

CLASSROOM ENCOUNTERS

Picturing Persuasive Arguments

THE sunny Baltimore weather was at odds with the dark analysis of a senseless strangulation discussed during a recent afternoon class at the University of Maryland Carey School of Law.

Most of the students in the class professed little knowledge of the victim, but their collective heart seemed to grieve nonetheless as third-year student Edward Emokpae outlined the nature of the assault against jazz by what some might deem Draconian copyright laws.

The challenge for Emokpae—indeed for all of the students in Visual Legal Advocacy taught by Professor Taunya Lovell Banks, Jacob A. France Professor of Equality Jurisprudence—was to use film to explain and explore legal issues.

For Emokpae, this involved illustrating how complex laws threaten to choke the creativity from the soulful art form that was born through innovation, sampling, and rearranging past works. Although part of his film explored the origins and evolution of jazz—by showing video of African musicians dressed in native garb and playing traditional songs—Emokpae used statements from jazz critics to underscore the fine points of how today’s copyright laws undermine the genre.

Advances in video and audio technology and their acceptance into legal proceedings have aided those who seek to sway opinion on a host of divisive topics such as the viability of wind farms in Maryland, the impact of climate change on wine production, gun control, and other subjects explored in Banks’ seminar.

Banks began the course after watching the proliferation of documentaries and films used in courtrooms, on campaign trails, and in other forums. In many states, videotaped depositions have gained popularity because they can be stored as evidence and even used for training other attorneys in a firm.

On this day Emokpae paces nervously, his tie swaying just a bit, as Banks and the class watch a snippet of his film before immediately critiquing it. His film involves an elegant mix of music, commentary, and even cartoon images designed to capture viewers’ interest and influence their attitudes.

Emokpae’s classmates begin with thoughtful praise before moving into gentle but straightforward suggestions that he limit the face time of a jazz expert, whom they commonly refer to in their critiques as “the boring guy.”

“Who is your audience?” Banks asks more than once when critiquing this and other films, shaking off one presenter’s hand wave that indicates the audience is his peers. “But we are lawyers. Or soon-to-be lawyers,” Banks reminds the students, driving home the point that it is the general public that they must reach.

Thinking in non-legal terms can be difficult for students who spend years dissecting judicial opinions, deconstructing oral arguments, and mulling briefs. In a way, they need to re-acclimate themselves to the mindsets of those who do not have legal training—a public that is apt to consume a wide range of popular media, from the Reese



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Witherspoon comedy *Legally Blonde* to the Glenn Close television drama *Damages*. Banks says the students joke that after analyzing such films in class they can’t watch anything without specifically catching legal references and points.

After viewing a classmate’s film on the arguments surrounding the establishment of wind farms in Maryland, Benjamin Donoghue commented, “I really liked it, especially the cartoon in the middle.” He added, “To be honest, I didn’t have a clear idea of the issues [surrounding this], but I do now.”

That’s just the impact Banks wants her students to have.

“A lot of times, a firm has to go to an outside party [to create such films], but it’s much less expensive if they have someone in-house who can put it together. That would be a marketable skill, especially to a small law firm.”

But even if the students have no interest or need to create such films after the completion of the course, the exercise is one that will undoubtedly aid them in their careers. “For me, the goal is not how polished the films are, but how well students have thought about telling the legal stories using visual media,” Banks says. “Part of becoming visually literate is to learn to convey legal issues persuasively.” ■