dimension 2. The linguistic features to be analyzed in this chapter include third-person pronouns, past tense verbs, the past perfect aspect, and present perfect aspect verbs. Third-person pronouns mark reference to animate, typically, human referents apart from the speaker and the addressee. Past tense verbs and perfect aspect verbs are used to describe past events. Narrative discourse relies heavily on the use of these linguistic features, because it needs to present a sequential description of past events involving specific animate participants.

Table 6.1. Dimension 2 linguistic features analyzed in Chapter 6

Dimension 2	Linguistic features
Narrative features	Third-person pronouns, past tense, perfect aspect (past and present)

6.1. Narrative production

Dimension 2 (narrative vs. non-narrative discourse) is consistently defined by linguistic features like past tense verbs and third-person pronouns (Biber, 2014). For those texts that have a higher score along this Dimension, their major communicative purpose is to describe past events, which are expected to be common in both authentic and TV courtroom language. The point is whether there are any similarities or differences in the sub-registers of authentic and TV courtroom language regarding which one(s) is more narrative, especially when we take audience and communicative purposes into account.

6.1.1. Comparison within authentic courtroom language

Similar to the structure of Chapters 4 and 5, the analysis of the selected narrative features will start by comparing the use of these features among the sub-registers within

authentic courtroom language. Section 6.1.2 will then compare the use of these narrative features across authentic and TV courtroom language.

Table 6.2 shows the mean frequency and standard deviation (within parentheses) of the four narrative features in the four sub-registers that occur within authentic courtroom language. Table 6.3 shows the results of a one-way ANOVA of the four narrative features of authentic courtroom language. Statistical differences were found in the use of third-person pronouns, past aspect verbs and present aspect verbs, but not in past tense verbs. Post hoc tests were also run to understand where the significant differences are. The following sub-sections will analyze the use of each of the narrative features separately.

Table 6.2. Mean frequency and standard deviation of the four narrative features within authentic courtroom

Authentic courtroom	Third-person pronouns	Past tense verbs	Past aspect verbs	Present aspect verbs
Opening	52.41 (18.92)	57.85 (15.03)	2.30 (1.13)	2.31 (1.39)
Direct	21.81 (16.60)	56.17 (21.33)	1.03 (1.23)	1.07 (0.98)
Cross	21.86 (20.53)	52.73 (21.83)	0.92 (1.72)	1.95 (2.24)
Closing	57.81 (16.95)	60.47 (9.61)	1.21 (0.78)	2.45 (0.95)

Table 6.3. Results of one-way ANOVA of the four narrative features within authentic courtroom language

Linguistic features	F-value	P-value	R ²
Third-person pronouns	28.70	< .001	0.22
Past tense	0.92	.43	0.01
Past aspect verbs	5.16	.002	0.05
Present aspect verbs	10.79	< .001	0.10

6.1.1.1. *Third-person pronouns*

Third-person pronouns are used most frequently in the authentic closing argument and least frequently in the authentic direct examination. Actually, the overall pattern shows that third-person pronouns are use much more often in the two monologic sub-registers than the two interactive sub-registers, and that the amount of third-person pronouns is quite similar between the opening statement and the closing argument, and is also similar between direct

and cross-examination. Significant differences in the frequency of third-person pronouns are found between opening statement and direct examination, opening statement and cross-examination, closing argument and direct examination, as well as closing argument and cross-examination. R square shows that 22% of the variance in the frequency of third-person pronouns can be predicted by the sub-registers within authentic courtroom language.

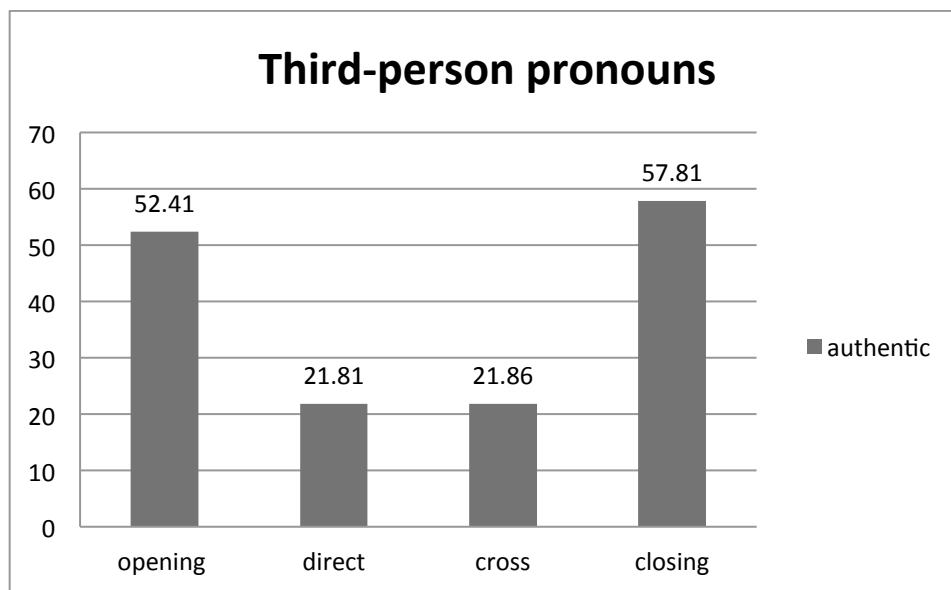


Figure 6.1. Mean frequency of third-person pronouns used in the four sub-registers of authentic courtroom language

Third-person pronouns mark reference to animate, typically human, referents apart from the speaker and addressee. It is a typical linguistic feature that is commonly seen in courtroom language to refer to the people who are relevant to the case. Text Sample 6-1 is an excerpt from an opening statement of the Oklahoma Bombing case, where the attorney is describing the past experiences of the defendant, Timothy McVeigh.

Text Sample 6-1: Authentic opening statement (AC_OP_OB_01)

He had known the lady that became **his** wife, Lori Hart, from high school. **They** lived together in Manhattan when **he** was at Fort Riley. **She** came out, was with **him**. **They**

had a child, and then he married her in July of 1994 at Treasure Island resort hotel in Las Vegas, and Tim McVeigh was his best man. The Fortiers have a daughter; and at the time of this event and his questioning by the Government, he was expecting their second child. After being discharged – and he received an honorable discharge from the military – he worked at the TruValue hardware store in Kingman and attended community college. He quit his job at the store in December 1994 over some disagreement.

In Text Sample 6-1, the attorney describes the past experiences of the defendant Tim McVeigh and the other perpetrator Michael Fortier by constantly using the third-person pronouns. Actually, the description of past events keeps going until the end of the opening statement. As mentioned in Chapters 4 and 5 for several times, during opening statements attorneys tell the story in details, and explain the cause of action, defenses, and a brief summary of the proposed testimony of each witness. This specific function of the opening statement directly leads to the frequent use of third-person pronouns.

Other than the opening statement, the closing argument also uses a large amount of third-person pronouns. Text Sample 6-2 is an excerpt of the closing argument from the Boston Marathon Bombing trial.

Text Sample 6-2: Authentic closing argument (AC_CL_BB_05)

And the defendant walks up. He walks up past the Forum restaurant, sees how crowded it is, and decides that's the place to put his bomb. He placed it there because his goal was to murder and mutilate. He wanted to murder as many people as possible. When he looked up, what did he see? He saw that he had placed that bomb approximately four feet behind a row of children. Six-year old Jane Richard, 8-year old Martin Richard, 11-year old Aaron Hern, 12-year old Henry Richard. He was right there. The children were right there. But seeing them didn't deter him. He didn't pick up that backpack, and he didn't move it. He didn't care if he killed them along with everyone else because he had already decided that killing innocents was justified.

In Text Sample 6-2, the attorney describes again what the defendant did to carry out the massacre during the Boston Marathon in thorough detail. One important function of the closing argument is to discuss in detail the key facts and what was either proven or disproven by the evidence. Since the Boston Marathon Bombing case is a longer trial, attorneys also review the

testimony of each witness by summarizing and highlighting the important key facts that were established. In this procedure of showing key evidence again to the jurors, third-person pronouns cannot be avoided, and instead they are used at a rather frequent level.

On the other hand, direct and cross-examinations use much fewer third-person pronouns compared with opening statements and closing arguments. This is mainly because the two interactive sub-registers rely more heavily on the use of first and second-person pronouns as the primary addressor and the primary addressee of these two interactive sub-registers are the attorney and the witness. Text Sample 6-3 is an excerpt of the direct examination of the Oklahoma Bombing trial.

Text Sample 6-3: Authentic direct examination (AC_DE_OB_04)

Q. Did you remain friends with Mr. McVeigh at Fort Riley?

A. Yes, sir.

Q. For the entire period that you were there?

A. Yes, sir.

Q. While you were at Fort Riley, did Mr. McVeigh ever share any literature with you?

A. Yes, sir, **he** did.

Q. Tell us about that, please.

A. Mr. McVeigh brought me a book called The Turner Diaries. **He** urged me to read it, which I did.

Q. Did you have any conversation with **him** about it?

A. None that I can recall.

In Text Sample 6-3, the attorney heavily relies on the use of second-person pronouns when he asks the questions and the witnesses mainly use first-person pronouns when answering the questions. Unlike the opening statement, where the focus is mostly on the statement of past events and where third-person pronouns are frequently used to refer to the people involved in the case, during direct and cross-examination, the focus is on the interaction between attorney and witness. Therefore, first- and second-person pronouns are used much more often than third-person pronouns unless the question is directed to a particular person who is relevant to the case.

6.1.1.2. Past tense verbs

Past tense verbs are one of the most common linguistic features used in courtroom language to narrate a past event. Attorneys frequently use past tense verbs during the opening statement to describe and narrate what happened in the case and during closing argument to restate and summarize the case. Witnesses frequently use past tense verbs during direct and cross-examination when they are asked to recall or describe a particular event.

Although significant differences are not found between any two of the sub-registers, past tense verbs are used most often in the closing argument and least often in the cross-examination. In order to understand why this is the pattern, we need to consider the communicative priority of the sub-registers. During direct and cross-examinations, witnesses are asked about their jobs, daily routines, qualifications as an expert witness, and other general truths, repeated actions or unchanging situations, before getting into the relevant information and details regarding the case itself. Nearly all the questions regarding the witness's background information are presented in present tense. Text Sample 6-4 is an excerpt of the direct examination from the Oklahoma Bombing case.

Text Sample 6-4: Authentic direct examination (AC_DE_OB_06)

- Q. Do you have any children?
A. Yes, I do. I have two children.
Q. What are their names and ages?
A. Kayla is four and Michael is one.
Q. And do you they live with you?
A. Yes, they do.
Q. Does your husband live with you now?
A. No, he does not.
Q. Where is he?
A. He is currently in federal custody.
Q. Why is that?
A. He pled guilty and he's waiting sentencing.
Q. And the charges that he pled guilty, are they related to this case?
A. Yes, they are.

In Text Sample 6-4, the witness is asked about her current situation regarding how many children she has and whether she is living with her husband. In asking and answering these

questions that are relevant to the witness's background information, the present tense (underlined, italicized, and bolded) dominates while the past tense is nearly absent. The only past tense used in this excerpt is "pled" (underlined only), and that piece of information actually moves the focus of interaction from background information to the information that is related to this case, for which the interaction mostly occurs in past tense.

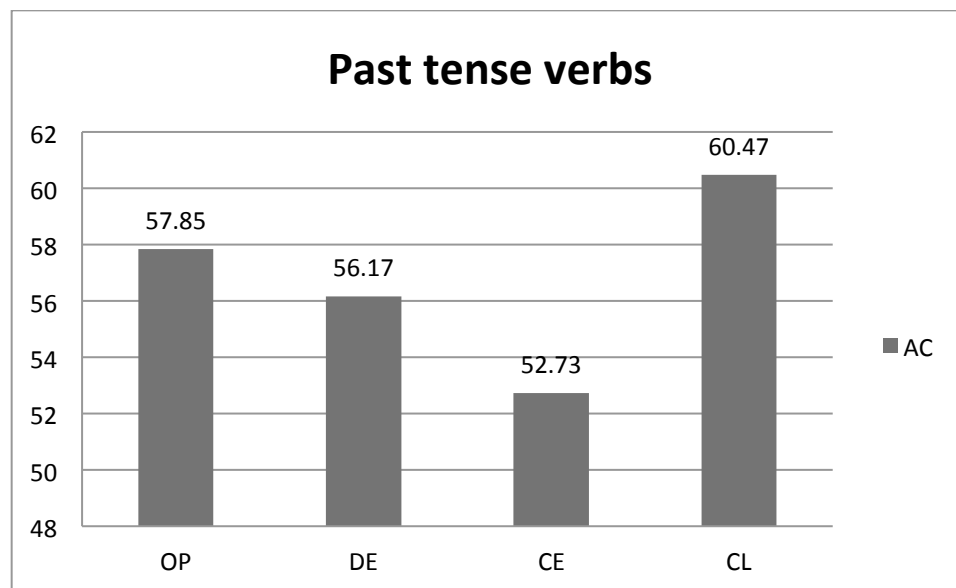


Figure 6.2. Mean frequency of past tense verbs used in the four sub-registers of authentic courtroom language

To conclude, the primary reason why direct and cross-examination use slightly fewer past tense verbs is because their function is asking about the regular status of the witnesses, and sometimes an explanation of a forensic procedure, both of which occur in present tense. Unlike direct and cross-examination, most of the opening statement and closing argument are delivered in past tense as the main function of the opening statement is to tell a story that happened in the past, and that the communicative priority of the closing argument is to restate the case and highlight the key facts, all of which occur in the past.

6.1.1.3. Perfect aspect verbs (past and present)

Perfect aspect designates events or states taking place during a period leading up to a specified time. The present perfect aspect is used to refer to a situation that began sometime in the past and continues up to the present. The past perfect aspect refers to a time that is earlier than some specified past time. These two types of perfect aspect verbs will be discussed together in this section.

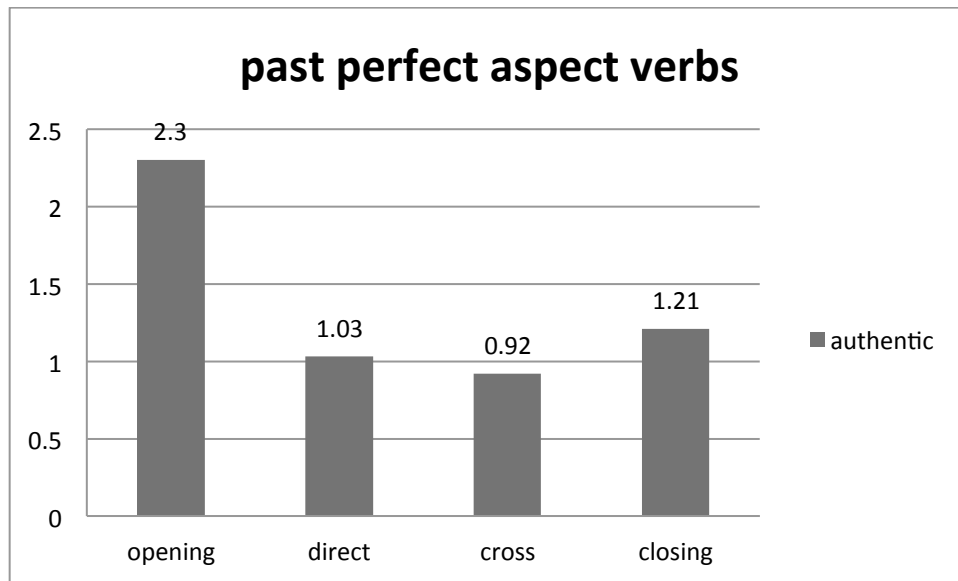


Figure 6.3. Mean frequency of past perfect aspect verbs used in the four sub-registers of authentic courtroom language

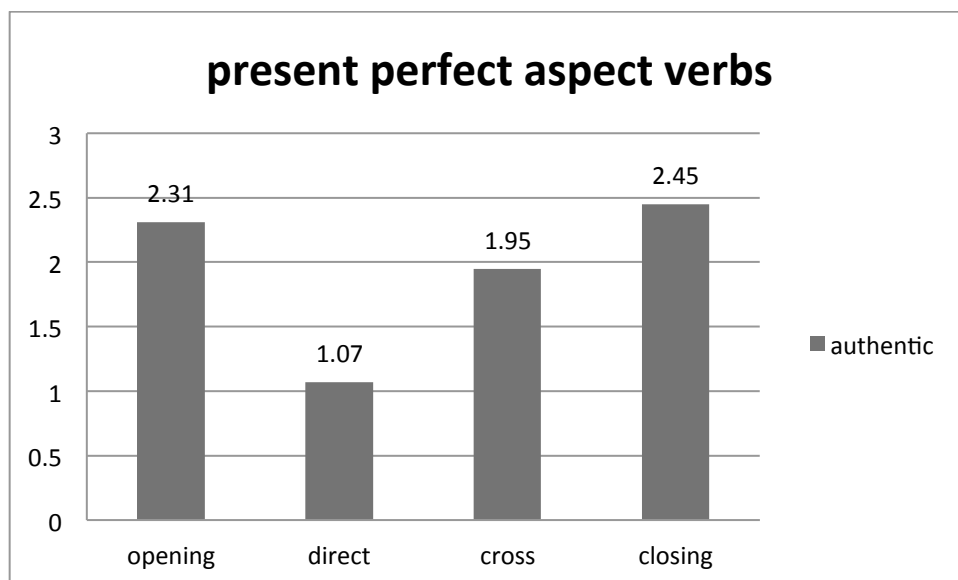


Figure 6.4. Mean frequency of present perfect aspect verbs used in the four sub-registers of authentic courtroom language

From Figure 6.3 and Figure 6.4 we can see that the opening statement uses almost the same amount of past perfect verbs (*had + done*) and present perfect verbs (*have/has + done*). When looking into the authentic opening statement text files, they show that past perfect aspect verbs are only used when attorneys talk about a particular past event and the subjects of those sentences are always third-person pronouns, referring to defendant(s), victim(s), and the people who are directly related to that particular past event that the attorney is asking about. Text Sample 6-5 is an excerpt from the opening statement of the O. J. Simpson trial.

Text Sample 6-5: Authentic opening statement (AC_OP_OJ_10)

According to him the defendant's arthritic condition became acute sometime after he ***had played*** golf and after he ***had been swinging*** the golf club on the evening of June the 12th at 10:00pm. He said at that point, after that, the arthritic condition became acute. Mr. Cochran told you that the defendant's physical capabilities are very limited as a result of that condition. The prosecution will show you evidence to the contrary. We will show you outtakes of an exercise videotape which was made by the defendant only two weeks before the murders.

In Text Sample 6-5, the prosecuting attorney uses the past perfect aspect verbs “had played” and “had been swinging” to restate what the defense attorney said in his opening statement regarding O. J.’s arthritic condition, and says she will show the jurors evidence to the contrary and that O. J. actually has enough physical capability to commit the double murders. Text Sample 6-6 is another example of an opening statement, where the attorney uses the past perfect aspect to state a particular event that directly relates to the case itself.

Text Sample 6-6: Authentic opening statement (AC_OP_OB_01)

The Government will offer evidence and proof, we believe, that Mr. Fortier visited various sites associated with this case under the Government’s theory. But our evidence is that Michael Fortier knew these sites. He ***had lived*** in Junction City, Kansas. He ***had been*** at Fort Riley. He ***had been*** through Herington. He knew where Geary State Lake was. He knew all of this area because ***he and Lori had lived*** there during the time that he was in the military. He ***had been stationed*** at Fort Riley for three years and lived in Manhattan, Kansas, right in the center of this area, for two of those years. He ***had also traveled*** through Oklahoma City with Tim McVeigh when both of them were in the service in 1988.

In Text Sample 6-6, the attorney talks about where the defendant had lived before in order to make a point that the defendant knew the sites quite well and that he knew Tim McVeigh’s crime plan.

On the other hand, the present perfect aspect *have + done* is used when attorneys talk about issues that immediately relate to what is happening within the courtroom context. When the subject of the sentences is *I* or *we*, the attorneys refer to themselves when discussing what details they have mentioned and what they have shown to the jury members (see Text Sample 6-7). When the subject is *you*, the attorneys refer to the jury members, as shown in Text Sample 6-8:

Text Sample 6-7: Authentic opening statement (AC_OP_OJ_09)

We have shown you those three items earlier. They don’t tell the judge how they get over the wall or whatever.

Text Sample 6-8: Authentic opening statement (AC_OP_OJ_08)

You have already seen in the prosecution's opening statement detective Fuhrman's shoes and how they existed at the time.

The contraction form of *have + done*, *'ve + done*, is used 89 times in the authentic language corpus, out of which *you've heard* is used almost 30 times (see Text Sample 6-9). *I've* is used for 41 times, all followed by communication verbs such as *indicated*, *told*, *mentioned*, *described* and *said*. Attorneys use *I've* followed by communication verbs to mainly restate some of the evidence they've mentioned earlier to reinforce them to the jury members and the judge (see Text Sample 6-10).

Text Sample 6-9: Authentic opening statement (AC_OP_OJ_09)

If after **you've heard** all the evidence – and you know what circumstantial evidence is – you will then be in a position to make a judgment as to whether it applies to this particular point, without arguing what it is now.

Text Sample 6-10: Authentic opening statement (AC_OP_OJ_08)

We think the evidence will show that this scene was tracked and traipsed up and the gathering of evidence was a complete disaster, and we feel that the evidence will be shown to be contaminated, compromised and corrupted, as **we have indicated** to you earlier.

The present perfect *has done* is used 77 times. The subject of those occurrences, *she* or *he*, usually refers to the attorney of either the same side or of the opposing side, mainly stating what they have done and have not done to reemphasize some of the important evidence to either make themselves look good or cast doubt on the other side, as shown in Text Sample 6-11.

Text Sample 6-11: Authentic opening statement (AC_OP_OJ_02)

Now, on the night of June the 12th, as Mr. Darden **has already described** to you, that was the recital for Sidney. It was a dance recital for her school.

Section 6.1.1 describes the use of the four narrative features within authentic courtroom language. These linguistic features include third-person pronouns, past tense verbs, and past and present perfect aspect verbs. It is interesting to find that for all of these four narrative features, they are used more often in the two monologic sub-registers (opening statement and closing argument) than the two interactive sub-registers (direct and cross-examination). This is mainly because the communicative purposes of opening and closing statements are to tell the story that happened in the past and to highlight the key facts and evidence provided by the witnesses, all of which are stated using past tense or past perfect aspect. On the contrary, although during direct and cross-examination, attorneys ask questions to the witnesses regarding past events, they also ask about witnesses' background information and regular status, as well as a forensic procedure involved in the case, all stated in the present tense. It is therefore the communicative priorities of the four sub-registers within authentic courtroom language that make the use of these narrative features different. Section 6.1.2 will then compare the use of these narrative features across authentic and TV courtroom language.

6.1.2. Comparison across authentic and TV courtroom language

Section 6.1.1 thoroughly describes the use of the four narrative features (third-person pronouns, past tense verbs, past perfect aspect verbs, present perfect aspect verbs) within the four sub-registers of authentic courtroom language. Section 6.1.2 will compare the use of these four narrative features across authentic and TV courtroom language, and provide a thorough interpretation and explanation of how and why these linguistic features are similar and/or different across the two courtroom registers.

Table 6.4 shows the mean frequency and standard deviation (within parentheses) of the four narrative features in the four sub-registers that occur within authentic and TV courtroom languages. Table 6.5 shows the results of a one-way ANOVA of the four narrative features of authentic and TV courtroom language. Statistical differences were found in the use of all four linguistic features. Post hoc tests were also run to understand where the significant differences are. The following sub-sections will analyze the use of each of the narrative features separately.

Table 6.4. Mean frequency and standard deviation of the four narrative features within authentic and TV courtroom language

Register	Third-person pronouns	Past tense verbs	Past aspect verbs	Present aspect verbs
Authentic courtroom				
Opening	52.41 (18.92)	57.85 (15.03)	2.30 (1.13)	2.31 (1.39)
Direct	21.81 (16.60)	56.17 (21.33)	1.03 (1.23)	1.07 (0.98)
Cross	21.86 (20.53)	52.73 (21.83)	0.92 (1.72)	1.95 (2.24)
Closing	57.81 (16.95)	60.47 (9.61)	1.21 (0.78)	2.45 (0.95)
TV courtroom				
Opening	38.66 (10.59)	30.94 (13.24)	0 (0)	2.61 (1.70)
Direct	54.47 (3.77)	81.38 (31.28)	1.66 (2.23)	1.44 (1.59)
Cross	38.49 (19.67)	67.76 (23.40)	1.41 (1.81)	3.41 (3.42)
Closing	56.29 (26.06)	44.19 (21.12)	0.37 (0.96)	3.22 (3.56)

Table 6.5. Results of one-way ANOVA of the four interactive features within authentic and TV courtroom language

Linguistic features	F-value	P-value	R ²
Third-person pronouns	26.86	< .001	0.31
Past tense	11.22	< .001	0.16
Past aspect verbs	4.10	< .001	0.06
Past aspect verbs	10.14	< .001	0.15

6.1.2.1. Third-person pronouns

Figure 6.5. shows that third-person pronouns are used more frequently in TV direct and cross-examination than in authentic direct and cross-examination, but less frequently in TV opening statement and closing argument than in authentic opening statement and closing argument. Significant differences were found in the frequency of third-person pronouns between authentic direct (M = 21.81, SD = 16.60) and TV direct (M = 54.47, SD = 33.77), as well as between authentic cross (M = 21.86, SD = 20.53) and TV cross (M = 38.49, SD = 19.67). R square shows that 31% of the variance in the frequency of third-person pronouns can be predicted by the sub-registers of authentic and TV courtroom language.

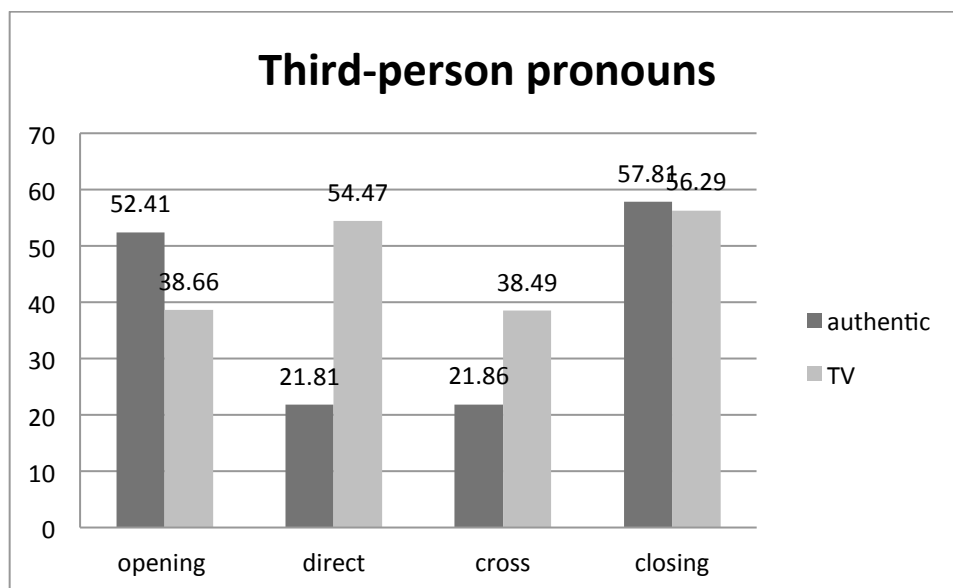


Figure 6.5. Mean frequency of third-person pronouns used in the four sub-registers of authentic and TV courtroom language

The reason why third-person pronouns are used much more often in TV direct and cross-examination is because TV direct and cross have the rather important function of carrying the storyline of the TV series. Although authentic direct and cross-examinations also have the function of carrying the storyline, the details of the case are already delivered during the opening statement, whereas the TV opening statement does not have the function of thoroughly describing the case.

The main function of authentic direct and cross-examinations is to elicit very specific pieces of key evidence and facts, while the main function of TV direct and cross-examinations is to tell the story. In other words, in authentic courtroom language, the opening statement is the first opportunity for the primary audience, the jurors, to understand the case fully. In TV courtroom language however, direct and cross-examinations are the first chance for the primary audience, people who are watching TV, to understand what happened in the past in order to follow the TV plots. Therefore, the narrative features of TV direct and cross are much more obvious than authentic direct and cross, leading to more use of third-person pronouns because this linguistic feature is needed when telling a story. Text Sample 6-12 is an excerpt of the TV direct examination from *The Practice*.

Text Sample 6-12: TV direct examination (TC_DE_TP_05)

Q. So you did hit him pretty hard?

A. I was mostly jabbin'.

(A flashback to the alley is shown. Charlie is surrounded by the gang members. He doesn't fight back. Raymond is describing this off screen.)

A. Like I said, he couldn't hit back. (The fight is shown.) It had to go for sixty seconds. Look, I was punchin' him mainly on the shoulders and in the back 'cause I knew that wouldn't do much. But I had to hit him in the head some. And then- -

Q. Then what?

Raymond: (still off screen, with the flashback in slow motion.) I was swingin' a right to his head, and he kinda swerved . . . and I hit him right on the throat. And he grabbed himself, man, and he went down. And I could tell he couldn't breathe. So I stopped, I tried to help him. I thought maybe he swallowed his tongue, I put my fingers in his mouth. But he couldn't get air. He couldn't get air. And then he was, he was twitchin' on the ground, man. He couldn't get air. (Back on screen, fighting back tears.) And then the paramedics came, and they said something about his windpipe, that I crushed something in his throat. And then they took him away. He was dead. He was dead.

Text Sample 6-12 shows a quite dense use of third-person pronouns when the witness (here is also the defendant) is asked a question regarding how he punched the victim and his reaction to the punches. This detailed description together with the flashback gives the audience the first chance to understand what happened in the past and how the victim was killed.

It is very common to see the dense use of third-person pronouns in TV direct and cross-examinations. This linguistic feature is used to describe a past event in order to let the audience who is watching TV understand what happened in the past.

6.2.2.2. Past tense verbs

The pattern of use of past tense verbs is very similar to that of third-person pronouns in authentic and TV courtroom language. As can be seen from Figure 6.6, past tense verbs are used more often in TV direct and cross-examinations than authentic direct and cross-examinations, but used less often in TV opening statements and closing arguments than in authentic opening statements and closing arguments. Significant differences have been found between authentic direct ($M = 56.17$, $SD = 21.33$) and TV direct ($M = 81.38$, $SD = 31.29$), as well as between authentic cross ($M = 52.73$, $SD = 21.83$) and TV cross ($M = 67.76$, $SD = 23.40$). R

square shows that 16% of the variance in the frequency of past tense verbs can be predicted by the sub-registers of authentic and TV courtroom language.

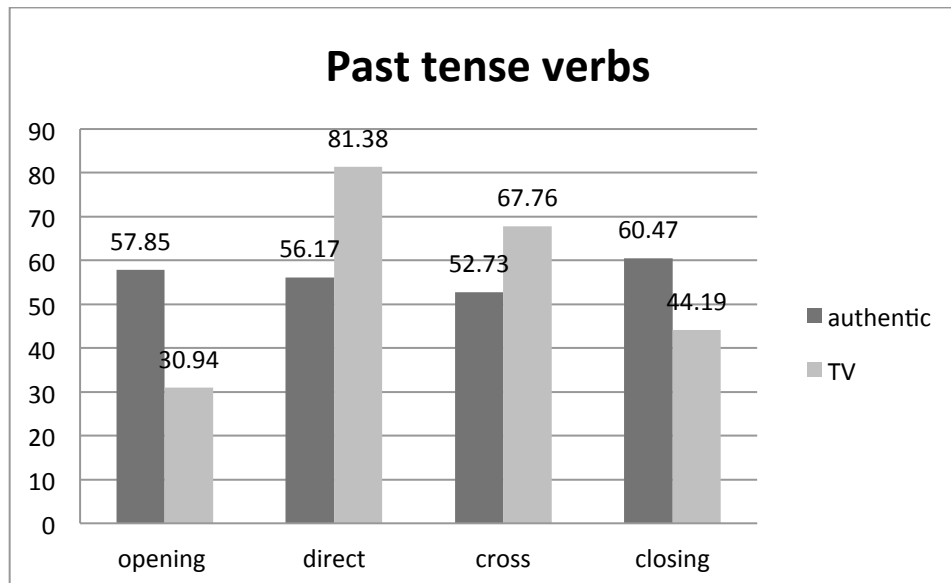


Figure 6.6. Mean frequency of past tense verbs used in the four sub-registers of authentic and TV courtroom language

As mentioned in Section 6.1.1, at the beginning of authentic direct and cross-examinations, attorneys often ask witnesses about their background information (general truths, regular status, habits, etc.) using the present tense. However, in TV direct and cross-examinations, such information is absent. Instead, most questions are directed immediately towards what happen in the past in TV direct and cross-examinations. This need to immediately describe a past event without being asked background information is the main reason why past tense verbs are used more often in TV direct and cross than in authentic direct and cross. Text Sample 6-13 is an excerpt from a direct examination from *Boston Legal* (past tense verbs are bolded, italicized, and underlined; present tense verbs are underlined only).

Text Sample 6-13: TV direct examination (TC_DE_BL_03)

Q. You **met** the defendant?

A. Well, I **didn't** exactly meet him.

Q. Well, what then?

A. I **beat** the crap out of him. E-excuse me. I **was** a different person then.

Q. Okay, Mr. Stone. We **need** to be very specific about what **happened** back then.

A. Well, he **tried** to get into a game of pickup hoops. Me and another guy in the game, we **started** dissing him a little. He **said** something back, and we **beat** him up pretty good. I'm not proud of it.

Q. And you're sure it **was** Jason Binder?

A. Yeah. When I **saw** his picture on the news, I **remembered** his face. It **was** definitely him.

In Text Sample 6-13, past tense verbs are used much more often than present tense verbs. The only time present tense verbs are used is to talk about here and now (e.g., “we **need** to be very specific...”, “And you're sure it was Jason Binder”, and “I'm not proud of it”). All of the past tense verbs are used to describe a particular past event. Text Sample 6-14 is an example of an authentic direct examination, where the opposite pattern in the use of past and present tense verbs can be found (past tense verbs are bolded, italicized, and underlined; present tense verbs are underlined only).

Text Sample 6-14: Authentic direct examination (AC_DE_OB_06)

Q. **Do** you have any children?

A. Yes, I **do**. I **have** two children.

Q. What **are** their names and ages?

A. Kayla **is** four and Michael **is** one.

Q. And **do** you they live with you?

A. Yes, they **do**.

Q. **Does** your husband live with you now?

A. No, he **does** not.

Q. Where **is** he?

A. He **is** currently in federal custody.

Q. Why **is** that?

A. He **pled** guilty and he's waiting sentencing.

Q. And the charges that he **pled** guilty, **are** they related to this case?

A. Yes, they **are**.

In Text Sample 6-14, the attorney asks about the witness's background information. Therefore, present tense verbs are dominant while past tense verbs are used only twice. Again,

this function of asking about a witness's background information is absent from TV direct and cross-examination, making it use more past tense verbs.

Another reason why TV direct and cross-examinations use more past tense verbs is because these two sub-registers help carry the storyline. As discussed earlier when analyzing the use of third-person pronouns, although authentic direct and cross-examination also help to carry the storyline, the first time the audience understands the details of the whole case occurs during the opening statement in authentic courtroom language. On the other hand, since the opening statement does not carry the function of telling the story in detail, TV direct and cross-examinations are the first chance for the audience to understand what happen in the past. Text Sample 6-15 is an excerpt from a TV opening statement, where the case is not described at all.

Text Sample 6-15: TV opening statement (TC_OP_BL_03)

Hate old people. Always have. They're babies. Hell, there's a reason half of them are in diapers. The elderly make up a large percentage of the wealth in this country. They run most of the Fortune 500 companies. They're running the war, for God's sakes. And most of them are viable, healthy people. What do they do? Retire at age 65 and start draining our resources. We **got** enormous poverty in this country. We can't educate our kids, partly because these strong-bodied, strong-minded senior citizen farts are living off of Social Security. Why shouldn't we overcharge 'em?

In Text Sample 6-15, the attorney does not tell the story at all. Instead, he boasts and creates tension between himself and the judge (which can be seen from the following text).

Text Sample 6-16 is an excerpt from a TV direct examination where the witness tells the story regarding what happen in the past that made him the defendant of the trial.

Text Sample 6-16: TV direct examination (TC_DE_BL_04)

A. Last week, I **had** a boy in my lap, eight years old. I **asked** him what he **wanted** for Christmas. He **said**, "Santa, please make me normal." He **was** starting to cry as he **said** it.

Q. He **said**, "Make me normal"?

A. Yes. He **said**, um - He **said** he **was** sick. He **said** that he **liked** to wear girls' clothes, and he **was** sure he'd go to hell. And I **said**, "Son, you're not alone, and you're not sick." And I **told** him about me.

Although Text Sample 6-15 and Text Sample 6-16 are not about the same case, the point made here is that the TV opening statement does not carry the function of telling the story in detail, which is the function of the authentic opening statement. Therefore, the function of telling the story lies in the TV direct and cross-examinations. It then makes sense that past tense verbs are used frequently in order to narrate a past event. This is the other reason why TV direct and cross-examinations use more past tense verbs than authentic direct and cross-examination.

6.2.2.3. Perfect aspect verbs (past and present)

The patterns of use for past and present perfect aspect verbs are again very similar to that of the other two narrative features, third-person pronouns and past tense verbs, in that both linguistic features are used more often in TV direct and cross-examination than in authentic direct and cross-examination. This pattern is not surprising considering the main function of TV direct and cross is to carry the storyline of the TV series. A significant difference was found in the frequency of present perfect aspect verbs between authentic cross-examination and TV cross-examination. R square shows that while 5% of the variance in the frequency of past perfect aspect verbs can be predicted by the sub-registers of authentic and TV courtroom language, 10% of the variance in the frequency of present perfect aspect verbs can be predicted by the sub-registers of authentic and TV courtroom language.

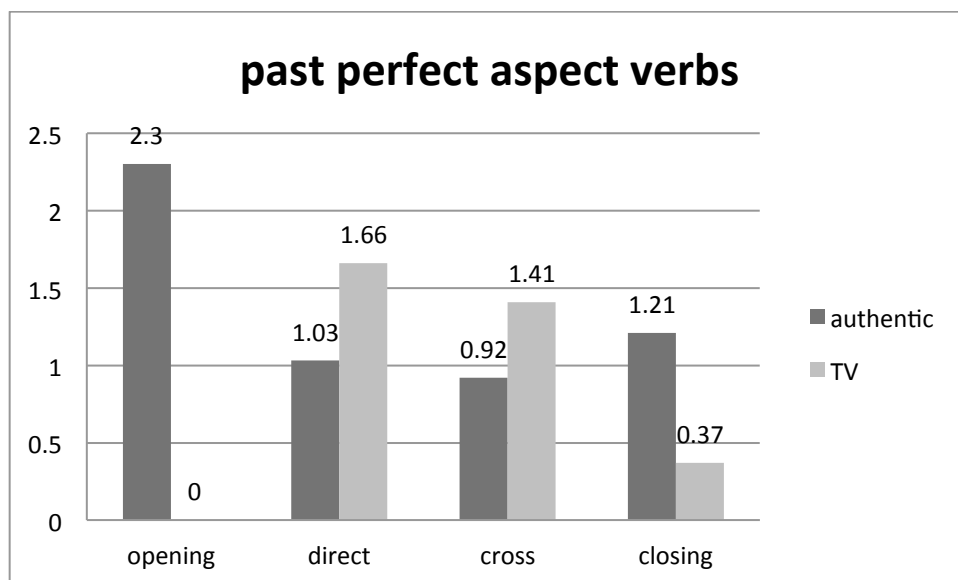


Figure 6.7. Mean frequency of past perfect aspect verbs used in the four sub-registers of authentic and TV courtroom language

Text Sample 6-17 is an excerpt from a direct examination from *Boston Legal*, where past and present perfect aspect verbs are used to narrate a past event that directly led to the arrest of the defendant.

Text Sample 6-17: TV direct examination (TC_DE_BL_04)

A. ***I've been*** sitting in that chair as Santa for eight years, and ***I've been*** an exemplary Santa. People will tell you, even if they don't shop at Gordon's, they come to see me.

Q. For how many of those eight years ***have you been*** dressing as a woman?

A. All of them.

Q. And in all this time, ***had*** your cross-dressing ever ***been*** an issue at work?

A. No. I was always in the Santa costume. People never knew. It was always my intention to keep my worlds separate. So, it's ***been*** my secret.

In Text Sample 6-17, the witness describes his past job as Santa Claus at a shopping mall and how he has been dressing like a woman. This excerpt from the direct examination functions to tell the story about the witness (also the defendant here), so that the audience is able to know what happened in the past that led to this person's arrest.

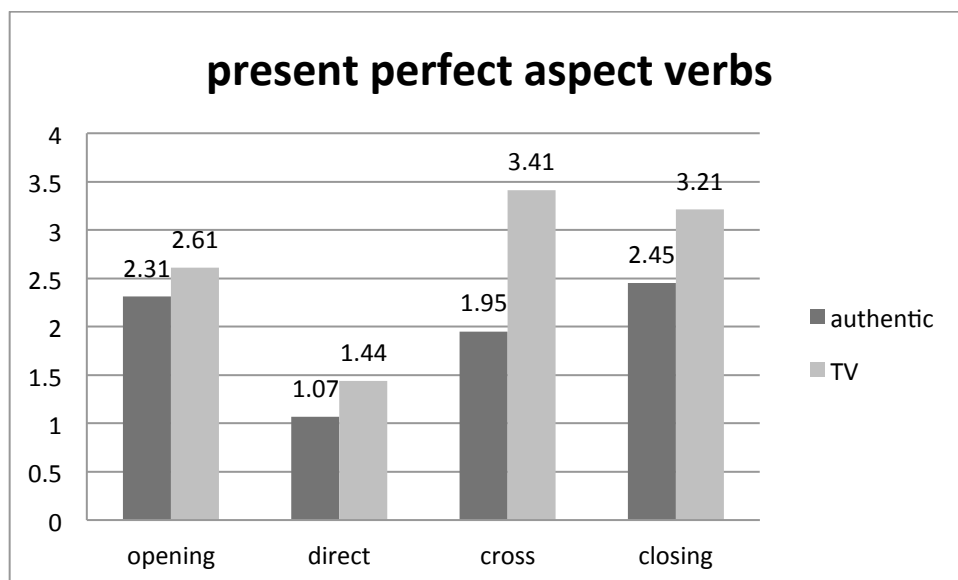


Figure 6.8. Mean frequency of present perfect aspect verbs used in the four sub-registers of authentic and TV courtroom language

Finally, it is interesting to find that past perfect aspect verbs are not used at all in the TV opening statement. It is important to realize that past perfect aspect verbs are used to describe a past event that starts and ends in the past, that the action is complete, and that there is no effect anymore. This is quite similar to the use of past tense verbs. Both narrative features are used to tell the story and to let people know what happened in the past. This function of telling the story in the TV opening statement is absent, and therefore past perfect aspect verbs are also absent from the TV opening statement.

Chapter 6 provides a thorough description of the four narrative features that characterize Dimension 2 (narrative vs. non-narrative discourse). Section 6.1 focuses on the use of these linguistic features within authentic courtroom language, and Section 6.2 compares the use of these narrative features across authentic and TV courtroom language. Results show a quite consistent pattern in the use of these narrative features, both within authentic courtroom language and across authentic and TV courtroom language. Chapter 7 will discuss the use of stance features in the four sub-registers of authentic courtroom language and across authentic and TV courtroom language.

CHAPTER 7: STANCE FEATURES

Chapter 5 and 6 thoroughly discuss the use of selected linguistic features that characterize Dimension 1 (involved vs. informational production features) and Dimension 2 (narrative vs. non-narrative features). Chapter 7 will focus on the use of stance features regarding their importance in courtroom language. Stance features are used to express opinion, degree of certainty, and evaluation, and therefore are expected to be commonly used in courtroom language. Section 7.1 will briefly explore the use of a set of 40 stance features in the four sub-registers of authentic and TV courtroom language. Section 7.2 will then focus on the selected stance features and provide a detailed quantitative and functional interpretation of the use of those stance features.

7.1. A set of 40 stance features

The initial quantitative analysis includes a set of 40 stance features (see Table 7.1 for a list of the stance features and the normed frequency of each stance feature). From Table 7.1 we can find that although there are 40 types of stance features used in courtroom language, not all of them are frequent. For example, *to*-complement clauses controlled by certainty adjectives (highlighted by gray area) and *to*-complement clauses controlled by ability adjectives (highlighted by gray area) are used rarely in all of the sub-registers.

Further analysis will focus on the stance features that are linguistically better defined and are frequently used in courtroom language. Based on these criteria, four lexico-grammatical stance features will be analyzed further, these are *that*-complement clauses controlled by fact and likelihood verbs, *that*-complement clauses controlled by communication verbs, and *to*-complement clauses controlled by desire verbs. In addition, given the importance of modals in courtroom language to express opinion and evaluation, modals of prediction, possibility, and necessity will also be analyzed in this chapter.

Table 7.1. Mean frequency of 40 stance features used in the four sub-registers of authentic and TV courtroom

	Authentic courtroom				TV courtroom			
Stance features	Opening	Direct	Cross	Closing	Opening	Direct	Cross	Closing
<i>That-complement clause controlled by communicative verbs</i>	3.16	2.36	3.07	4.09	3.80	4.83	5.73	3.97
<i>That-complement clause controlled by fact verbs</i>	5.07	2.99	4.68	5.18	8.78	5.06	3.80	4.13
<i>That-complement clause controlled by likelihood verbs</i>	2.92	2.17	3.41	1.84	3.80	2.91	3.04	2.91
<i>To-complement clause controlled by desire verbs</i>	2.19	1.31	1.40	2.61	9.40	2.43	2.24	2.76
<i>Modal_possibility</i>	5.76	7.29	8.45	5.63	6.88	8.13	7.62	10.10
<i>Modal_predict</i>	15.76	6.01	6.35	7.33	26.04	7.63	8.28	6.87
<i>Modal_necessity</i>	1.32	0.87	0.80	2.21	5.06	1.26	1.63	3.38
Communication verbs	15.57	11.71	14.97	15.36	8.00	20.15	19.90	12.40
Hedge	0.95	1.37	0.65	0.72	0.00	1.58	0.93	1.83
Amplifier	2.88	2.32	2.34	2.35	1.76	2.75	1.78	1.44
Downtoner	1.61	1.84	1.49	1.46	3.98	2.41	2.37	2.46
Attitudinal adverb	0.16	0.05	0.01	0.15	0.00	0.00	0.02	0.02
Likelihood adverb	1.47	1.86	1.14	1.15	0.82	1.11	1.37	1.65
Fact adverb	2.89	2.31	3.50	2.55	0.40	4.25	3.34	4.54
Mental verbs	24.73	18.29	22.25	27.15	33.14	24.69	25.46	25.09
Cognitive nouns	3.21	2.25	4.89	3.87	4.76	3.93	7.66	3.07
WH-clause controlled by communicative verbs	0.34	0.27	0.18	0.28	0.00	0.22	0.48	0.35
WH-clause controlled by attitudinal verbs	0.03	0.03	0.02	0.08	0.00	0.10	0.00	0.17

WH-clause controlled by fact verbs	1.06	1.44	1.36	1.54	1.22	0.75	1.29	1.19
WH-clause controlled by likelihood verbs	0.19	0.10	0.15	0.16	0.00	0.03	0.14	0.27
That clause controlled by attitudinal verbs	1.14	0.32	0.65	0.53	0.98	0.73	1.17	1.44
To clause controlled by speech verbs	0.62	0.59	0.41	0.50	0.20	0.71	0.72	0.45
To clause controlled by mental verbs	0.52	0.21	0.34	0.27	0.78	0.24	0.55	0.89
To clause controlled by effort verbs	1.62	1.05	0.79	2.19	2.36	2.00	1.60	2.16
To clause controlled by probability verbs	0.36	0.64	0.87	0.32	0.20	0.92	0.27	0.33
To clause controlled by certainty adjectives	0.01	0.00	0.00	0.01	0.00	0.00	0.00	0.00
To clause controlled by ability adjectives	0.01	0.04	0.02	0.05	0.00	0.01	0.00	0.00
To clause controlled by affect adjectives	0.01	0.00	0.01	0.03	0.00	0.00	0.00	0.05
To clause controlled by ease adjectives	0.03	0.01	0.01	0.08	0.00	0.07	0.08	0.13
To clause controlled by evaluation adjectives	0.08	0.04	0.06	0.15	0.00	0.00	0.10	0.06
To clause controlled by all stance nouns	0.70	0.35	0.26	0.84	1.58	0.89	0.92	0.95

That clause controlled by attitude adjectives	0.09	0.09	0.32	0.06	0.00	0.07	0.74	0.07
That clause controlled by fact adjectives	0.11	0.13	0.16	0.30	0.00	0.23	0.08	0.00
That clause controlled by likelihood adjectives	0.00	0.01	0.06	0.03	0.00	0.10	0.39	0.25
That clause controlled by attitudinal nouns	0.04	0.03	0.02	0.06	0.00	0.00	0.02	0.00
That clause controlled by fact nouns	0.44	0.09	0.16	0.46	0.00	0.28	0.44	0.36
That clause controlled by likelihood nouns	0.16	0.05	0.08	0.20	0.20	0.26	0.41	0.59
Attitudinal predicative adjectives	0.98	0.60	0.53	0.85	1.60	1.17	1.23	1.30
Epistemic predicative adjectives	0.61	0.73	1.94	0.77	0.00	1.19	1.29	0.93
Evaluation adjectives	0.91	0.81	0.52	0.78	2.78	0.68	0.62	1.25

7.2. Selected stance features

Section 7.1 shows the mean frequency of 40 stance features used in the four sub-registers of authentic and TV courtroom language. Section 7.2 will then focus on four selected lexico-grammatical stance features and explore the use of these stance features within authentic courtroom language as well as across authentic and TV courtroom language. These stance features are *that*-complement clauses controlled by fact and likelihood verbs, *that*-complement clauses controlled by communicative verbs, and *to*-complement clauses controlled by desire verbs. Within each sub-section, selected verbs that lead the complement sentences

will also be discussed and sample texts will be provided to illustrate the use of these stance features.

It is important to mention that unlike Chapters 5 and 6 where the linguistic features are described within authentic courtroom language first and are then compared across authentic and TV courtroom language, this chapter will describe the stance features in authentic and TV courtroom language together because it is easy to see patterns, especially when discussing the complement clauses controlled by selected individual verbs.

7.2.1. *That-complement clauses controlled by communication verbs*

That-complement clauses controlled by communication verbs are frequently used in both authentic and TV courtroom discourse. Figure 7.1 shows that they are used generally more often in TV courtroom than in authentic courtroom language, except for closing arguments, where the two registers employ almost the same amount of this feature. Significant differences are found between authentic and TV cross-examination, as well as authentic and TV direct examination. Sixty-two communication verbs were examined through one-way ANOVAs to first explore the quantitative results. Among all of the verbs that control *that*-complement clauses, *say* and *suggest* are used fairly commonly in all the sub-registers. *Ask* is frequent in authentic and TV examinations while *admit*, *deny*, and *swear* are more frequent in TV courtroom than in authentic courtroom language. There are two verbs that are used only in authentic courtroom language, which are *argue* and *promise*. There are also a few words that are relatively frequent in a particular sub-register, such as *insist* and *warn*, which are especially common in TV cross-examinations, and *assure*, which can only be found in authentic and TV cross-examinations. The next section will discuss some of the above-mentioned verbs and *that*-complement clauses controlled by those verbs. Text samples will be provided to illustrate the use of these verbs.

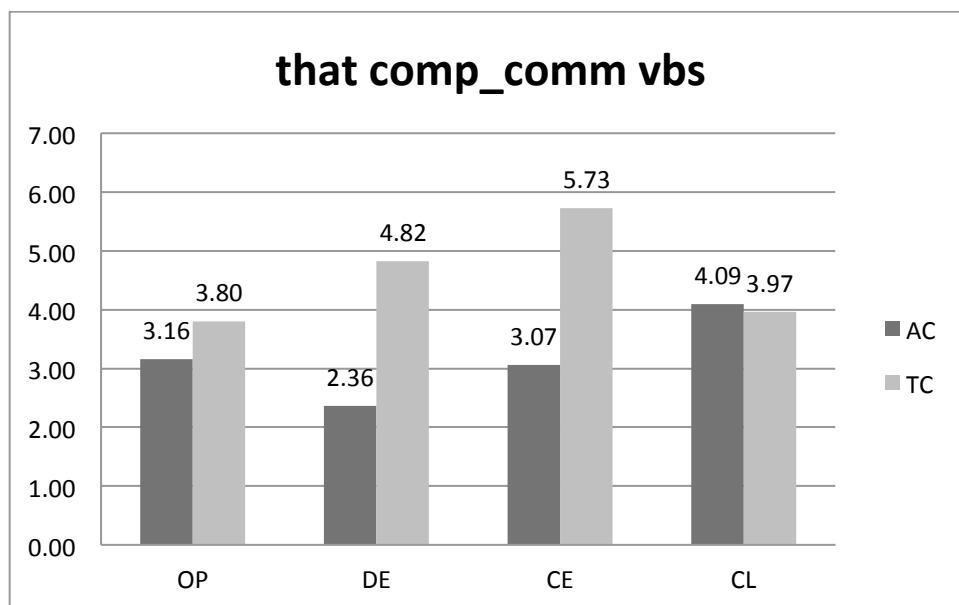


Figure 7.1. Mean frequency of *that*-complement clauses controlled by communicative verbs used in the four sub-registers of authentic and TV courtroom

Say: frequently used in all the sub-registers

Say is a very common communicative verb that controls *that*- complement clauses in authentic and TV courtroom discourse. It is especially frequent in TV direct and cross-examinations, and authentic opening and closing arguments. When used in examinations by witnesses, *say* is usually used to report a past event, as shown by Text Sample 7-1 (*say* that leads a *that*-complement clause is highlighted):

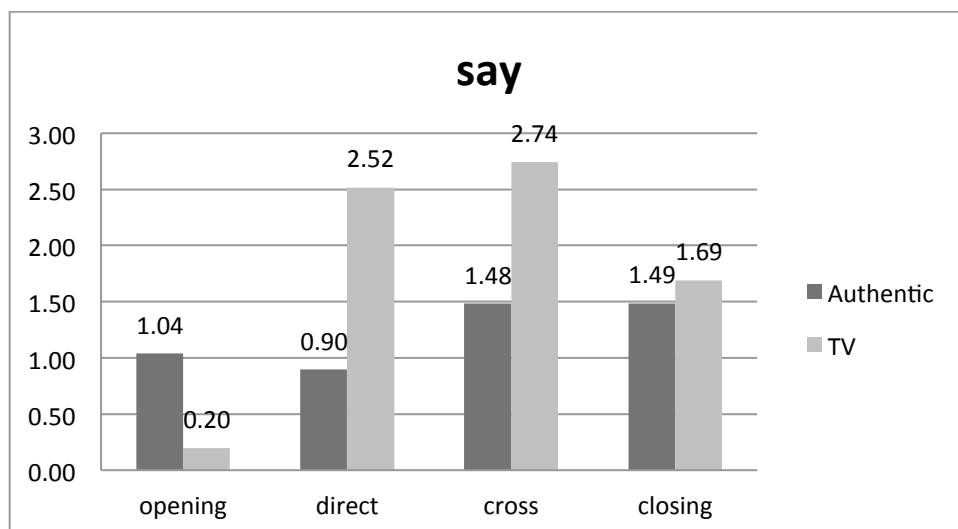


Figure 7.2. Mean frequency of *that*-complement clause controlled by communicative verb *say* used in the four sub-registers of authentic and TV courtroom

Text Sample 7-1: Authentic direct examination (AC_DE_OB_05)

Q. What did he say?

A. He **said** he just come in response to the standoff and that he – he went on to **say** that he was opposed to how they handled the initial raid, that he thought it would be more appropriate had just the local sheriff gone down and issued an arrest warrant.

In Text Sample 7-1, when asked by the attorney what he said, the witness reports a past event by repetitively using *that*-complement clauses controlled by the verb *say* and its inflectional form *said*.

When *say* is used in examinations by attorneys, it is usually used together with the second-person pronoun *you* to repeat what has been previously said by the witness for confirmation, as shown by Text Sample 7-2, or to ask for clarification or further explanation, as shown by Text Sample 7-3:

Text Sample 7-2: Authentic direct examination (AC_DE_BB_135)

Q. And I'm going to put the family tree back up here so that we can all see what we're talking about. You **say** that after about three years in Chokh she went to live with your oldest brother, is that right, and his wife?

A. That's right. Older brother, Mukhammad Haji, took her to live with him.

Text Sample 7-3: Authentic direct examination (AC_DE_OB_06)

Q. Why did you say that you didn't think McVeigh was involved?

A. Because I didn't want to implicate use. I was scared.

Q. Why did you say that McVeigh had not arrived in the Kingman area until February of 1995?

A. Because I wanted to cover up the like gun shows.

When *say* is used by attorneys during examination, it is also used to interpret or paraphrase what was said by the witness (see Text Sample 7-4):

Text Sample 7-4: Authentic direct examination (AC_DE_BB_94)

Q. While this information is captured by a search history tool, does it actually mean that somebody sat at a keyboard and typed all that in as their search?

A. No, that's not necessarily what that means.

Q. So is it fair to say that some of these tools will gather as search history some information that's not actually a search? That's just the tool happens to gather it that way?

Mr.Chakravarty: Objection, your Honor.

The Court: Overruled. You may have it.

A. That's correct. The tools aren't perfect in terms of extracting out what they feel represent search criteria.

In Text Sample 7-4, the attorney begins the question by saying, "So is it fair to say that...". When used to interpret or paraphrase what has been previously said by the witness, *that*-complement clauses controlled by *say* are always used together with "is it fair to say..." or "so it is fair to say...".

While used in opening statements, *say* is primarily used in future tense by attorneys to foreshadow what the witnesses will say during examinations, as shown by Text Sample 7-5, or what the evidence will show, shown by Text Sample 7-6:

Text Sample 7-5: Authentic opening statement (AC_OP_OB_04)

Now, whether Mr. Elliot was mistaken about the existence of another person and who that other person might possibly be, if there is such a person, doesn't change the fact that Mr. Elliot will say that this defendant rented the truck that blew up the Murrah Building.

Text Sample 7-6: Authentic opening statement (AC_OP_OB_05)

The Government's evidence will **say** that the bombing of the FBI headquarters in Washington - and incidentally, that was the building, not a federal building in the middle of the country, but the offices of the Federal Bureau of Investigation in Washington.

Both Text Sample 7-5 and Text Sample 7-6 reveal that *that*-complement clauses controlled by *say* are used in the future tense to give the jury some idea of what evidence will be provided during examinations.

Finally, during closing arguments, *say* is again used to report past events. However, unlike direct and cross-examinations where the witnesses report past events relating to someone that they know, during closing arguments, the past events are reported by attorneys and usually relate to what the witnesses have stated during direct and cross-examinations, functioning almost like a summary of what has been said by the witnesses during the examinations, as shown by Text Sample 7-7:

Text Sample 7-7: Authentic closing argument (AC_CL_OB_02)

Jennifer McVeigh **said** that she remembered talking to Tim McVeigh and asked about this biker outfit, and he said, "It's a disguise." He said it. We don't have to conclude. He said it to his sister, and she told you.

In Text Sample 7-7, the attorney uses a *that*-complement clause controlled by *say* to prove that something that has been said is a fact, not an opinion. By using *say*, the attorney provides evidence that Tim McVeigh committed the crime, and that the biker outfit is just a disguise because he "said it". If someone says it, it is a confession, not circumstantial evidence.

Ask: frequent in authentic direct and cross-examination and TV direct and cross-examination.

Ask is used more frequently in direct and cross-examinations within authentic courtroom language, and only in direct and cross-examinations within TV courtroom language. Within both authentic and TV courtroom discourse, cross-examinations use more *that*-complement clauses controlled by *ask* than do direct examinations. Text Sample 5-8 and 5-9

show that in authentic examinations, *ask* is often used by attorneys to make a request to the Court, usually with the modal verb *would*.

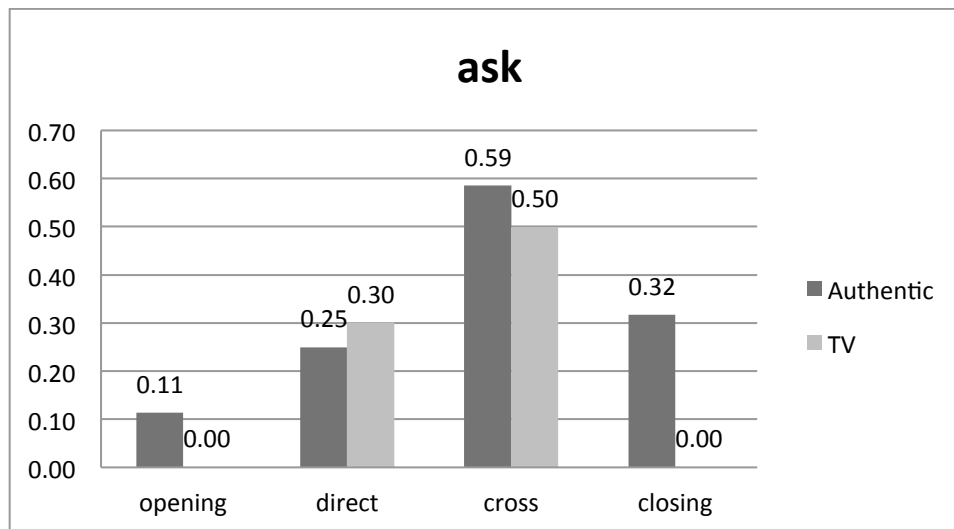


Figure 7.3. Mean frequency of *that*-complement clause controlled by communicative verb *ask* used in the four sub-registers of authentic and TV courtroom

Text Sample 7-8: Authentic cross-examination (AC_CE_BB_33)

Attorney: Your Honor, I would **ask** that that be Case 1:13-cr-10200_GAO Document 1567 Filed 10/16/16 Page 78 of 193 marked for identification – a copy be marked for identification as Defendant’s 3065.

The Court: Right. It may be marked for identification only.

Text Sample 7-9: Authentic direct examination (AC_DE_BB_60)

Mr. Chakravarty: I’d **ask** that Exhibit 930 be introduced.

Ms. Conrad: No objection.

The Court: All right.

In TV examinations, *ask* is used in the same way as authentic examinations, as Text Sample 5-10 shows:

Text Sample 7-10: TV cross-examination (TC_CE_MO_06)

Lisa: Your Honor, we **ask** that this photo be marked and entered into evidence as Minor’s Exhibit C.

The Court: So entered.

In authentic opening statements, *ask* performs the same function as it does in the examinations, which is to make a request to the Court to admit a piece of evidence, as shown by Text Sample 7-11.

Text Sample 7-11: Authentic opening statement (AC_OP_OJ_03)

The Court: Well, I think you should make the record, counsel. You should tell us which this is, because the clerk has the list. She can't see directly the video, so you need to tell me which video – which graphic you are using.

Marcia Clark: Very well, your Honor. I will ask that Jonathan Fairlough be allowed to.

The Court: All right.

That-complement clauses controlled by *ask* are not used in TV opening statements. This result is not surprising given that there is no such function as introducing evidence in the TV opening statement as it is limited by time, which is a feature that is particular to TV courtroom discourse.

Finally, in authentic closing arguments, *ask* is used when attorneys interact and appeal to the jury members by asking them to make the wise decision as to whether the defendant is guilty or not (see Text Sample 7-12):

Text Sample 7-12: Authentic closing argument (AC_CL_OB_02)

Tim McVeigh has received his due process, and it is now time to render judgment. And your job as jurors, your privilege, your duty, as well as your job, is to do justice. And on behalf of the United States, I ask that you return a verdict of guilty as charged against Timothy McVeigh. Thank you.

In Text Sample 7-12, *ask* is used in a polite way to request that the jurors return a verdict that does justice. It is not a question but a firm and polite request made by the attorney after presenting all the evidence.

Although *that*-complement clauses controlled by *ask* were not been found in TV closing arguments, it is premature to say there is no such function as appealing to the jurors and asking them to make a decision regarding the defendant's guilt or innocence. Future studies will be done to explore what linguistic features are used to achieve the function of making requests to the jurors, if any.

Admit: more frequent in TV courtroom than in authentic language

The overall patterns reveal that *that*-complement clauses controlled by *admit* are used more often in TV courtroom language than in authentic courtroom language, as shown by Figure 7.4. Generally, opening statements and closing arguments use this feature more frequently than direct and cross-examinations, except for TV opening statements, where this feature is not used at all.

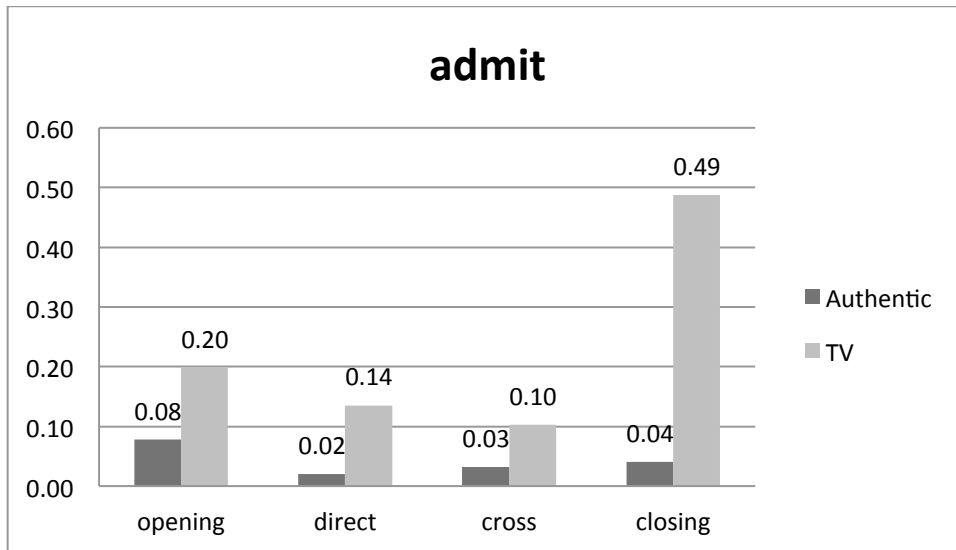


Figure 7.4. Mean frequency of *that*-complement clause controlled by communicative verb *admit* used in the four sub-registers of authentic and TV courtroom

In authentic opening statements, it is used to introduce evidence and is therefore always used with future tense, shown by Text Sample 7-13:

Text Sample 7-13: Authentic opening statement (AC_OP_OB_04)

And the lies were bad. You'll hear from Fortier – he will ***admit*** that he lied, told reporters, told others that he thought McVeigh was innocent and that he had no reason to believe McVeigh was involved.

When used in closing arguments, its primary function is to summarize the case and convince the jurors whether the defendant is guilty or not, and is usually used in the past tense (see Text Sample 7-14):

Text Sample 7-14: TV closing argument (TC_CL_MO_03)

You will never lose sight of the fact that he **admitted** that he killed Jessica Costello. He **admitted** it to Dr. Graham Lester. And on a videotape he showed us how he did it. If you'll watch the monitor please.

That-complement clauses controlled by *admit* bear the same function in authentic closing arguments as they do in TV closing arguments, which is to summarize the case, as shown by Text Sample 7-15:

Text Sample 7-15: Authentic closing argument (AC_CL_OB_02)

He **admitted** that's a little bit out of his league, wasn't familiar with it, had to do some research, had to check with people; and when he checked, he learned that if you mix anhydrous hydrazine with nitromethane, two chemical terms that are talked about in this book, you will have an explosion of immense proportions. I mean, he remembered that.

Although *that*-complement clauses controlled by *insist*, *warn*, *assure*, and *swear* are only found in TV cross-examinations and are rarely used, these verbs will not be discussed in this study.

7.2.2. *That*-complement clauses controlled by fact and likelihood verbs

This section will discuss *that*-complement clauses controlled by fact and likelihood verbs. The reason why fact and likelihood verbs are discussed together is mainly because quantitatively these two types of *that*-complement clauses have similar patterns of use except for in closing arguments.

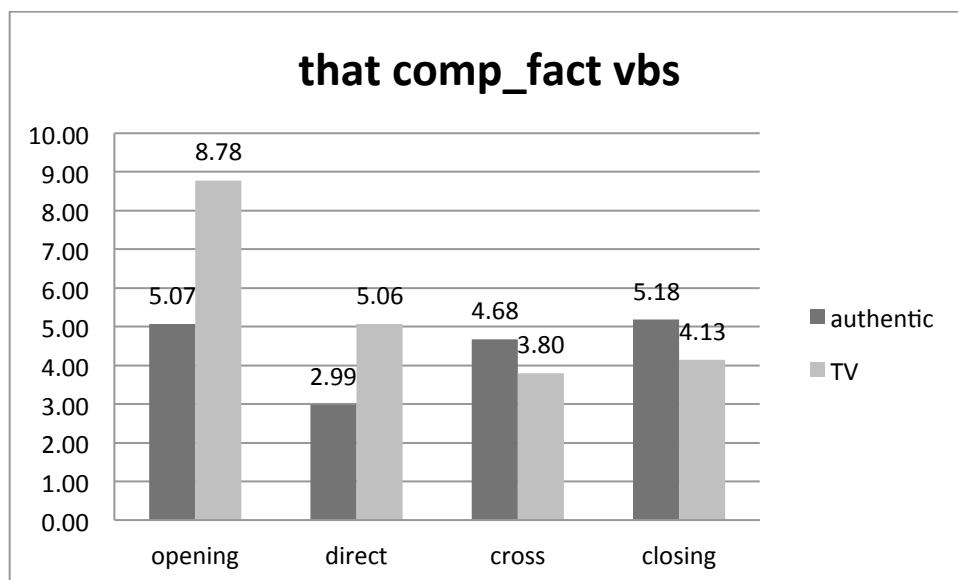


Figure 7.5. Mean frequency of *that*-complement clause controlled by fact verbs used in the four sub-registers of authentic and TV courtroom

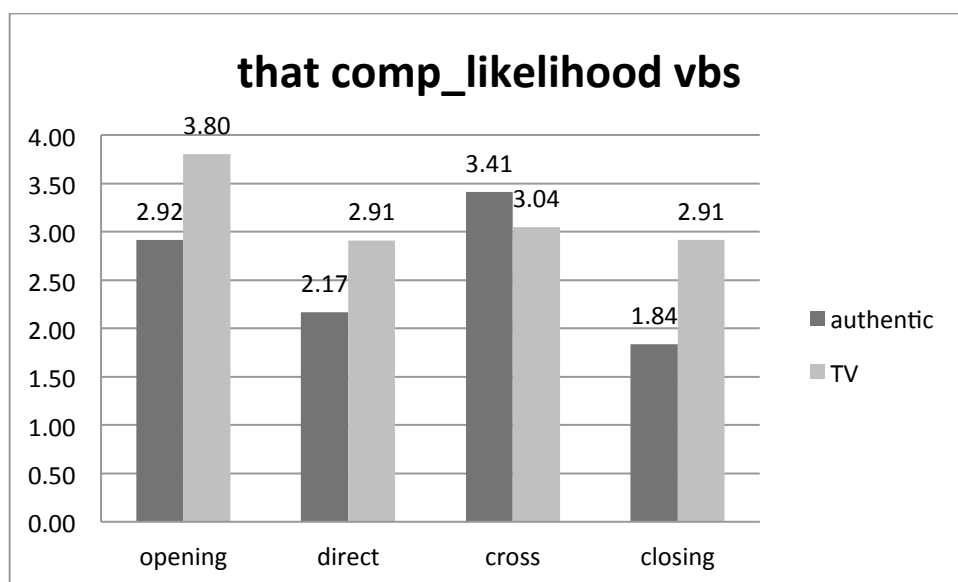


Figure 7.6. Mean frequency of *that*-complement clause controlled by likelihood verbs used in the four sub-registers of authentic and TV courtroom

Figure 7.6 shows that while *that*-complement clauses led by fact verbs are used more frequently in TV opening statement ($M = 8.78$, $SD = 8.61$) and TV direct examination ($M = 5.06$, $SD = 7.30$) than in authentic opening statement ($M = 5.07$, $SD = 1.29$) and authentic direct examination ($M = 2.99$, $SD = 1.94$), they are used slightly less in TV cross-examination ($M = 3.8$, $SD = 2.66$) and TV closing argument ($M = 4.13$, $SD = 4.24$) than in authentic cross-examination

($M = 4.68$, $SD = 3.63$) and authentic closing argument ($M = 5.18$, $SD = 1.69$). As for *that*-complement clauses controlled by likelihood verbs, Figure 7.6 shows that they are more common in TV opening statement ($M = 3.8$, $SD = 2.79$), TV direct examination ($M = 2.91$, $SD = 4.62$) and TV closing argument ($M = 2.91$, $SD = 2.55$) than in authentic opening ($M = 2.92$, $SD = 2.58$), authentic direct ($M = 2.17$, $SD = 1.65$), and authentic closing ($M = 1.84$, $SD = 0.97$), but slightly less common in TV cross ($M = 3.04$, $SD = 2.54$) compared with authentic cross ($M = 3.41$, $SD = 3.47$). Overall, *that*-complement clauses controlled by fact verbs are more common than the complement clauses led by likelihood verbs. Next, a few verbs that control *that*-complement clauses will be discussed regarding their use in each of the four sub-registers for both authentic and TV courtroom language.

Know: frequent in all sub-registers within authentic courtroom language

That-complement clauses controlled by the fact verb *know* are common in all four sub-registers of authentic courtroom language, especially in the closing argument. In the authentic opening statement, *know* is used mainly in two different ways. First, when the subject of *know* is a third-person pronoun, it is often used in the past tense to report a past event by an attorney, as shown by Text Sample 7-16:

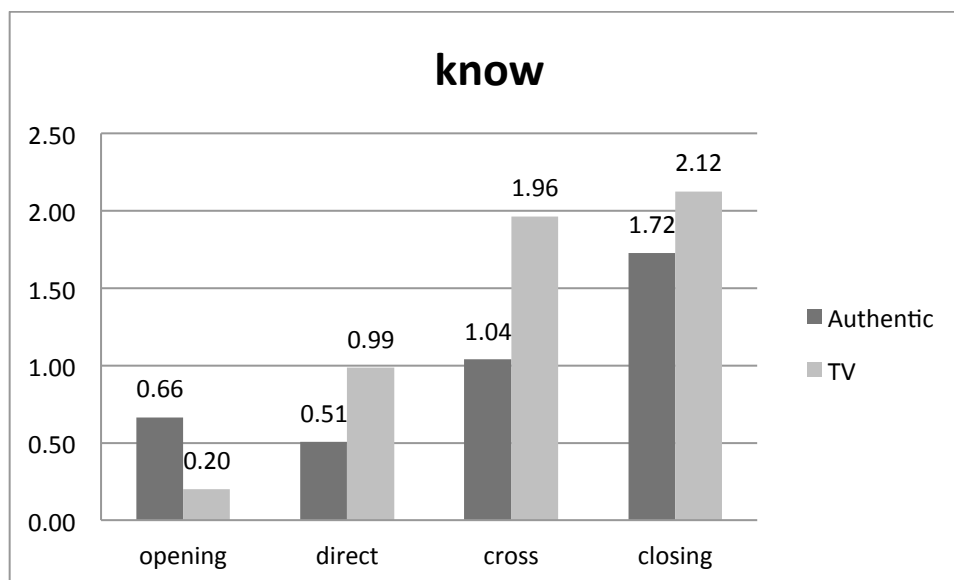


Figure 7.7. Mean frequency of *that*-complement clause controlled by fact verb *know* used in the four sub-registers of authentic and TV courtroom

Text Sample 7-16: Authentic opening statement (AC_OP_OB_01)

On April the 21st, Mr. Fortier was questioned by the FBI; and he stated to them that he ***knew*** that Mr. McVeigh had been charged because of TV coverage, but he told the FBI that he did not think Tim McVeigh was capable of participation in the Oklahoma City bombing.

In Text Sample 7-16, the attorney reports that one of the witnesses knew that the defendant had been charged because of TV coverage, yet he told the FBI he did not believe the defendant was capable of the crime. The attorney's intention to use the verb *know* is to emphasize the fact that the witness knew the defendant was capable of the crime yet did not acknowledge it, and therefore the witness does not have credibility to testify in the case. In opening statements, the second usage of *know* often occurs with the first-person pronoun *we* and is used in the present tense to show what the attorney already knows and is certain about, as shown by Text Sample 7-17:

Text Sample 7-17: Authentic opening statement (AC_OP_OJ_09)

We ***know*** that the next morning, Fung has the blood downtown, and Collin Yamauchi, one of the technicians, takes one milliliter of blood out of his particular vial. So this blood – this is the strange saga of this blood and why it was carried out here. We expect the evidence will show exactly the events I just testified to or just told you about in testimony, Mr. Douglas.

In Text Sample 7-17, the attorney uses *know* in order to tell the jurors what the facts are, that what he is saying is not opinion, but fact. This use is very common in opening statements when the attorney intends to distinguish facts from opinions, especially those key facts and evidence that could guide the jury's final decision.

In direct examinations, *know* is used in two primary ways. First, it is always used by a witness with first-person pronouns when the witness states something that he/she is certain about, shown by Text Sample 7-18:

Text Sample 7-18: Authentic direct examination (AC_DE_BB_95)

A. We met up with friends of ours, Ron and Karen Brassard, and their daughter Krystara. We were tracking my sister through our cell phones and stuff, so we ***knew*** that we still had some time.

In Text Sample 7-18, the witness makes a claim that she/he knew that they still had some time, and also presents the reasons why she/he was certain about the fact that they still had some time, which is that they tracked their sister through their cell phones. The second usage of *know* in direct examinations is often with the second-person pronouns when an attorney questions a witness (see Text Sample 7-19):

Text Sample 7-19: Authentic direct examination (AC_DE_BB_120)

Q. Right. You ***knew*** that Tamerlan Tsarnaev had been in the gym?

Mr. Mellin: Objection.

The Court: Overruled. You may answer.

A. Yes. I was aware that he had been in the gym earlier that day.

In Text Sample 7-19, the attorney questions the witness by asking, “You knew that Tamerlan Tsarnaev had been in the gym”, which is actually a leading question, resulting in the opposing attorney’s objection. This is a common usage of *you know that* by attorneys during direct and cross-examination. The other common usage of *know* is when an attorney asks a more open-ended question such as *how did you know that* in order to elicit an expanded answer, as shown by Text Sample 7-20:

Text Sample 7-20: Authentic direct examination (AC_DE_OB_03)

Q. Did he ever tell you or are you aware of him ever using an alias, false name?

A. Yes.

Q. And what name did he use?

A. Tim Tuttle.

Q. And how do you ***know*** that he used that false name?

A. He had written me a letter and asked me to send some political literature to a few other people. And next to each name, there was an address to send it to and then a return address. And some of the return addresses – not some – there were only a few, but at least one of them had Tim Tuttle as a return address.

Q. So Tim Tuttle was a name he gave for you to use to send literature on his behalf. Is that correct?

A. Yes.

In Text Sample 7-20, the attorney asks an open-ended question, giving the witness enough space to expand his answer that add credits to the attorney's side of the story. By asking open-ended questions using "how do you know...", attorneys play a facilitating role in eliciting wanted answers or explanations from witnesses.

During TV cross-examinations, *that*-complement clauses controlled by *know* are always used by an attorney to question a witness in a forceful way, which often leads to an objection from the opposing attorney, as shown by Text Sample 7-21 and Text Sample 7-22:

Text Sample 7-21: TV cross-examination (TC_CE_MO_07)

Ted: Would you be surprised to **know** that Mr. Avedon has financially supported his family since he was fifteen years old?

Grasso: Objection, your Honor. Counsel is giving character testimony.

Ted: I'm trying to determine what Ms. Iverson has read or heard about Mr. Avedon.

Judge: I'll allow it. The juror may respond.

Text Sample 7-22: TV cross-examination (TC_CE_MO_04)

Justine: Then, doctor, how do you **know** that Jonathan's actions weren't an attempt to punish or even destroy himself? And that beating up Stuart Lipson was the best way to accomplish goal?

Doctor: Objection. Compound.

Judge: Sustained. Ms. Appleton, let's not put too fine a point on this.

In both Text Samples 7-21 and 7-22, the attorney asks a leading question using a *that*-complement clause controlled by *know*, which leads to an objection from the opposing side because the attorney either gives character testimony or asks questions that could overwhelm the witness/defendant. However, it is worth mentioning that in authentic cross-examinations, witnesses cannot raise objections themselves, and that objections should be raised by the opposing attorney. The reason why in TV cross-examinations the witness himself raises an objection is because of the dramatic feature of TV series.

Although *that*-complement clauses controlled by *know* are not used as frequently in authentic cross-examinations as in TV cross-examinations, they are not uncommon in authentic cross-examinations. The function of *know* in authentic cross-examinations is similar as its function in TV cross-examinations, which is to question a witness in a forceful and leading way (see Text Sample 7-23).

Text Sample 7-23: Authentic cross-examination (AC_CE_BB_66)

Q. When you would hang out with them, would you smoke together?

A. Maybe once or twice?

Q. You've only smoked once or twice?

A. No, with them.

Q. Okay. You ***knew*** that the Silvas were very close with the defendant, correct?

Ms. Conrad: Objection.

The Court: Sustained.

Q. Your relationship with the defendant was a friendly one, right?

A. Yes.

Finally in TV closing arguments, nearly all the occurrences of *that*-complement clauses controlled by *know* are used with the first-person pronoun *we* by an attorney to relate to the jurors and appeal to their sympathy, as shown by Text Sample 7-24:

Text Sample 7-24: TV closing argument (TC_CL_MO_03)

What are the facts in her death? We ***know*** that she was strangled. Dr. Matheson described the bruising on her neck, the way the assailant crushed the bones in her neck. We ***know*** she was raped. Dr. Matheson described the tears and the abrasions in her vagina. Officer Bickley found her tied to her bed, her apartment in disarray. All signs that she desperately resisted her attacker. So who attacked Jessica Costello in the last night of her life? Who committed this brutal crime? The facts support only one conclusion. He did. The defendant, Neil Avedon.

In Text Sample 7-24, by using a *that*-complement clause led by *know* followed by the evidence provided by the expert witness during the examinations, the attorney makes his statement sound like solid facts rather than opinion, and therefore makes the jurors feel that the defendant is in fact guilty.

In authentic closing arguments, *that*-complement clause controlled by *know* have more usages than they do in TV closing arguments. Except for being used with the first-person pronoun *we*, they are often used together with third-person pronouns to summarize what the defendant or the relevant witnesses did in the past, as shown by Text Sample 7-25:

Text Sample 7-25: Authentic closing argument (AC_CL_BB_05)

He ***knew*** that the marathon attracted families and that people go there with their friends, so he ***knew*** that his bomb was likely to kill and mutilate parents in front of their children or children in front of their parents or both. He also ***knew*** that the last stretch down Boylston Street, all the way to the finish line, drew huge crowds. He ***knew*** that by placing his bomb there, he had a good chance of killing and injuring hundreds of people, which is exactly what happened. He ***knew*** that the marathon draws an international crowd so that the news of his bombing would be of interest in every corner of the world. And he ***knew*** that the marathon is televised.

In Text Sample 7-25, the attorney repetitively uses *that*-complement clauses controlled by *know* to illustrate a series of facts that the defendant knew before he committed the crime, reinforcing the fact that the defendant knew what consequence his actions will bring to people, thus persuading the jurors that the defendant is guilty.

Another usage of *know* in authentic closing arguments is to with the second-person pronoun *you* to make the closing arguments, which are monologues, sound like an interaction between the attorney and the jurors in an effort to appeal to their sympathy, shown by Text Sample 7-26:

Text Sample 7-26: Authentic closing argument (AC_CL_BB_06)

Of course you ***know*** the defendant's strength of will, his presence of mind in many other ways. You ***know*** that even after his brother had been captured by police, he had the grit to get back into that SUV, make a three-point turn and try to run over three police officers, even if it meant driving through a hail of bullets and running over his own brother.

In Text Sample 7-26, the attorney makes use of "you know that..." to emphasize what has been known by the jurors, the facts, and to make the jurors believe the defendant is brutal, relentless, cruel, and guilty.

Notice: used only in AC

Notice is found only in authentic courtroom discourse. When used in opening statements, it is often used with either a third-person pronoun to state what the witnesses have noticed (see Text Sample 7-27), or with the second-person pronoun *you* to relate to the jurors and foreshadow what important evidence they should pay special attention to (see Text Sample 7-28).

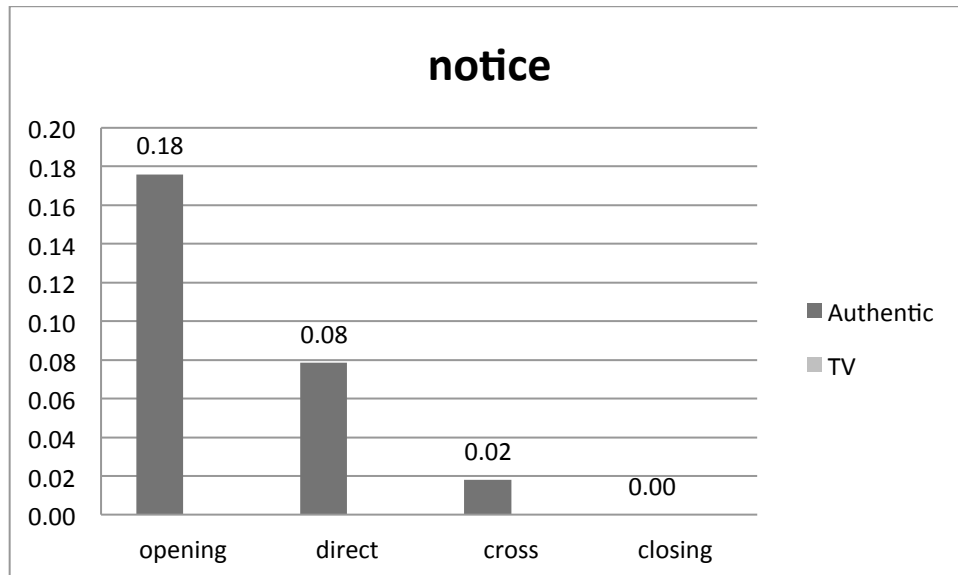


Figure 7.8. Mean frequency of *that*-complement clause controlled by fact verb *notice* used in the four sub-registers of authentic and TV courtroom

Text Sample 7-27: Authentic opening statement (AC_OP_OJ_02)

The dog was acting very agitated, seemed to be barking at the house on the corner of Dorothy and Bundy. He couldn't tell which one, and he **noticed** that the dog had an expensive collar. When he checked it further, looking for tags, he **noticed** that there was blood on the paws and on the legs of the dog.

Text Sample 7-28: Authentic opening statement (AC_OP_OB_03)

So you can match up what they're doing; and you'll notice – it wasn't just chemical companies. You'll **notice** that all the companies they called during that period of time, in the fall of 1994 when they were using this call – this calling card to seek ingredients - all of them have one thing in common: They all sell something you could use to make a bomb, a large ammonium nitrate fertilizer bomb.

In authentic direct examinations, *notice* mainly has two usages. When *notice* is used by an attorney to question a witness, the subject is always a second-person pronoun, shown by Text Sample 7-29:

Text Sample 7-29: Authentic direct examination (AC_DE_BB_91)

Q. And when you looked at those two leg injuries, did you ***notice*** that there were any – was there any debris in the injuries?

A. Yes.

Q. What type of debris was in the injuries?

A. So there were round metal pellets, small nails, there was some larger pieces of silver-colored metal, and then there was also some other things like plastic and fabric and things like that.

In Text Sample 7-29, the attorney asks a close-ended question by using a *that*-complement clause controlled by *notice*, aiming to elicit a wanted answer, which is “yes”, from the witness. The attorney then asks an open-ended question, leading to more explanations that favor his side.

When *notice* is used by a witness to answer a question, the subject is often a first-person pronoun, as shown by Text Sample 7-30:

Text Sample 7-30: Authentic direct examination (AC_DE_OJ_14)

Q. What did you do next?

A. I was walking towards the Bronco and I made the – I ***noticed*** that it was just parked just a little askew, a little strangely. It looked like there was no difficulty in parking there, but yet it looked like it was parked rather haphazardly.

In Text Sample 7-30, the witness answers the attorney’s question by telling him what he noticed, which turned out to be a piece of important evidence that portrays their side in a favorable light.

When *notice* is used in authentic cross-examinations, it has the same functions: it is used by an attorney to question a witness, and used by a witness to answer what he/she noticed.

See: frequent in all sub-registers; comparison of authentic and TV opening; authentic and TV direct, authentic and TV cross, authentic direct and cross, and TV direct and cross

The first finding is that *that*-complement clauses controlled by *see* are only used in authentic openings, but not in TV openings. In authentic openings, *see* has two usages. When it is used with a third-person pronoun, its function is to report a past event (see Text Sample 7-31). When it is used with a second-person pronoun, its function is to ‘talk’ to the jurors and foreshadow what evidence the jurors will hear and see during direct and cross-examinations (see Text Sample 7-32):

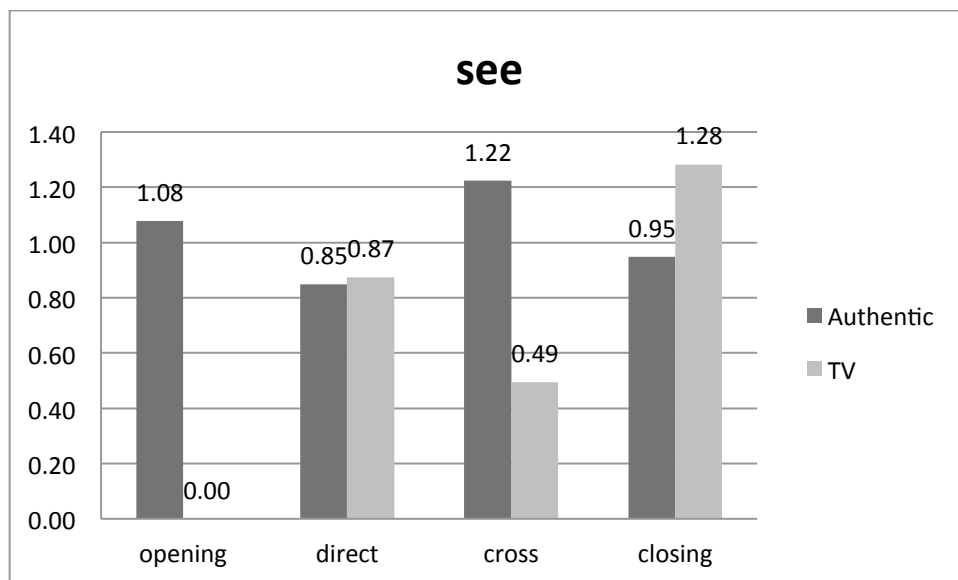


Figure 7.9. Mean frequency of *that*-complement clause controlled by fact verb *see* used in the four sub-registers of authentic and TV courtroom

Text Sample 7-31: Authentic opening statement (AC_OP_OJ_03)

That is very important. We will come back to that again. He looked down the driveway and he **saw** that that looked like a tighter turn even than Ashford, so he backed the limousine up Rockingham Avenue and made a left turn onto the Ashford Street and pulled right up to the Ashford gate.

Text Sample 7-32: Authentic opening statement (AC_OP_OB_03)

You will **see** that he also educated himself about how to build bombs, particularly truck bombs, using ammonium nitrate fertilizer and some sort of fuel oil. And we'll explain to you how you can make a bomb from fertilizer and fuel oil, and of course that's consistent with the type of destructive device that was used in Oklahoma City.

Authentic and TV direct examinations use almost the same amount of *that*-complement clauses controlled by *see*. It is used either by an attorney with a second-person pronoun to question a witness (for example “did you see that...?” or “had you seen that...?”), or by a witness with a first-person pronoun to answer a question (for example, “I saw that...”).

In authentic and TV closing arguments, *see* is mainly used after a second-person pronoun by attorneys to relate to the jurors and convince them that what they have seen as evidence in courtroom should directly lead to their verdict regarding whether the defendant is guilty or not (see Text Sample 7-33).

Text Sample 7-33: Authentic closing argument (AC_CL_OJ_03)

I’m not going to do it in the detail you have already heard it, heaven forbid, but although you have already seen with the opportunity evidence, with the conduct evidence, we already have evidence to show you that the Defendant did commit these murders, without even really getting into the physical evidence, and once you see the vast array of physical evidence, you can see that there is virtually an ocean of evidence to prove that this Defendant committed these murders.

Show: used frequently in both authentic and TV opening statements

That-complement clauses controlled by *show* are used more frequently in authentic and TV opening statements, compared with other sub-registers. It is often used together with the modals of prediction *will*, such as *the evidence will show that*, to suggest what evidence will be presented to the jurors (see Text Sample 7-34):

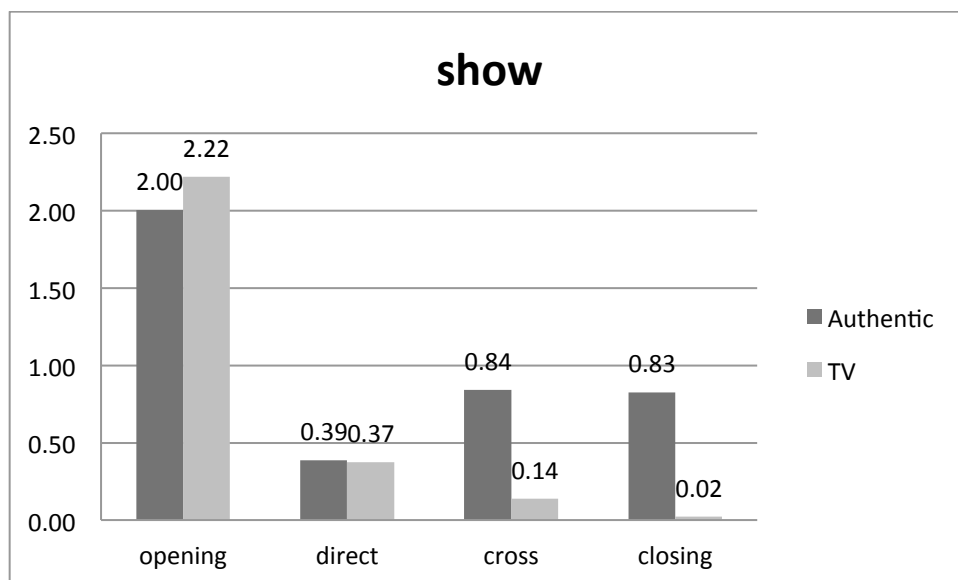


Figure 7.10. Mean frequency of *that*-complement clause controlled by fact verb *show* used in the four sub-registers of authentic and TV courtroom

Text Sample 7-34: Authentic opening statement (AC_OP_OB_05)

And on the morning that Mr. Hartzler described, the proof will ***show*** that when the fire department arrived, the smoke was so black that at first they thought it was the Walter - the Water Resources Board across the street that had been destroyed, because the smoke hid the fact that the entire front and the roof of the Murrah Building was gone.

Similar to opening statements and closing arguments, during direct and cross-examinations, *show* is often used to connect a piece of evidence and an implication that is from the evidence, as shown in Text Sample 7-35:

Text Sample 7-35: Authentic direct examination (AC_DE_BB_88)

So these wounds ***show*** that the edges along the skin have a slightly – have a somewhat smooth surface to them, and so the object causing these would have somewhat smooth edges, but also deep within the wound in the muscle.

In Text Sample 7-35, an expert witness analyzes what might be the possible object that can cause such wounds. The wounds are presented as evidence, and the implication is that they must have been made by an object with smooth edges. Finally, during closing arguments, *show* has the same function as it does in the examinations.

Next, *that*-complement clauses controlled by likelihood verbs will be discussed, which have a similar pattern as *that*-complement clauses controlled by fact verbs, except for in closing arguments.

Assume: within authentic courtroom language, used most frequently in authentic cross-examination; within TV, used most frequently in TV cross-examination

That-complement clauses controlled by the likelihood verb *assume* are found to be most common in authentic and TV cross-examinations. They are used mostly by an attorney to ask a witness to assume a situation that may or may not be true, but definitely supports the attorney's own side of the story if being proved to be true, as shown by Text Sample 7-36 and Text Sample 7-37:

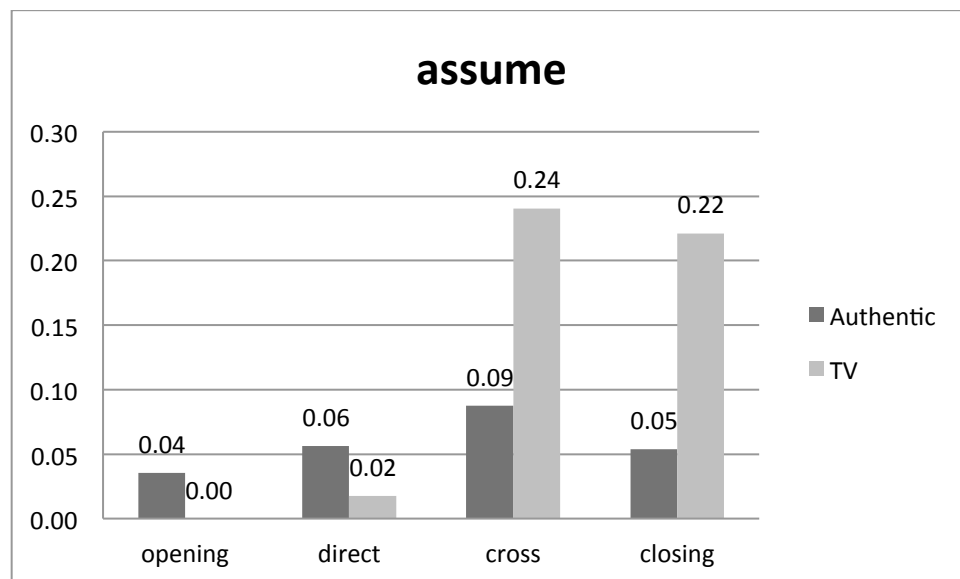


Figure 7.11. Mean frequency of *that*-complement clause controlled by likelihood verb *assume* used in the four sub-registers of authentic and TV courtroom

Text Sample 7-36: Authentic cross-examination (AC_CE_OJ_08)

Mr. Kelberg: And doctor, ***assuming*** that these same witnesses, when asked about any observation of any kind of physical limitation or evidence of distress by Mr. Simpson indicated they saw no such limitation or distress, ***assuming*** that that is accurate testimony, would that be inconsistent with what you would expect on June 12th, given your finding of June 15th?

Dr. Huizenga: I saw a limp on the 15th. If he had no limp on the 12th, then obviously something has changed in the interval.

Mr. Kelberg: Or perhaps Mr. Simpson was faking a limp in your office?

Dr. Huizenga: That certainly would be in the differential.

Text Sample 7-37: Authentic cross-examination (AC_CE_OJ_06)

Mr. Scheck: Mr. Fung, again, ***assuming*** that Mr. Simpson had been in the Bundy residence and sat or laid on that blanket, shed hairs on the blanket and that blanket is taken and put in the middle of this crime scene, could that in your expert opinion be a source of secondary transfer of his hairs to the crime scene?

Mr. Fung: It's possible.

Mr. Scheck: It was a terrible mistake to put this blanket from inside the house into the middle of the crime scene because of the dangers of cross contamination of hairs and fibers?

Mr. Fung: Depending on the - how clean the blanket was, that would – that would affect my answer.

Mr. Scheck: Now, based on your observations at the crime scene that day, Miss Nicole Brown Simpson's body was in the area of that blanket?

Mr. Fung: Yes.

Mr. Scheck: And Mr. Goldman's body was eventually placed in the area of that blanket?

Mr. Fung: Yes.

Mr. Scheck: And ***assuming*** that blanket had hairs and fibers and other trace evidence on it, that could be a source of contamination of anything that was subsequently found on Mr. Goldman's clothing?

Mr. Fung: I believe the coroner's personnel had placed a sheet and a plastic sheet over the blanket before placing him on it.

Mr. Scheck: ***Assuming*** the blanket was covered with hairs and fibers and it was place in the middle of the crime scene and hairs and fibers from the blanket were spread out from the blanket

Mr. Fung: Possibly.

From the excerpt of the cross-examination of the O. J. Simpson trial, we find that *that*-complement clauses controlled by *assume* are repetitively used by the attorney to hypothesize a situation that may not be true, but if true, will support the attorney's side of the story.

Think: frequent in all sub-registers; authentic vs. TV cross-examination, authentic vs. TV direct examination, authentic vs. TV opening statement

That-complement clauses led by *think* are fairly common in all the sub-registers within authentic and TV courtroom discourse. A significance difference was detected between authentic and TV opening statements, with authentic opening ($M = 1.54$, $SD = 1.98$) using much more of this feature than TV opening ($M = 0.2$, $SD = 0.44$).

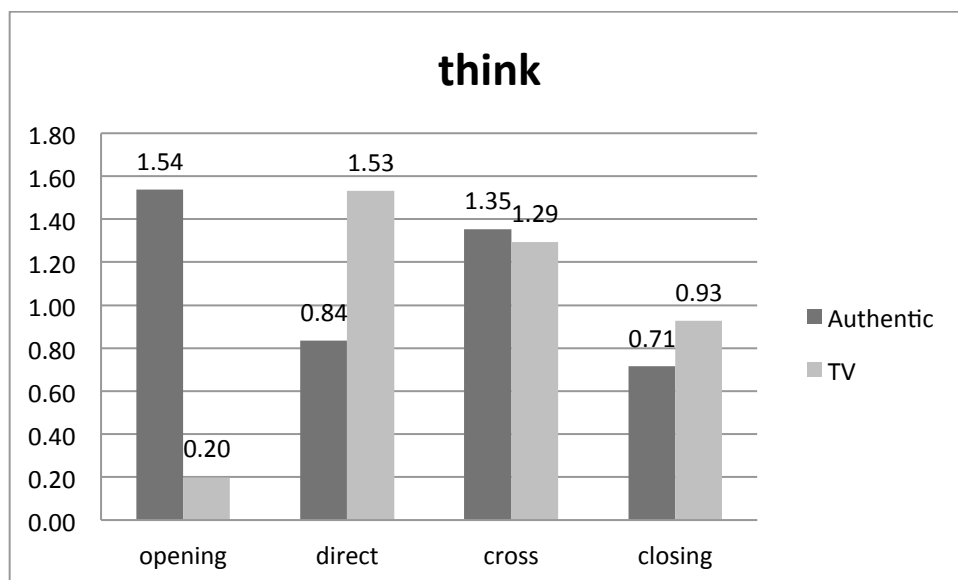


Figure 7.12. Mean frequency of *that*-complement clause controlled by likelihood verb *think* used in the four sub-registers of authentic and TV courtroom

In authentic openings, *that*-complement clauses controlled by *think* always follow the first-person pronouns *I* or *we* to express what the attorney thinks to be true, as shown by Text Sample 7-38.

Text Sample 7-38: Authentic opening statement (AC_OP_OJ_08)

She was not able really to fall asleep until perhaps four o'clock that morning and was awakened because I ***think*** the gardener came that morning. And she also had this conversation with detective Fuhrman who came and showed his badge and then came inside of her house. So we ***think*** that in truth and in fact detective Mark Fuhrman will play a very, very critical role in this case regarding his testimony.

In authentic and TV direct examinations, *think* is used mainly by witnesses to report a past event or to make a statement they are fairly sure of, but without 100% certainty. It is also used to report a fact that they know for sure but want to express in a less accurate way, as shown by Text Sample 7-39.

Text Sample 7-39: Authentic direct examination (AC_DE_BB_52)

Q. How much blood is in the human body?

A. There's about five to six liters of blood in the human body.

Q. Is a liter the same as a quart, a little less?

A. A liter – well, when you think about blood units, usually people think about pints because that’s what you donate. And I **think** that it’s about a half of a pint in one liter so – or the other way around. Sorry. So one liter is – one pint is half a liter, so it’s ten pints of blood.

In Text Sample 7-39, the witness knows how to convert between different blood units, but when he converted between pint and liter, he used *think* to make the statement less accurate because the lack of accuracy will not result in a difference in this case.

When *that*-complement clauses led by *think* are used in cross-examinations, however, they are mainly used by attorneys to ask close-ended leading questions, as shown in Text Sample 7-40:

Text Sample 7-40: Authentic cross-examination (AC_CE_OJ_12)

Q. Did you **think** that that noise might somehow have been tied in with the event that caused that glove to be there?

A. I thought it could have been, yes.

Q. Perhaps someone was back there unfamiliar with the area and bumped into the wall and dropped the glove?

A. That would be on conclusion, yes.

By questioning the witness using “did you think that...” in reference the noise and whether someone could drop the glove after bumping into the wall, the defense attorney implies that the glove was not left by the defendant O. J., but by someone else who wanted to set up the defendant and make him look like the murderer.

Finally, when *that*-complement clauses controlled by *think* are used in closing arguments, they are always used together with a second-person pronoun to refer to the jurors, aiming to influence their final decision (see Text Sample 7-41):

Text Sample 7-41: Authentic closing argument (AC_CL_OJ_03)

Now, think about the reasonable response. Someone is informed that the mother of their children has been killed and a detective call and says: “I’m sorry to tell you this, but the mother of your children has been killed.” What do you do? Wouldn’t you **think** that the first reaction - can understand shock. Wouldn’t you **think** that the first reaction would be on of disbelief?

In Text Sample 7-41, the attorney tries to make the jurors angry at the defendant O. J. and to believe that he actually killed his ex-wife and her friend Ron Goldman by leading the jurors to imagine a vivid situation. By using “wouldn’t you think that...?”, the attorney makes the reaction to an unexpected death of a close one sound natural, and therefore makes the jurors believe this should be the first reaction, and that if a person does not react this way, there must be some problem, implying that the defendant O. J. murdered his ex-wife.

7.2.3. *To-complement clauses controlled by desire verbs*

In this section, *to-complement clauses controlled by desire verbs* will be discussed. From Figure 7.13, we can see that *to-complement clauses controlled by desire verbs* are used far more often in the TV opening statement ($M = 9.4$, $SD = 10.46$) than in any other sub-register. Overall, TV courtroom language uses more of this feature than authentic courtroom language.

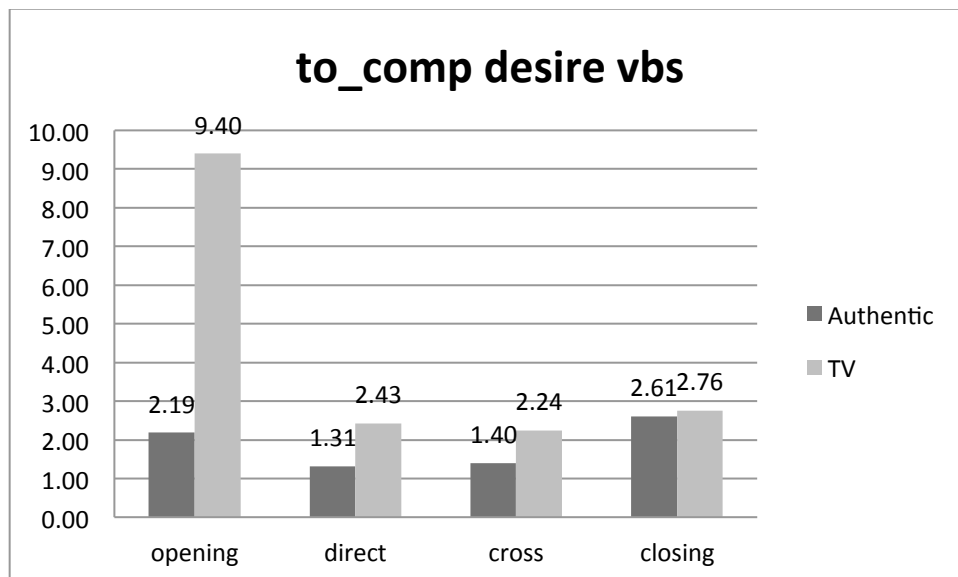


Figure 7.13. Mean frequency of *to-complement clause controlled by desire verbs* used in the four sub-registers of authentic and TV courtroom

In TV opening statements, desire verbs are always used to boast and to make the situation more dramatic, which is a feature of TV series (see Text Sample 7-42):

Text Sample 7-42: TV opening statement (TC_OP_BL_02)

They would dearly love **to** be home with her. She would dearly love **to** be home with them. Imagine, if you can as you prepare for your Christmas, having a loved one murdered. Add to that horror that the police can’t figure out who did it. And then, if you

can possibly fathom, imagine they decide **to** arrest you. That's your defendant, ladies and gentlemen. A law-abiding, loving, faithful advertising executive, an innocent woman whose whole life was just suddenly and wrongly destroyed.

In Text Sample 7-42, the attorney uses a series of “would dearly love to” to make the defendant look like a victim, so that the jurors are likely to sympathize with her and find her not guilty.

The rest of this section will discuss the use of *to*-complement clauses controlled by the verbs *love*, *like*, and *want* as these verbs either show an interesting pattern or are used frequently in all the sub-registers of authentic and TV courtroom language.

Like and love: common in TV opening statements

It is worth noting that *to*-complement clauses controlled by *like* and *love* have strikingly similar patterns, especially regarding their use in TV opening statements where they are used to express desire and intention, and used together with the modal verb *would*, as shown by the Text Sample above (Text Sample 7-42, which is shown again below).

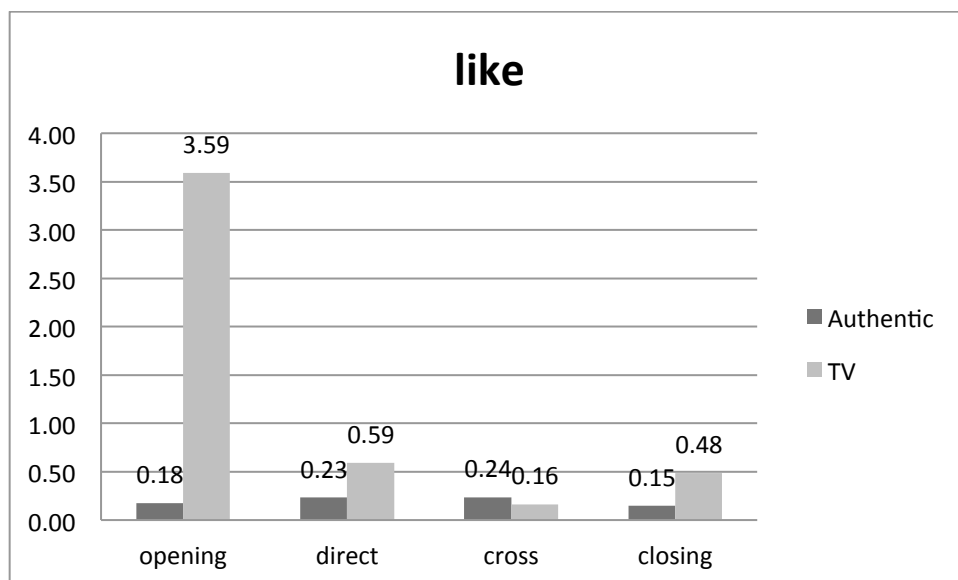


Figure 7.14. Mean frequency of *to*-complement clause controlled by desire verb *like* used in the four sub-registers of authentic and TV courtroom

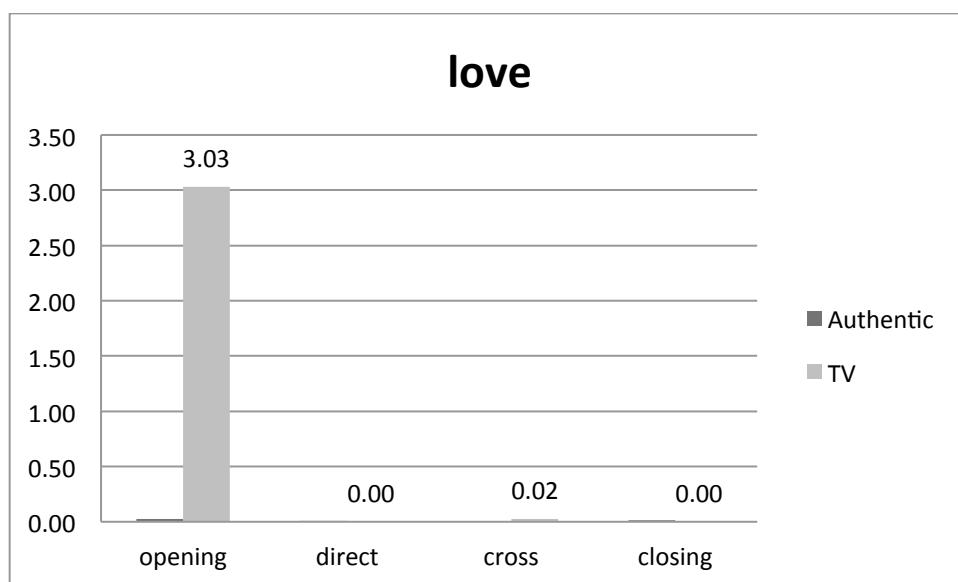


Figure 7.15. Mean frequency of *to*-complement clause controlled by desire verb *love* used in the four sub-registers of authentic and TV courtroom

Text Sample 7-42: TV opening statement (TC_OP_BL_02)

They would dearly **love** to be home with her. She would dearly **love** to be home with them. Imagine, if you can as you prepare for your Christmas, having a loved one murdered. Add to that horror that the police can't figure out who did it. And then, if you can possibly fathom, imagine they decide to arrest you. That's your defendant, ladies

and gentlemen. A law-abiding, loving, faithful advertising executive, an innocent woman whose whole life was just suddenly and wrongly destroyed.

In Text Sample 7-42, *love* is used in the phrase “would dearly love to...” to express how much the defendant wants to spend Christmas with her family, in order to suggest that the defendant did not commit the murder and instead is a loving person who cares about her family. In TV opening statements, *love* and *like* are used as *would like to* or *would love to* to express someone’s urgent desire, adding to the dramatic effects of TV series.

Want: common in all the 4 sub-registers within authentic and TV courtroom language

To-complement clauses controlled by *want* are common in all of the sub-registers of authentic and TV courtroom language. When they are used in authentic opening statements, they have two primary usages. The first usage is when an attorney uses *want to* with the first-person pronoun and in the present tense to foreshadow what he/she is going to do next, as shown in Text Samples 7-43 and 7-44:

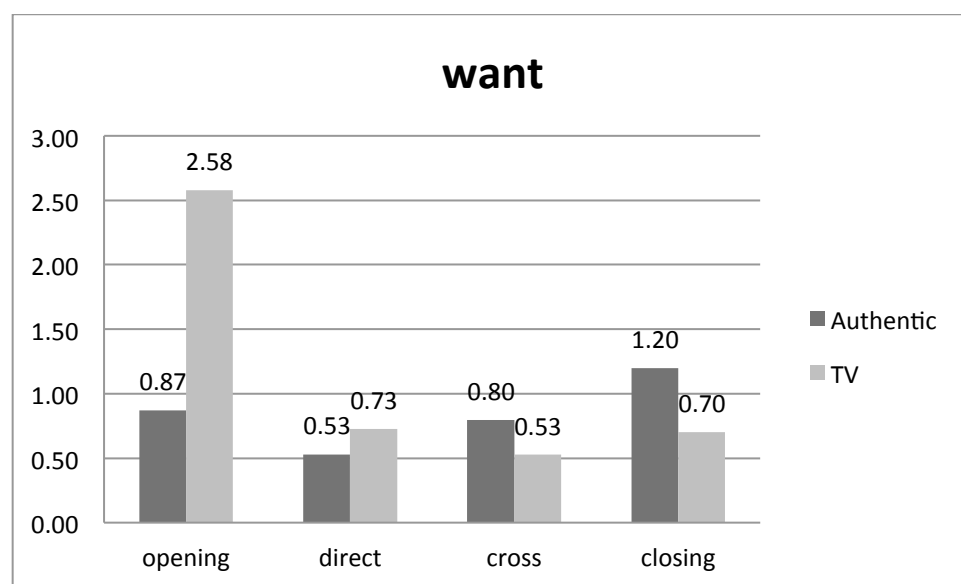


Figure 7.16. Mean frequency of *to*-complement clause controlled by desire verb *want* used in the four sub-registers of authentic and TV courtroom

Text Sample 7-43: Authentic opening statement (AC_OP_OJ_09)

Now I **want to** turn our attention to something I alluded to the last time. We call it the time line. One of the things that we expect to show during the course of this trial is not only did Mr. Simpson not commit these brutal murders, but he did not, would not, could

not within the time frame have committed these particular killings out of the witnesses that both sides know about that we understand.

Text Sample 7-44: Authentic opening statement (AC_OP_OJ_08)

We expect all of you will hear in the course of this, the evidence, this transfer of technology has not been simple or easy, and so I **want to** share with you in the course of my opening statement now some differences between DNA testing for medical purposes and forensic DNA testing on crime scene samples.

The other usage of *want* during authentic opening statements is when an attorney uses it with third-person pronouns to refer to the defendant or the victim. Similar to *think*, *want* is also a mental verb, and is usually used with first-person pronouns to express someone's thoughts and opinions. It is not usual to find it with third-person pronouns because it is not possible to know what other people want in their mind. However, in courtroom discourse, when *want* is used with a third-person pronoun to refer to a victim, it is likely that it will appeal to the jurors' sympathy because it sounds like the victim is still alive and that he/she wants to speak for him/herself, while in reality it is impossible because he/she has been murdered (see Text Sample 7-45):

Text Sample 7-45: Authentic opening statement (AC_OP_OJ_01)

She **wanted to** believe, she **wanted to** believe her marriage could survive. She **wanted to** have hope, and he gave her hope for a while because this is a cycle. And so he beat her up on January 1. He admitted to her privately in his letters that he was responsible, and he apologized and he gave her things and he tried to make it all better, and he gave her hope and he roped her back in, and she stayed. She stayed because she had hope and because she **wanted to** believe that January 1, 1989 would be the last time that he would abuse her physically or mentally.

In Text Sample 7-45, the prosecuting attorney repetitively uses "she wanted to..." to make the jurors feel like the victim is still alive, but meanwhile she is dead and cannot speak for herself, and that only the jurors can speak for the dead. The attorney's ultimate goal is to make the jurors sympathize with the victim and therefore return a verdict that the defendant O. J. Simpson is guilty of murdering Nicole.

During closing arguments, *to*-complement clauses controlled by *want* have various usages. In addition to those already discussed, there is one more usage, which is to relate to the jurors by using “you want to...”. Again, *want* is a mental verb, and is commonly used with the first-person pronouns *I* or *we*. When being used with *you*, it functions to persuade someone or to call to action. In courtroom discourse, it is used to urge the jurors to make a decision that favors the attorney’s side, as shown in Text Sample 5-46:

Text Sample 7-46: Authentic closing argument (AC_CL_OJ_01)

Now, I don’t know how you **want** to interpret that conduct. You can interpret it any way you want. But let me suggest to you that you should interpret it this way. She is leaving you a road map to let you know who it is who will eventually kill her. She knew in 1989. She knew it and she wants you to know it.

In Text Sample 7-46, the attorney tries to lead the jurors’ thoughts to the conclusion that the defendant O. J. actually killed his ex-wife Nicole. Although the attorney says, “I don’t know how you want to interpret that conduct,” she suggests a way that the jurors “want to” interpret the case.

During direct and cross-examinations, when *to*-complement clauses controlled by *want* are used by an attorney, it is used to let people know what he/she intends to do next, shown by Text Sample 7-47:

Text Sample 7-47: Authentic direct examination (AC_DE_BB_87)

Q. Agent Knapp, I just **wanted** to show you a few photographs to see if these are consistent with what the effect is of an explosion on a containment vessel.

In Text Sample 7-47, the attorney makes a statement about what he intends to do soon by saying “I just wanted to show you...” Another use of *to*-complement clauses controlled by *want* during the examinations is by a witness to report a past event (for example, “she wanted to...”), or to express his/her own intention (for example, “I wanted to...”).

7.2.4. Modals of possibility/prediction/necessity

Section 7.2.4 will discuss the use of modals of possibility/prediction/necessity as these devices are used frequently in both authentic and TV courtroom discourse. There is an

interesting pattern in the use of these devices across the sub-registers, with TV opening statements using much more modals of prediction and modals of necessity than other sub-registers, and with TV closing arguments using far more modals of possibility than other sub-registers. Among the three types of modals, modals of prediction are used more often in authentic and TV openings than the other two types of modals. As such, this section will also discuss how modals of prediction are used in authentic and TV openings as well as their use in the other sub-registers.

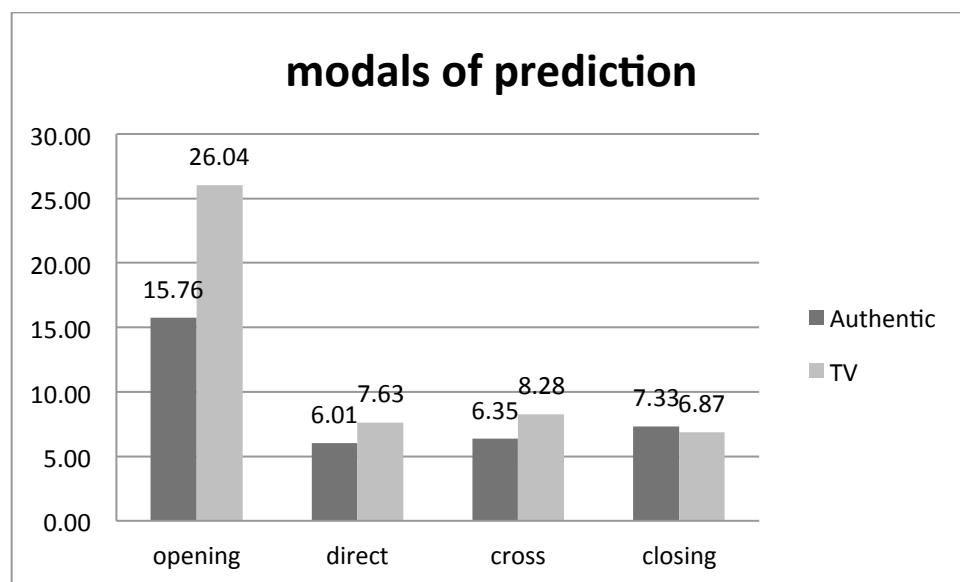


Figure 7.17. Mean frequency of modals of prediction used in the four sub-registers of authentic and TV courtroom

Modals of prediction were found to have different functions when used in authentic and TV opening statements. The first function is to introduce what the evidence will show, which happens in both authentic and TV openings. When they function as introducing the evidence, it is common to see phrases such as *the evidence will show/be/establish...*, and *there will be evidence...*, as shown in the following examples.

Text Sample 7-48: Authentic opening statement (AC_OP_OJ_09)

We expect the evidence ***will*** show, that O. J. Simpson, as you see him there, is not a perfect human being.

Text Sample 7-49: TV opening statement (TC_OP_BL_03)

*The evidence **will** show* that the defendant Holcomb Pharmaceutical, systematically defrauded and biked senior citizens out of billions and billions of dollars.

The second function of modals of prediction is to direct the jurors to the most important pieces of evidence or testimony, which again happens in both authentic and TV openings.

Phrases that are usually used to function as guidance are *you will see/hear/find/recall* which are all related to sensory feelings. The subject is always a second-personal pronoun referring to the jurors, usually with the potential function of appealing to their emotions, as shown in examples 7-50 and 7-51

Text Sample 7-50: Authentic opening statement (AC_OP_OJ_08)

I think *you **will** find* there is a higher risk of contamination and error in the forensics area again.

Text Sample 7-51: TV opening statement (TC_OP_BL_01)

*You **will** hear* from the officer who listened to that confession, and *you will find* it reliable. *You **will** find* it consistent with the truth.

In example 7-50, the defense attorney tries to direct the jurors' attention to the higher risk of contamination and error in the forensics area in order to cast doubt on the evidence provided by the prosecuting attorney, which puts the defendant in an unfavorable situation. Example 7-51 is an excerpt from *Boston Legal* in which the attorney uses a series of *you will* in order to reinforce the fact to the jurors that the defendant is guilty.

The third function of *will* is to introduce what the witnesses will testify to. This function only exists in authentic openings, not in TV openings. One possible reason is that in authentic openings, it usually takes fairly long for attorneys to introduce what each of the witnesses will testify to, such as in the O. J. Simpson trial. Restrained by the time limit, TV series do not have much time distributed to this part of the trial and therefore, this function is absent from TV openings. Phrases that usually mark this kind of use include *someone will testify/tell/explain/say*, with *someone* referring to the witness, as shown in examples 7-52 and 7-53:

Text Sample 7-52: Authentic opening statement (AC_OP_OJ_01)

And that operator will be here to testify in court and that operator will be here to authenticate the tape of that 911 call from Rockingham.

Text Sample 7-53: Authentic opening statement (AC_OP_OJ_07)

Our experts will testify there are different patterns of shoe imprints at this scene indicating perhaps more than one person...we expect that to be the testimony.

In example 7-52, the prosecuting attorney mentions that there will be a 911 operator testifying during the trial, functioning as an introduction for the jurors about what evidence will be presented by each of the witnesses. In example 7-53, the attorney also indicates there will be expert witnesses to present some evidence relating to shoe imprints.

The fourth function of *will* is to introduce what the attorney will accomplish during the trial, and usually refers to concrete actions, such as “stepping off the stage” or “putting up the poster”. Again, this function is only found in authentic openings, not in TV openings. In order to effectively make use of limited time, and to be attractive and dramatic, it makes sense that the fourth function cannot be found in TV opening statements. This function does not closely relate to the trials themselves, but often relates to courtroom order. When attorneys use this function of *will*, they usually aim to show respect for the judge and the courtroom as a special legal context, as seen in Text Sample 7-54.

Text Sample 7-54: Authentic opening statement (AC_OP_OJ_08)

Let’s look for a moment, using the elmo with Mr. Harris, at the sequence of what took place, and for the record, I will read certain things into the record from the transcript, your Honor.

In Text Sample 7-54, the attorney, by uttering what he will do next, which is to read certain things into the record from the transcript, shows his respect for the order of the courtroom and for the judge, establishing credibility for himself.

Modals of prediction also function differently in direct examinations. During direct examinations, modals of prediction are commonly used when an expert witness explains a technical or scientific procedure (see Text Sample 7-55). This function again exists in authentic

direct examinations but not in TV direct examinations, due to the fact that the plot of TV series need to be intense and dramatic in a limited time. Explaining a complicated scientific procedure would take too much time and make the drama dull for its audience.

Text Sample 7-55: Authentic direct examination (AC_DE_OJ_07)

*I **will** use a scoop technique where I **will** place the bag next to the item to be collected and push it in with a card or pencil.*

Text Sample 7-55 is an excerpt of a testimony provided by an expert witness, explaining what a scoop technique is and how to do it. This function is especially common during an expert witness' testimony.

Modals of necessity

Similar to modals of prediction, modals of necessity are again found to be used more commonly in TV opening statements and TV closing arguments. They are used primarily by an attorney to urge the jurors to make a wise decision, as shown by Text Sample 7-56:

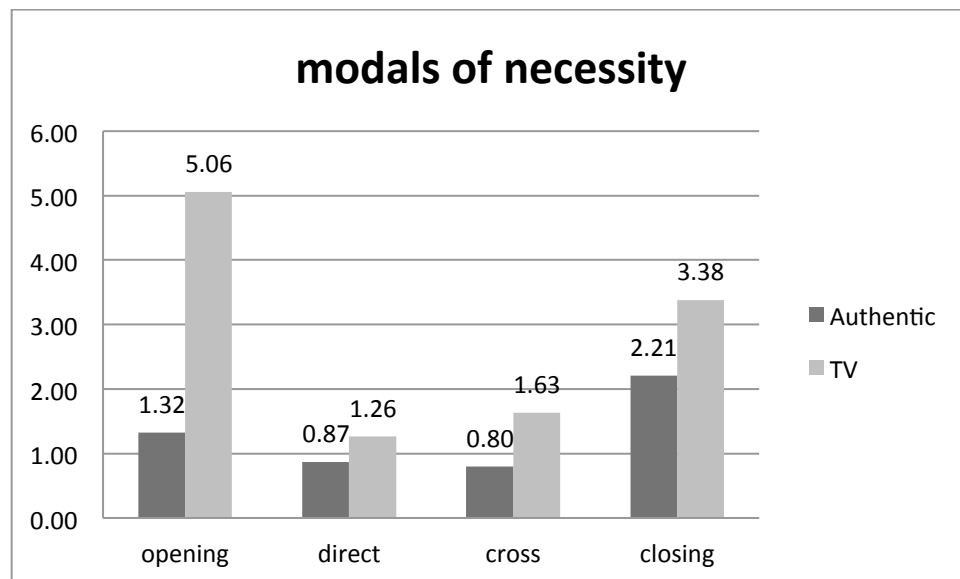


Figure 7.18. Mean frequency of modals of necessity used in the four sub-registers of authentic and TV courtroom

Text Sample 7-56: TV closing argument (TC_CL_TP_02)

But in the heat of the crisis, black big head! That's all. And if you were to believe that description, you **must** acquit. Cause Steven Furnal doesn't have a big head, my head's bigger than his. So's your Honor's. No offence.

In Text Sample 7-56, the attorney uses the modal of necessity *must* to urge the jurors to acquit the defendant because there is a lack of evidence that is beyond reasonable doubt. In authentic opening statements and closing arguments, this dramatic use of modals of necessity is less frequent than in TV opening statements and TV closing arguments.

Modals of possibility

Modals of possibility are used most frequently in TV closing arguments compared with other sub-registers. The main reason is that in TV courtroom language, in order to be dramatic, attorneys make use of modals of possibility, such as *can*, *could*, *may*, and *might* to express their anger and appeal to the jurors' emotion or sympathy, as shown by Text Sample 7-57:

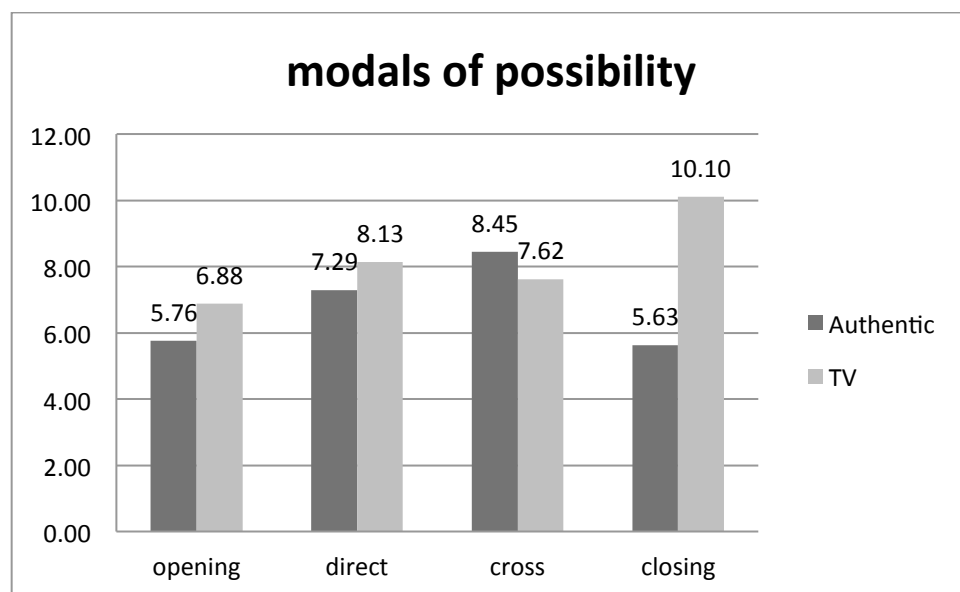


Figure 7.19. Mean frequency of modals of possibility used in the four sub-registers of authentic and TV courtroom

Text Sample 7-57: Authentic closing argument (AC_CL_TP_01)

He took the life of an innocent woman. How **can** we excuse him? How **can** we feel sorry for him? Well we **can**. We **can** and you must, because the law tells you to.

In Text Sample 7-57, the attorney asks a series of questions using “how can we...?” to urge the jurors to determine the defendant is not guilty.

Chapter 7 thoroughly discusses the use of stance features, especially four lexico-grammatical stance features – *that*-complement clauses controlled by fact and likelihood verbs, *that*-complement clauses controlled by communicative verbs, and *to*-complement clauses controlled by desire verbs. It also explores the use of modals of prediction/necessity/possibility within courtroom language. Quantitative results show that even when there is not a significant difference found between two sub-registers in the frequency of a certain stance feature, the function of the stance feature can be different in different situations (e.g., different audience, different communicative priorities).

CHAPTER 8: CONCLUSION

8.1. Overview

This dissertation is the first to use a register and corpus-based approach to examine the linguistic features used in courtroom language and in the four public sub-registers that occur within courtroom language. It is also unique in that it compares the use of these linguistic features between authentic and TV courtroom language at a sub-register level.

In Chapter 1, I discussed the importance of distinguishing between register and sub-register as it is the basic categorization the analysis of this dissertation is based on. This dissertation has revealed that the situational features of the sub-registers have largely influenced the use of the linguistic features in these sub-registers. When the use of these linguistic features is compared across authentic and TV courtroom language, differences did not emerge unless the linguistic features are compared at a sub-register level.

This study mainly explored the situational features of authentic courtroom language and four public sub-registers within authentic courtroom language, as well as the situational features of TV courtroom language. It also investigates selected linguistic features used in the four public sub-registers within authentic courtroom language, and across authentic and TV courtroom language. These individual linguistic features include 1) the main interactive and informational production features that characterize Dimension 1 of Biber's (1988) Multi-Dimensional Analysis model, 2) the primary narrative features that characterize Dimension 2, and 3) selected lexico-grammatical stance features. Section 8.2 will briefly synthesize the findings regarding the use of these linguistic features in courtroom language.

8.2. Synthesis of the findings

8.2.1. Dimension 1 features

The interactive production features analyzed in Chapter 5 include first- and second-person pronouns, contractions, and WH-questions. Results reveals that first and second-person pronouns are used more often in the two interactive sub-registers (direct and cross-examination) than the two monologic sub-registers (opening statement and closing argument). The communicative priority and audience also influences the use of first- and second-person

pronouns. When the use of first- and second-person pronouns are compared across authentic and TV courtroom language, results show a similar pattern of use in TV courtroom language. Overall, TV courtroom language uses more first- and second-person pronouns mainly because of TV's need for dramatic effects.

WH-questions are used particularly more in direct examinations than the other three sub-registers. This is because attorneys tend to ask more open-ended questions during direct examinations. The use of WH-question show a similar pattern in TV courtroom language, but also shows much more use these linguistic features in TV cross-examinations and closing arguments than in authentic cross-examinations and closing arguments. The major reason for this difference is that TV cross-examination bears the function of carrying the storyline of the TV series, and WH-questions are needed to achieve this function.

Contractions are used most frequently in authentic cross-examinations because of all the tagline questions. Their use in TV courtroom language shows a similar pattern. Meanwhile, they are used more often in TV courtroom language mainly because TV courtroom language is less formal than authentic courtroom language.

8.2.2. Dimension 2 features

The informational production features analyzed in Chapter 5 include nouns, prepositions, and attributive adjectives. Results reveal no significant difference in the frequency of nouns within authentic courtroom language. However, the type of nouns are quite different between authentic and TV courtroom language, with authentic courtroom language using more specific nouns and TV courtroom language using more general nouns.

Prepositions and attributive adjectives, although used with similar frequency in the four sub-registers within authentic courtroom language, have varying functions and types depending on whether it is authentic or TV courtroom language.

8.2.3. Stance features

A set of 40 stance features was briefly explored in by frequency. Seven stance features were then selected for further analysis. Modals of prediction/necessity/possibility were analyzed because they were used very often in courtroom. The other four stance features were selected because they are better-defined lexico-grammatical stance features and because

interesting patterns were found in the use of these stance features. These four stance features include *that*-complement clauses controlled by communicative verbs, *that*-complement clauses controlled by fact and likelihood verbs, and *to*-complement clauses controlled by desire verbs.

When analyzing each of these stance features, individual verbs that lead the complement clauses were also explored. For *that*-complement clauses controlled by the communicative verbs, *say*, *ask*, and *admit* are used quite often. Regarding *that*-complement clauses controlled by fact verbs, *know*, *notice*, *see*, and *show* are used more often than the other fact verbs. As for *that*-complement clauses controlled by likelihood verbs, *assume* and *think* are used more often. Finally, for *to*-complement clauses controlled by desire verbs, *love*, *like*, and *want* show an interesting pattern of use. Results reveal that the functions of these complement clauses controlled by different types of verbs vary depending on 1) what personal pronouns they are used with, and 2) within which sub-register they are used.

8.3. Methodological implications

An important methodological issue has been raised by this study – the need to consider sub-registers when exploring the language used in courtroom. More fine-grained level distinctions should be made when describing a register to consider the situational characteristics of those sub-registers, such as communicative purpose and audience, which play a critical role in determining what linguistic features are used in that particular context. Courtroom language, although seen as a specific register of legal language, has sub-registers, with each bearing different functions. Therefore, treating courtroom language as an intact register without looking into its sub-registers, hinders the ability of differences to emerge. Only when we treat the general registers at a fine-grained level by looking into their sub-registers can we find the differences in language use.

8.4. Limitations and additional research directions

The limitations of this study must be acknowledged. The size of the TV courtroom language corpus is much smaller than the corpus of authentic courtroom language. Although the corpus was compiled by drawing from the transcripts of more than one season from each of the three TV series, after deleting all the scenes that do not belong to courtroom trials, the

number of words is rather small, especially for TV opening statements. Future studies should use corpora that are more balanced in size, so that the results can be generalized more widely.

This study should be seen as a first step in a barely explored yet very promising research area. The results of this study suggest that to describe and compare registers, more fine-grained distinctions should be made in order to see the differences. Future studies could use a larger corpus, and a new Multi-Dimensional Analysis could be conducted to see what dimensions will be established for courtroom language. Along this line, it would be beneficial to investigate the linguistic features that are found to characterize the new dimensions.

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APPENDIX A: LIST OF LINGUISTIC FEATURES ANALYZED IN COURTROOM

Linguistic features	
Interactive production features	First-person pronouns (I, we, me, us, my, our, mine, ours)
	Second-person pronouns (you, your, yours)
	Contractions
	WH-questions
Informational production features	Nouns
	Prepositions
	Attributive adjectives
Narrative features	Third-person pronouns (he, she, they, him, her, them, his, their, hers, theirs)
	Past tense verbs
	Perfect aspect verbs (past and present)
Stance features	Modals of prediction (will, would, shall)
	Modals of necessity (must, should, have to, need to)
	Modals of possibility (can, could, may, might)
	<i>That</i> -complement clause controlled by fact verbs (know, notice, see, show)
	<i>That</i> -complement clause controlled by likelihood verbs (assume, think)
	<i>That</i> -complement clause controlled by communicative verbs (say, ask, admit)
	<i>To</i> -complement clause controlled by desire verbs (like, love, want)

APPENDIX B: DESCRIPTIVE STATISTICS OF 40 STANCE FEATURES ANALYZED IN COURTROOM

	Authentic courtroom				TV courtroom			
Stance features	Opening	Direct	Cross	Closing	Opening	Direct	Cross	Closing
<i>That</i> -complement clause controlled by communicative verbs	3.16 (2.29)	2.36 (1.99)	3.07 (2.94)	4.09 (1.27)	3.80 (3.61)	4.83 (5.18)	5.73 (4.14)	3.97 (3.27)
<i>That</i> -complement clause controlled by fact verbs	5.07 (1.29)	2.99 (1.94)	4.68 (3.63)	5.18 (1.69)	8.78 (8.61)	5.06 (7.30)	3.80 (2.66)	4.13 (4.24)
<i>That</i> -complement clause controlled by likelihood verbs	2.92 (2.58)	2.17 (1.65)	3.41 (3.47)	1.84 (0.97)	3.80 (2.79)	2.91 (4.62)	3.04 (2.54)	2.91 (2.55)
<i>To</i> -complement clause controlled by desire verbs	2.19 (1.12)	1.31 (1.01)	1.40 (2.50)	2.61 (0.94)	9.40 (10.47)	2.43 (2.09)	2.24 (1.87)	2.76 (2.73)
Modal_possibility	5.76 (2.38)	7.29 (2.90)	8.45 (5.87)	5.63 (1.11)	6.88 (10.20)	8.13 (7.18)	7.62 (4.23)	10.10 (5.83)
Modal_predict	15.76 (5.38)	6.01 (3.13)	6.35 (4.24)	7.33 (2.59)	26.04 (12.49)	7.63 (5.12)	8.28 (5.64)	6.87 (4.70)
Modal_necessity	1.32 (0.90)	0.87 (0.96)	0.80 (1.26)	2.21 (0.97)	5.06 (5.11)	1.26 (2.12)	1.63 (2.22)	3.38 (2.38)
Communication verbs	15.57 (7.06)	11.71 (5.10)	14.97 (7.85)	15.36 (3.88)	8.00 (6.03)	20.15 (11.25)	19.90 (8.76)	12.40 (6.41)
Hedge	0.95 (0.55)	1.37 (1.51)	0.65 (1.24)	0.72 (0.40)	0.00 (0)	1.58 (4.06)	0.93 (1.31)	1.83 (1.94)
Amplifier	2.88 (2.02)	2.32 (2.11)	2.34 (2.49)	2.35 (1.29)	1.76 (3.40)	2.75 (5.65)	1.78 (1.84)	1.44 (1.74)

Downtoner	1.61 (0.74)	1.84 (1.37)	1.49 (2.23)	1.46 (0.73)	3.98 (4.70)	2.41 (3.41)	2.37 (2.15)	2.46 (2.09)
Attitudinal adverb	0.16 (0.19)	0.05 (0.15)	0.01 (0.07)	0.15 (0.24)	0.00 (0)	0.00 (0)	0.02 (0.11)	0.02 (0.10)
Likelihood adverb	1.47 (0.72)	1.86 (1.77)	1.14 (1.52)	1.15 (0.54)	0.82 (1.83)	1.11 (1.94)	1.37 (1.68)	1.65 (1.83)
Fact adverb	2.89 (1.12)	2.31 (1.85)	3.50 (2.88)	2.55 (0.83)	0.40 (0.89)	4.25 (6.02)	3.34 (2.69)	4.54 (2.85)
Mental verbs	24.73 (7.22)	18.29 (7.86)	22.25 (8.60)	27.15 (3.56)	33.14 (23.67)	24.69 (14.73)	25.46 (9.73)	25.09 (9.28)
Cognitive nouns	3.21 (1.57)	2.25 (1.68)	4.89 (2.70)	3.87 (1.50)	4.76 (5.36)	3.93 (3.71)	7.66 (5.44)	3.07 (2.95)
WH-clause controlled by communicative verbs	0.34 (0.31)	0.27 (0.35)	0.18 (0.42)	0.28 (0.24)	0.00 (0)	0.22 (0.57)	0.48 (0.93)	0.35 (1.08)
WH-clause controlled by attitudinal verbs	0.03 (0.06)	0.03 (0.10)	0.02 (0.13)	0.08 (0.11)	0.00 (0)	0.10 (0.40)	0.00 (0)	0.17 (0.51)
WH-clause controlled by fact verbs	1.06 (0.72)	1.44 (1.07)	1.36 (1.53)	1.54 (0.87)	1.22 (1.67)	0.75 (1.25)	1.29 (1.48)	1.19 (1.74)
WH-clause controlled by likelihood verbs	0.19 (0.25)	0.10 (0.20)	0.15 (0.65)	0.16 (0.12)	0.00 (0)	0.03 (0.18)	0.14 (0.50)	0.27 (1.19)
That clause controlled by attitudinal verbs	1.14 (1.13)	0.32 (0.66)	0.65 (1.48)	0.53 (0.40)	0.98 (1.69)	0.73 (1.35)	1.17 (2.97)	1.44 (1.91)
To clause controlled by speech verbs	0.62 (0.20)	0.59 (0.17)	0.41 (0.25)	0.50 (0.15)	0.20 (0.45)	0.71 (0.72)	0.72 (1.03)	0.45 (1.73)

To clause controlled by mental verbs	0.52 (0.62)	0.21 (0.29)	0.34 (1.05)	0.27 (0.26)	0.78 (1.74)	0.24 (0.80)	0.55 (1.27)	0.89 (1.61)
To clause controlled by effort verbs	1.62 (0.87)	1.05 (0.97)	0.79 (1.13)	2.19 (0.95)	2.36 (3.50)	2.00 (2.58)	1.60 (1.75)	2.16 (2.63)
To clause controlled by probability verbs	0.36 (0.30)	0.64 (0.99)	0.87 (1.85)	0.32 (0.33)	0.20 (0.45)	0.92 (1.46)	0.27 (0.66)	0.33 (0.78)
To clause controlled by certainty adjectives	0.01 (0.03)	0.00 (0.02)	0.00 (0)	0.01 (0.03)	0.00 (0)	0.00 (0)	0.00 (0)	0.00 (0)
To clause controlled by ability adjectives	0.01 (0.02)	0.04 (0.14)	0.02 (0.17)	0.05 (0.10)	0.00 (0)	0.01 (0.09)	0.00 (0)	0.00 (0)
To clause controlled by affect adjectives	0.01 (0.02)	0.00 (0.03)	0.01 (0.04)	0.03 (0.05)	0.00 (0)	0.00 (0)	0.00 (0)	0.05 (0.22)
To clause controlled by ease adjectives	0.03 (0.06)	0.01 (0.06)	0.01 (0.04)	0.08 (0.13)	0.00 (0)	0.07 (0.31)	0.08 (0.51)	0.13 (0.63)
To clause controlled by evaluation adjectives	0.08 (0.12)	0.04 (0.11)	0.06 (0.27)	0.15 (0.14)	0.00 (0)	0.00 (0)	0.10 (0.42)	0.06 (0.29)
To clause controlled by all stance nouns	0.70 (0.35)	0.35 (0.88)	0.26 (0.59)	0.84 (0.49)	1.58 (2.16)	0.89 (1.27)	0.92 (0.31)	0.95 (1.60)
That clause controlled by attitude adjectives	0.09 (0.16)	0.09 (0.22)	0.32 (0.80)	0.06 (0.10)	0.00 (0)	0.07 (0.45)	0.74 (1.74)	0.07 (0.35)
That clause controlled by fact adjectives	0.11 (0.14)	0.13 (0.24)	0.16 (0.49)	0.30 (0.53)	0.00 (0)	0.23 (0.74)	0.08 (0.26)	0.00 (0)
That clause	0.00(0)	0.01	0.06	0.03	0.00	0.10	0.39	0.25

controlled by likelihood adjectives		(0.05)	(0.35)	(0.06)	(0)	(0.37)	(0.83)	(1.19)
That clause controlled by attitudinal nouns	0.04 (0.10)	0.03 (0.10)	0.02 (0.08)	0.06 (0.10)	0.00 (0)	0.00 (0)	0.02 (0.14)	0.00 (0)
That clause controlled by fact nouns	0.44 (0.65)	0.09 (0.28)	0.16 (0.38)	0.46 (0.26)	0.00 (0)	0.28 (0.78)	0.44 (0.85)	0.36 (0.81)
That clause controlled by likelihood nouns	0.16 (0.20)	0.05 (0.17)	0.08 (0.25)	0.20 (0.15)	0.20 (0.45)	0.26 (0.72)	0.41 (1.03)	0.59 (1.73)
Attitudinal predicative adjectives	0.98 (0.53)	0.60 (0.72)	0.53 (1.27)	0.85 (0.81)	1.60 (2.19)	1.17 (1.41)	1.23 (1.95)	1.30 (1.73)
Epistemic predicative adjectives	0.61 (0.33)	0.73 (0.93)	1.94 (2.98)	0.77 (0.47)	0.00 (0)	1.19 (1.47)	1.29 (1.70)	0.93 (1.53)
Evaluation adjectives	0.91 (0.91)	0.81 (0.93)	0.52 (1.14)	0.78 (0.70)	2.78 (5.17)	0.68 (1.63)	0.62 (1.14)	1.25 (1.80)

APPENDIX C. RESULTS FROM ANOVAS AND POST-HOC TESTS FOR 40 STANCE

FEAUTRES ANALYZED IN AUTHENTIC COURTROOM

Variables	F-Value	P-Value	R ²
<i>That</i> -complement clause controlled by communicative verbs	3.61	.014	0.03
<i>That</i> -complement clause controlled by fact verbs	12.41	< .001	0.11
<i>That</i> -complement clause controlled by likelihood verbs	6.12	< .001	0.06
<i>To</i> -complement clause controlled by desire verbs	3.45	.017	0.03
Modal_possibility	3.89	.09	0.04
Modal_predict	39.42	< .001	0.28
Modal_necessity	6.87	< .001	0.06
Communication verbs	7.56	< .001	0.07
Hedge	6.38	< .001	0.06
Amplifier	0.36	.785	
Downtoner	1.11	.345	
Attitudinal adverb	8.84	< .001	0.08
Likelihood adverb	4.54	.04	0.04
Fact adverb	6.37	< .001	0.06
Mental verbs	10.45	< .001	0.09
Cognitive nouns	35.91	< .001	0.26
WH-clause controlled by communicative verbs	1.79	.149	
WH-clause controlled by attitudinal verbs	0.94	.421	
WH-clause controlled by fact verbs	0.61	.606	

WH-clause controlled by likelihood verbs	0.50	.685	
That clause controlled by attitudinal verbs	4.92	.02	0.05
To clause controlled by speech verbs	1.06	.367	
To clause controlled by mental verbs	1.71	.165	
To clause controlled by effort verbs	8.70	< .001	0.08
To clause controlled by probability verbs	1.40	.244	
To clause controlled by certainty adjectives	2.17	.091	
To clause controlled by ability adjectives	0.57	.634	
To clause controlled by affect adjectives	1.36	.256	
To clause controlled by ease adjectives	5.51	.001	0.05
To clause controlled by evaluation adjectives	1.56	.199	
To clause controlled by all stance nouns	12.50	< .001	0.11
That clause controlled by attitude adjectives	5.14	.002	0.05
That clause controlled by fact adjectives	1.0	.395	
That clause controlled by likelihood adjectives	1.73	.16	
That clause controlled by attitudinal nouns	1.08	.358	
That clause controlled by fact nouns	9.28	< .001	0.08
That clause controlled by likelihood	3.54	.015	0.03

nouns			
Attitudinal predicative adjectives	1.43	.234	
Epistemic predicative adjectives	9.95	< .001	0.09
Evaluation adjectives	2.10	.10	

APPENDIX D. RESULTS FROM ANOVAS AND POST-HOC TESTS FOR 40 STANCE

FEATURES ANALYZED IN AUTHENTIC AND TV COURTROOM

Variables	F-Value	P-Value	R ²
<i>That</i> -complement clause controlled by communicative verbs	8.28	< .001	0.12
<i>That</i> -complement clause controlled by fact verbs	4.88	< .001	0.08
<i>That</i> -complement clause controlled by likelihood verbs	2.35	.023	0.04
<i>To</i> -complement clause controlled by desire verbs	13.62	< .001	0.19
Modal_possibility	2.26	.029	0.04
Modal_predict	27.21	< .001	0.31
Modal_necessity	14.73	< .001	0.2
Communication verbs	12.22	< .001	0.17
Hedge	2.65	.011	0.04
Amplifier	0.86	.54	
Downtoner	2.45	.018	0.04
Attitudinal adverb	5.57	< .001	0.09
Likelihood adverb	2.45	.018	0.04
Fact adverb	4.69	< .001	0.07
Mental verbs	7.36	< .001	0.11
Cognitive nouns	20.95	< .001	0.26
WH-clause controlled by communicative verbs	1.72	.102	
WH-clause controlled by attitudinal verbs	2.73	.009	0.04
WH-clause controlled by fact verbs	1.65	.12	

WH-clause controlled by likelihood verbs	0.79	.597	
That clause controlled by attitudinal verbs	3.58	.001	0.06
To clause controlled by speech verbs	0.76	.62	
To clause controlled by mental verbs	2.76	.008	0.04
To clause controlled by effort verbs	6.18	< .001	0.09
To clause controlled by probability verbs	1.84	.078	
To clause controlled by certainty adjectives	1.54	.151	
To clause controlled by ability adjectives	0.94	.477	
To clause controlled by affect adjectives	1.84	.078	
To clause controlled by ease adjectives	1.26	.27	
To clause controlled by evaluation adjectives	1.23	.284	
To clause controlled by all stance nouns	5.52	< .001	0.08
That clause controlled by attitude adjectives	5.12	< .001	0.08
That clause controlled by fact adjectives	1.34	.229	
That clause controlled by likelihood adjectives	4.41	< .001	0.07
That clause controlled by attitudinal nouns	1.13	.34	
That clause controlled by fact nouns	4.25	< .001	0.07
That clause controlled by likelihood	4.25	< .001	0.07

nouns			
Attitudinal predicative adjectives	3.81	.001	0.06
Epistemic predicative adjectives	5.01	< .001	0.08
Evaluation adjectives	3.09	.004	0.05

**APPENDIX E. LIST OF COMMUNICATIVE VERBS, FACT VERBS, LIKELIHOOD VERBS,
DESIRE VERBS THAT CONTROL A COMPLEMENT CLAUSE**

Communicative verbs	Fact verbs	Likelihood verbs	Desire verbs
Say	Conclude	Assume	Agree
Tell	Demonstrate	Believe	Choose
Call	Determine	Doubt	Decide
Ask	Discover	Gather	Hate
Write	Find	Guess	Hesitate
Talk	Know	Hypothesize	Hope
Speak	Learn	Imagine	Intend
Thank	Mean	Predict	Like
Describe	Notice	Presuppose	Love
Claim	Observe	Presume	Mean
Offer	Prove	Reckon	Need
Admit	Realize	Seem	Plan
Announce	Recognize	Speculate	Prefer
Answer	Remember	Suppose	Prepare
Argue	See	Suspect	Refuse
Deny	Show	Think	Want
Discuss	Understand		Wish
Encourage			
Explain			
Express			
Insist			
Mention			
Propose			

Quote			
Reply			
Shout			
Sign			
Sing			
State			
Teach			
Warn			
Accuse			
Acknowledge			
Address			
Advice			
Appeal			
Assure			
Challenge			
Complain			
Consult			
Convince			
Declare			
Demand			
Emphasize			
Excuse			
Inform			
Invite			
Persuade			
Phone			
Pray			

Promise			
Question			
Recommend			
Remark			
Response			
Specify			
Swear			
Threaten			
Urge			
Welcome			
Whisper			
Suggest			