Under the Supervision of Amira Agameya Faculty of Arts, Cairo University

Hla Salah El-Din Hussein Aly New Giza University

Abstract

Questioning in the courtroom is considered an important research topic because the question-and-answer format is the only communication form allowed between the prosecutors/defense lawyers and the suspects/witnesses. One of the contributing factors behind the interest in what takes place inside the courtroom is the broadcasting of some of the trials on television such as the Ted Bundy and O.J. Simpson trials. Such trials became the inspiration behind the TV-legal based drama series that focused on the verbal sparring between the lawyer and the witness/suspect in question. This verbal sparring has gathered an audience when TV-shows such as Bull (2016 – 2019) and How to Get Away with Murder (2014 - 2020) were broadcast and became popular. Part of the appeal can be linked to how, through questions, lawyers manage to push the suspect into confessing their crimes. Despite the popularity of the TV-based legal drama series, little research has been done to investigate this field, linguistically. Hence, this study adopted a quantitative/qualitative linguistic approach to compare and contrast the different syntactic complexity scores of the posed questions to the layman witness in the TV-based legal series trials during the direct and crossexaminations stages of the trials.

Keywords: forensic linguistics, direct examination stage, cross-examination stage, questions, syntactic complexity

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الملخص العربي

يعتبر الاستجواب في قاعة المحكمة موضوعا بحثيًا مهمًا؛ لأن صيغة الأسئلة والأجوبة هي نموذج الاتصال الوحيد المسموح به بين المدعين العامين/ محامي الدفاع والمشتبه بهم/ الشهود، وأحد العوامل المساهمة وراء الاهتمام بما يحدث داخل قاعة المحكمة هو بث بعض المحاكمات على شاشات التلفزيون مثل محاكمات تيد بندي وأو. جي. سيمسون. وقد أصبحت هذه المحاكمات مصدر إلهام وراء خلق المسلسلات التليفزيونية الدرامية ذات الطابع القانوني الذي تركز على المعارك الكلامية بين المحامي والشاهد/ المشتبه به. وقد نجحت هذه المعارك الكلامية في تحقيق شعبية كبيرة بين الجمهور وخاصة عند بث مسلسلات مثل Bull (٢٠١٩-٢٠١٦) و How to Get Away with Murder غد المشتبه بهم إلى الاعتراف بجرائمهم، لكن على الرغم من شعبية أسئلتهم من دفع المشتبه بهم إلى الاعتراف بجرائمهم، لكن على الرغم من شعبية المسلسلات الدرامية ذات الطابع القانوني، لم يُجر سوى القليل من الأبحاث للتحقيق في هذا المجال لغويًا، ومن ثم، فقد اعتمدت هذه الدراسة منهجًا لغويًا كميا/نوعيا لمقارنة درجات الطابع القانوني المسلسلات النحوي المختلفة للأسئلة المطروحة على الشاهد في المحاكمات التلفزيونية ذات الطابع القانوني الاستجواب وإعادة الاستجواب الدقيق.

الكلمات المفتاحية: اللغويات الجنائية، مرحلة الاستجواب، مرحلة إعادة الاستجواب الدقيق، أنواع الأسئلة، التعقيد النحوي<

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drama series, little research has been done to investigate this field, linguistically. Hence, this study adopted a quantitative/qualitative linguistic approach to compare and contrast the different syntactic complexity scores of the posed questions to the layman witness in the TV-based legal series trials during the direct and cross-examinations stages of the trials.

Keywords: forensic linguistics, direct examination stage, cross-examination stage, questions, syntactic complexity.

1. **Introduction**

1.1.Statement of the Problem

The legal TV-drama genre, as explained by Brudy (2006),goes back to the 1940s. The verbal sparring between the lawyer and the witness on screen, and the lawyer's ultimate winning in the end, is quite entertaining to the viewer. How a case is built and presented to the judge through a series of questions and answers plays an important role in determining whether the verdict would be of innocence or guilt.

One of the aspects of forensic linguistics is the analysis of the questions and answers taking place in a courtroom setting. Kiguru (2014) stated that the question-and-answer format is the only permitted verbal interaction between the prosecutor/defense lawyer and the witness/suspect.

Despite several studies conducted analyzing the question-andanswer format taking place in a courtroom setting during real-life trials, little research has been conducted assessing the syntactic complexity of the questions used in the direct and cross-examination stages of the trials found in the TV-based legal drama series. Therefore, this research paper explored the syntactic scores of the different questions posed, and their complexity levels, to the layman witness in the TV-based legal drama series during the direct and

cross-examination stages of the trials. The research paper aimed to explore at which stage do lawyers, in the American adversarial trial system, tend to utilize questions that have a higher syntactic score while questioning the witness/suspect.

1.2. Research Questions

This research thus attempted to answer the following question:

1. At which stage in the adversarial trial system do prosecutors/ defense lawyers utilize questions that are syntactically more complex in TV-based legal drama trials?

2. Literature Review

2.1. Courtroom Discourse

There are two legal systems, according to Monsefi (2012), which are adopted throughout the globe. They are the Adversarial and Inquisitorial systems. While the former system is adopted in the United States, the UK, and Australia, the latter is adopted in most of Europe.

The adversarial system is based on storytelling. It is described as a system that heavily relies on the witness' oral narration of evidence. The questioning process in the adversarial system is three-part. It begins with the direct examination followed by cross-examination and ends with a re-examination, if needed (Monsefi, 2012).

In the adversarial system, the prosecutor/ defense lawyers act as the screenwriters and directors of both the evidence and the witness. They use their power to enable them to mold the facts presented in a way that enables them to win the case. In a trial taking place in the adversarial system, attorneys compete with one another in the courtroom. Monsefi (2012) explains that the prosecutor usually represents the government as a client and has the court's floor first where he or she begins the trial by asking their witness during the direct examination stage to narrate the events in a question-and-

answer format. The prosecution's role, during this stage, is to present and build a credible narrative of the events to persuade the judge and the jury members that their side of the story is the truth.

Meanwhile, the defense lawyer is the opposing lawyer of the prosecutor in a trial taking place in the adversarial system. The defense lawyer's turn comes after the prosecutor in the cross-examination stage. During this stage, Monsefi (2012) explains, the defense lawyer's goal is to break down the narrative created by the prosecution to negatively affect its credibility and to point out any inconsistencies in the narrative developed during the direct examination stage by the prosecution and their witness.

Courtroom discourse is an interactive and outspoken discourse that takes place across the different stages of the trial (Pridalova, 1999). There is a specific hierarchical nature in the discourse where the judge has the ultimate power in terms of asking questions, stopping either the lawyer or witness speaking, followed by the lawyers and their ability to ask questions. Next are the witness/suspects who cannot speak out of turn and are expected to answer the questions addressed to them, whether they want or not. Finally, the jury members are the silent watchers. They observe all the interactions taking place in the courtroom without speaking or asking questions.

2.2. Syntactic Complexity of Trial Questions

The syntactic complexity of a sentence is based on the dependency links found between its words. Lin (1996) explained that the easier it is to determine the dependency link between the words in a sentence, the less syntactically complex it is, and the easier it is to comprehend. To assess the syntactic complexity of sentences there are three approaches that could be used. Syntactic complexity could be measured through the sentence's length, node counting, or calculating the index of the syntactic complexity.

2.2.1. Assessing Syntactic Complexity via Length

Arnold et al. (2000) measured the sentence's syntactic complexity by counting the units found in every sentence. For example: "He arrived late today," based on its word count has a syntactic complexity score of 4. Meanwhile, "David saw Henry driving by," has a syntactic complexity score of 5. This approach is user friendly and requires no manual coding.

2.2.2. Assessing Syntactic Complexity via Node Counting

Another approach for calculating the syntactic complexity of sentences involved node counting. Johnson (1996) stated that this approach is more efficient, as it detects the syntactic complexity in passages, paragraphs, or individual sentences based on the syntax tree of the unit in question (Figure 2.1.). However, one of its drawbacks is it involves manual coding which would make it more challenging and time consuming.

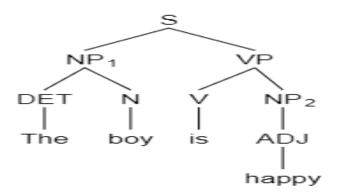


Figure 2. 1. Syntax Tree

2.2.3. Assessing Syntactic Complexity via Index of Syntactic Complexity (ISC)

A third approach for measuring syntactic complexity is Szmrecsanyi's (2004) formula termed *Index of Syntactic Complexity* (ISC). The ISC focuses on the embeddedness found in the text. Szmrecsanyi (2004) noted that both the subordinate clauses and wh-

word questions play a role in increasing the level of embeddedness in the text more than the verbs and nouns. Thus, the formula is as follows:

$$ISC\ (u) = 2\times n\ (u,\ SUB) + 2\times n\ (u\ WH) + n\ (u,\ VF) + n\ (u\ NP)$$

The (u) in the formula stands for the syntactic unit intended for analysis, where the *SUB* in the formula presents the subordinate conjunctions, the *WH* stands for the wh-word questions. Given their impact on the sentence's syntactic complexity score, Szmrecsanyi (2004) determined that they should hold double the weight of the verb forms and noun phrases represented as VF and NP, respectively. For example, "she was driving the car when she witnessed the man stealing the bag from the old lady" based on Szmrecsanyi's (2004) formula, the syntactic complexity score of this sentence is 18. Despite the total number of words in the sentence being 17, the score is 18 given that the total number of nouns used are 12, verb forms used are 4, and one wh-word 'when' which counts as twice the weight allocated for the nouns and verb forms, thus making the total syntactic score 18.

2.3. Assessing Question Complexity Level's Effect on Witnesses' Responses during Trial

Several studies were conducted with the purpose of investigating the effect of asking questions with a high syntactically complex score on the witness/plaintiff's ability to answer the prosecutor/defense lawyers' questions accurately. An overview is offered detailing the studies done in the literature exploring the different question complexity levels during the direct and cross-examination stages in an adversarial system trial.

Kebbell and Johnson's (2000) study investigated the effect of using complex questions on the comprehension levels of the witness during trial. The experiment was conducted on 38 participants who were randomly chosen to watch a five-minute videotaped incident.

The following week, the participants were invited back to answer some questions related to a video they had watched. The first half of the participants were asked confusing questions that contained legal terminologies, complex vocabularies, and resorted to complex use of syntax. The second half of the participants were asked a more simplified version of the same questions. Both groups were asked questions that had a yes/no response. The analysis of the results indicated a higher accuracy rate in the participants taking part in answering the simplified questions. The study provided further support to the fact that the phrasing of questions can highly affect the accuracy rate of eyewitnesses during an interrogation. Based on this, Kebbell and Johnson (2000) recommended maximizing the use of simplified questions during an investigation or an interrogation in order to maximize the accuracy rate of witness responses.

Similar to Kebbell and Johnson's (2000) study, Zajac et al's. (2003) study analyzed 18 direct-examination and redirect-examination trial transcripts and 21 cross-examination trial transcripts for children who suffered from child abuse aged 10 years old or older. The total number of questions posed during the direct and redirect examination stage was equivalent to 600 questions. Meanwhile, the total number of questions asked during the cross-examination stage was 2935 questions.

Zajac et al's. (2003) study indicated that the defense lawyers during the cross-examination stage asked children questions that were more syntactically complex and grammatically and credibly challenging compared to prosecutors during the direct-examination stage. This led the children to change their testimony around 75% of the time due to their misunderstanding of the questions posed to them during the cross-examination stage.

Another study by Kebbell et al's. (2010) aimed to determine the complex questions' impact on the speed and confidence rate of mock witnesses during the cross-examination stage. The study included thirty-two participants who were divided into two groups. Both groups were asked to watch a video and answer some questions, at a later time, based on what they saw. The first group was asked questions in the same manner a lawyer during trial would ask them. The second group was asked a simplified version of the first group's questions. The results of Kebbell et al's. (2010) study indicated that the accuracy percentage for the participants in the first group was less accurate and their confidence levels were lower than those who were asked the simplified questions, in the second group, by almost 50%.

A later study by Hanna et al. (2012) analyzed the complexity levels of the different types of questions asked by prosecutors, defense lawyers, and forensic interviewers during the direct and crossexamination stages of the trial. The study included 18 transcripts of child-based trials in New Zealand where the participants' ages varied from 5- to 17-year-old children. The study showed that defense lawyers during the cross-examination stage tended to ask questions that are more syntactically complex which contained more than one subordinate clause, double negations, and complex vocabulary such as "if he told the Police that that was what he thought you wanted to do, are you saying that you don't think he could have thought that?" On the other hand, the prosecutors tended to use the passive voice more in addition to complex language such as "If I put it to you that nobody drank coffee, what would you say? Meanwhile, forensic interviewers tended to ask questions that had far less syntactic complexity compared to the defense and prosecutor lawyers when attempting to illicit and accurate narration and testimony from the children on the stand. Finally, Hanna et al.'s (2012) study concluded that the more syntactically complex the question is, the more likely it is for the attorney to receive unresponsiveness, self-contradictions, uncertainty from the witness or suspect on the stand mainly as a result of children's tendencies to wanting to please adults.

A more recent study aimed to assess syntactic complexity was Andrews and Lamb's (2017) study. It was designed to investigate the

syntactic complexity of the questions proposed by both prosecutors and defense lawyers during the direct and cross-examination stages of the trial, respectively. In their study, the syntactic complexity was assessed based on eight quantitative measurements to formulate a comprehensive measure of complexity rather than depending on one of the eight items only. They were the number of questions, phrases, clauses, sentences, false starts, average word count, word length, and sentence length. To calculate the syntactic complexity, Andrews and Lamb (2017), entered each utterance into an automated linguistic program- the ATOS analyzer for text:

https://www.renaissance.com/resources/atos-analyzer/ atos-analyzer-tool/ to calculate the word count, average word length in terms of the number of letters and the average sentence length in terms of the number of words in the sentence. Analysis revealed that defense lawyers asked more syntactically complex questions than prosecutors.

From the discussed literature, it is clear that both the direct and cross-examination stages of the trial follow a pattern in terms of the restrictive questioning levels adopted by every stage. For the direct examination stage, prosecutors are keen to ask the witness/plaintiff questions that are syntactically less complex to allow them room to narrate the events from their perspective to offer a clear context to the judge and jury members, if present. On the other hand, defense lawyers during the cross-examination stage tended to utilize questions with a higher syntactically complex score to coerce and restrict the witness/plaintiff's answers to limit their responses in an effort to find loopholes in the narrative which they established earlier in the direct-examination stage.

2.4. Drama-based Legal TV Series Studies

Several studies have examined the language used in TV dramas, especially legal-based TV-series. Pardillos and Isani (2015) pointed out that the popularity of legal-based TV-drama series is not a recent thing; its popularity is rather as old as Shakespeare's *The*

Merchant of Venice. This is because legal-based TV-drama series are commonly known as Fiction à Substrat Professionnel (FASP) or Fiction with Professional Background. FASP is a fictional genre that is seen as a thriller that includes the characters, plot, and working environment of a profession presented as a fictional genre.

The aim of this genre is to provide entertainment by narrating the lives of its characters and their developments (Petit, 1999). Isani (2005) added that legal FASP, as a genre, is related to popular fiction which belongs to the academic field researching law and popular legal culture. It is worth mentioning that very few studies have been done on analyzing the language used in TV drama, especially legal-based TV series. An overview of the history of drama-based legal TV series and the studies done to explore the language used in legal-based TV series is offered in the following paragraphs.

TV-based legal drama series, as defined by Laudisio (2013), is a hybrid genre that has the basic features of any TV series such as images, sounds, gestures, and dialogue in addition to the linguistic element of real-life trials. In a TV-based legal drama series, the scenes take place in a courtroom where the lawyers are fighting for their cases or in their offices where they tend to discuss the progress of their cases with their colleagues using legal terminology.

Courtroom drama, as stated by Kuzina (2001), is considered as one of the most popular American film genres by both critics and viewers due to its main theme revolving around pursuing the truth and the verbal sparring between the lawyers of both parties. This makes it a competition for the viewers to see how the lawyers are going to win their cases by resorting to various legal means and techniques throughout the episodes.

Brudy (2006) elaborated by explaining that the long history and the high viewing ratings of TV-based legal drama series and movies indicated that the audience does enjoy them as they address the viewers' implicit belief that justice will always prevail no matter

what. Mooney (2014), however, explained that legal dramas deal with justice and power in a way that does not realistically depict what takes place in an actual court of law; given that an actual legal context is filled with bureaucratic constraints, technicalities, and power relations.

Language was utilized in TV-based legal drama series, as explained by Laudisio (2013), through two factors. The first was through providing a legal context by means of creating a legal scene taking place in court during a trial or a litigation through which the plot of the episode unfolded. The second was the use of the legal language during the episodes that can be found during scenes where lawyers were sparring with legal terminology as a way to simulate what takes place in real-life trials.

Corcos (2003) described the fictional courtroom setting as a battlefield between the lawyers and the clients. The difference between a real-life courtroom and a fictional one is that the latter offers its audience information and insight they would not have had access to in the real-life trials. As viewers to the fictional courtroom setting, they get to witness the events unfold from all parties involved making them more in the loop than the respective characters involved in the scene. Further, one of the characteristics of fictional courtroom drama is its focus on how unjust a specific law is or how to help exonerate an innocent individual or condemn a guilty one who is likely to be acquitted.

Since the 1960s, according to Asimow (2014), the television has been showing TV-based legal drama series that offer a replica of a lawyer's daily events at settings such as law offices, courtrooms, and jails. Asimow (2014) pointed out that most TV-based legal drama series consisted of stand-alone episodes which allow the viewers to watch it whenever they want without the need to view the episodes in a chronological order to allow them to better understand the events as they unfold. Asimow (2014) stated that the reason behind this was that the broadcasted episodes focused more on the plot of the episode

rather than the character development which allowed the viewers to enjoy the series without needing to watch the episodes in the correct sequence. An example of a TV-based legal drama series includes *Perry Mason* that ran from 1957 to 1966. The show followed the same structure since its pilot, where a murder is committed, followed by the police arresting the innocent individual and the real suspect hires Perry Mason who forces them to confess their crimes during his cross-examination. Another TV-based legal drama series is *Law & Order*. Similar to *Perry Mason*, *Law & Order* is one of the longest running TV shows of all time, lasting for 20 years. Each episode from the show was presented in an objective manner focusing more on the case at hand rather than the character's personal life and growth.

The focus on objectively presenting the legal case has not always been the main goal for TV-based legal drama series. With the broadcasting of *Ally McBeal*, the shift in the plot has been noticed. More focus was on the character's emotional growth and private lives. The show *Boston Legal* followed the footsteps of *Ally McBeal* and dedicated time during every episode to highlight the personal friendships between the characters of the show. More and more TV-based legal drama series adopted this view such as *The Good Wife*, *How to Get Away with Murder*, *Suits*, and *Bull*, to name a few.

There are three categories for the legal TV FASP sub-genres, as explained by Laudisio (2018). They are serials, series, and serialized. Serials indicate a TV show with a linear plot that develops in a chronological manner where the audience witnesses the gradual development of the characters such as *How to Get Away with Murder*. Series are TV shows that do not follow a chronological sequence in its event where the characters do not usually have any radical developments such as *Law and Order*. Serialized TV shows include episodes that follow their own narrative thread and conclusion, but all the episodes feed into the concept of a running plot such as *Suits*.

Laudisio's (2013) study aimed to investigate the different strategies used in TV-based legal drama series that affected the use of

language by compiling a corpus made of the scripts of the episodes from The Good Wife legal drama and comparing it to another compiled corpus of natural occurring legal language derived from real life courts retrieved from the "Supreme Court Dialog Corpus." The study included qualitative and quantitative analyses. For the quantitative analysis, the study analyzed the keywords and clusters that were frequently used in TV-based legal drama series to find out which keywords and clusters were most utilized for entertainment purposes and popularity's sake. Further, the study aimed to investigate which collocations, colligations, and concordances were most used in TV-based legal drama series to view whether legal drama borrows just the terminology or does this borrowing extend to the grammatical structure of the legal language. The findings of the study indicated that TV-based legal drama series employed the same linguistic pattern as the one utilized in real-life trials as a way to familiarize the lay audience with the legal terminology used in trials.

The study, however, noted that the main difference between real-life legal terminology and the one adopted in TV-based legal drama series was the presence of a third party in the TV-based legal drama series that, traditionally, is unavailable in real-life trials. The third party is the audience. In TV-based legal drama series, the characters imbed the explanation of the legal terminology during their dialogue to allow them a firm grasp of what is taking place on screen. By doing so, Laudisio (2013) explained, the interaction structure shifted from a linear one between the lawyer and the witness and/or accused into a triangular one between the lawyer, the accused and/or the witness, and the layman audience viewing the legal-drama TV series. In the linear interaction structure, there is a shared common background knowledge that is shared between both parties whereas in the triangular interaction structure, in addition to the common background knowledge shared by the lawyer and the witness and/or the accused, there is also the layman audience who is not an active participant in the proceedings of the trial, but a passive receiver of knowledge who needs to have an understanding of what is going on to be capable of enjoying the show.

Similar to Laudiso's (2013) study, McCullough and Conway's (2018) study investigated whether drama-based characters and TV shows offered an accurate depiction of reality by comparing the integrative complexity scores of some fictional characters to their reallife counterparts. McCullough and Conway (2018) elaborated that there are reasons that explained the differences between fiction and real-life characters that are related to lying and value pluralism. McCullough and Conway (2018) explained the lying aspect by stating that fictional characters do not necessarily lie to the audience, rather the way they are molded leads them to be placed in a position where their existence is a lie where other individuals are involved in their creation such as actors, actresses, authors, directors, and writers, to name a few, yet not a lie in the literal sense. From a linguistic perspective, a fictional character and their setting in the story is not a lie, but storytelling. Storytelling, as a linguistic variable, tends to have lower integrative complexity, similar to lying, than telling the truth.

Meanwhile, *value pluralism* is when an individual's core values clash with one another; such clashes lead to an increase in the character's linguistic complexity. The fact that such clashing takes place indicates that the character in question is a real one whereas fictional characters are designed in a one-dimensional manner where they deal with their assigned core values one-by-one for the sake of the plot. McCullough and Conway (2018) gave an example of a tyrant for the value pluralism model. A real-life tyrant can go through more than one emotion at the same time. They could be powerful, yet sensitive. However, a fictional character will only have one dominant characteristic throughout the scene or the show such as power in an attempt to mimic an accurate representation of the real-life tyrant.

McCullough and Conway (2018) further added that fictional characters in TV series are created in a way that mirrors some aspects

of reality. In mirroring reality, the linguistic complexity of the fictional characters is likely to increase in the form of prototypes thus increasing their linguistic complexity, by default. McCullough and Conway's (2018) study aimed to understand the relation between fictional characters and their real-life counterparts by measuring their linguistic complexity. For their study, a collection of dialogues and speeches were compiled from fictional tyrants and real-life tyrants to be compared. To calculate the linguistic complexity, an automated computer-based integrative system was used for the purpose of validating the complexity measurement to big-sized data. The results of the study reflected that real-life tyrants were significantly more complex than their fictional counterparts and hence do not offer accurate representation of their real-life versions.

Laudisio (2018) stated that legal FASP television drama is presented in the form of scenes in the courtroom and law firms that highlighted real lawyers' original places of work where they meet other lawyers, clients, and colleagues. During the different legal scenes in a TV-based legal drama series, a lot of legal terminology and concepts are discussed between characters that might come across to the audience as ambiguous which might lead to the viewer feeling out of the loop and unable to keep up with the events as they unfold. As a work around, Laudisio (2019) suggested offering a simplification to the legal terminology and procedures taking place on screen to allow the viewer to keep up with the events of the episode.

The research done across the literature has put more focus on real-life trials rather than TV-based legal drama trials. Little to no research has addressed more recent trials taking place through TV-series nor have they attempted to calculate the syntactic complexity of the questions posed. Thus, the purpose of this research paper is to assess the syntactic complexity of the questions utilized by both the prosecutors and defense lawyers during the direct and cross-

examination stages of the court scenes in TV-based legal drama series. The following section offers a detailed breakdown of the methodology adopted in this paper.

3. **Methodology**

3.1. Research Design

This paper adopted a quantitative/qualitative approach to compile the transcripts of selected TV-based legal drama trial scenes. The transcripts were filtered out to only include the questions posed during the direct and cross-examination stages to the layman witness. Once the transcripts were filtered, the syntactic scores of the posed questions were calculated to assess their complexity levels through the adaptation of Szmrecsanyi's (2004) ISC formula.

3.2. Data Selection and Compilation

The transcripts were retrieved from two TV-shows: Bull (2016 – 2022) and How to Get Away with Murder (2014 – 2020).

3.2.1. **Bull**

Bull was a legal TV-show that aired from 2016 – 2022 with 45 episodes. Dr. Jason Bull combined psychology, human intuition, and high-tech data to learn what provoked jurors, attorneys, witnesses, and the accused to guarantee his victory in court.

3.2.2. How to Get Away with Murder (HTGAWM)

How to Get Away with Murder (HTGAWM) was a thrilling legal TV drama series that began to air in 2014. In this series, the defense attorney, Annalise Keating, selected a group of her most promising students to come to work for her law firm where she took on the most violent criminals and did everything in her power during the trials to win back their freedom.

4. Data Analysis

To calculate the questions' syntactic complexity scores, Szmrecsanyi's (2004) ISC formula was adopted: 2 x (WH + SUB(s))

+ Nouns(N) + Verbs(V)

Further, the parts-of-speech website: https://parts-of-speech.info/tagger/tagger was integrated to help calculate the different parts-of-speech tags for the verbs and nouns to speed the calculation process.

Once the average scores were calculated, the top five questions with the highest scores, based on Szmrecsanyi's (2004) ISC formula, were revisited qualitatively to investigate the question types used in them to offer a more in-depth analysis.

5. Results

5.1. TV-based Legal Drama Trial

The following section calculated the results derived from the compiled corpora in terms of the questions with the highest syntactic complexity scores, based on Szmrecsanyi's (2004) formula, during the direct and cross-examination stages of the trial.

5.1.1. Bull: Direct Examination Stage: Layman Witness

In *Bull*, the total number of questions asked during the direct examination scenes, to the layman witness, were 1678 questions with a compiled syntactic complexity score of 26610. Table 5.1 presented the top five questions with the highest syntactically score posed during the direct examination stage.

Table 5. 1.Questions with Index of Syntactic Complexity (ISC) in the Direct Examinations of the Bull TV-based Legal Drama with the Layman Witness (from highest to lowest)

Questio n No.	Question	Sentence Length (No. of Words)	No. of Nou ns	No. of Ver bs	No. of Sub Conj. (x2)	No. of Wh- word (x2)	Total ISC Score
1554	It means that I get to ask you leading questions. Do you know what a leading question is? It means that I get to ask you a question that contains the answer that I'm looking for. Now, normally I don't get to do that, it's not allowed. But because you've been declared hostile. You know what? Here, let me. Let me give you an example. You are here in the United States because this is where your children live, is that correct? In fact, you came here to steal them back. Didn't you? You do know that that's against U.S. law? And by the way, so is perjury. I'm waiting for an answer, sir.	114	77	34	7	2	129
405	The only reason I mention it, is we can't find any history whatsoever on Simon, with regard to drug use. None. But there is quite a dossier on a fellow named Tom Belmond, who went to college with you and Simon. Arrests for, uh, possession. Arrests for sales of narcotics. Three hospitalizations for overdoses, and then, ultimately, of course, expulsion. Do you happen to	104	94	17	4	1	121

know Tom zBelmond? I'm-I'm sorry. I-I didn't hear your response. You ever hear of a Tom Belmond? I see, you're-you're having trouble with this. Okay. All right. I-I'll make it a little easier for you. Aren't you Tom Belmond?

The miracles of modern medicine. Now, did you know your resting heart rate is 77 beats per minute? Ah. That's a little on the high side. Now, I mention that because at 10:32 p.m. on the night of Olivia Wright's murder, your heart rate elevated to 108 bpm for about seven minutes. Now, that's quite high for someone doing data entry. Actually, probably more consistent with someone being confronted for possibly embezzling funds. Is that what happened, Newhouse? Did Olivia find you in the church hall and ask you to make sense of all the shortfalls that occurred week after week except when you were out of town?

Terrible, just terrible. How much did Chris Lankford pay for Nyman Sidah's passport? I'm sorry. I didn't hear an answer. Maybe I should just rephrase the question. When Mr. Lankford approached you about putting up his two million dollars bail, how many millions above and beyond that did he offer for you to provide him with a passport and a bounty hunter? A bounty

109 87 17 6 1 118

109

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Lankford approached you 100 71 22 4
out putting up his two
lion dollars bail, how many
lions above and beyond

843

1359

hunter who would likely fall for the tip Lankford would call in on himself, leading him to a paid lookalike who was willing to fake being captured and buy him enough time to leave the country?

Well, you mean you don't remember? I mean, it was 4:00 in the morning, for goodness' sake. How often do you go to the laundromat at 4:00 in the morning? Mrs. Garcia, you see where I'm going with this, right? Your marriage is falling apart. Your son was leaving home. You just got off of work. You didn't want to be alone in an empty house, so you wanted to talk to the person you trusted most in the world. You wanted to talk to your sister. Isn't that right?

90 68 23 2 1 97

Total 517 397 $\frac{11}{3}$ 46 18 574

The total sum of the sentence length of the top five questions posed by the lawyers, in the direct examination stage scenes with the layman witness, were 517 words. Meanwhile, the syntactic complexity scores, calculated by Szmrecsanyi's (2004) formula, was 574, as illustrated in Table 5.1 A closer inspection to the question type with the highest ISC score addressed to the layman witness during the direct examination stage of the trial appears to be the yes/no question. The Yes/No question type was used 13 times in the top five questions. The yes/no question is an interchangeable question type that performs different tasks depending on which stage the question is posed. For example, during the direct examination stage, the yes/no question type acts as an information-seeking tool that prompts the witness/plaintiff into providing more details to allow them, with the prosecutor's help, to build the narrative for the judge and jury members. By asking the

905

yes/no question in the direct examination stage, the witness/plaintiff can answer the posed questions without fear of interruption, thus not limiting their answers to one-word replies.

5.1.2. Bull: Cross-examination Stage: Layman Witness

The total number of questions asked to the layman witness, during the cross-examination stage, was 1123 questions with a compiled syntactic complexity score of 22759. Table 5.2 presented the top five questions with the highest syntactically score posed during the cross-examination stage.

Table 5. 2.Questions with Index of Syntactic Complexity (ISC) in the Cross-examinations of the Bull TV-based Legal Drama with the Layman Witness (from highest to lowest)

Question No.	Question	Sentenc e Length (No. of Words)	No. of Noun s	No. of Verbs	No. of Sub Conj. (x2)	No. of Wh- word (x2)	Total ISC Score
106	Ah. Ha-ha, well, I appreciate you conceding that, sir. See, but here's the thing. Did you know the reason we found this camera the reason I am able to show it to you here today is because Ryan Raposa, my client's late brother, stole it from you? You remember that? About ten years ago, your home was burglarized. I believe, along with everything else, four cameras were taken. Did you know that Ryan was the thief? Turns out he was he was very angry with you. Even after all these years. See, I'm guessing you never knew. I'm guessing you never told the police because you were afraid of what they might find here. Turns out	125	97	30	2	1	133

it's been in my client's basement this whole time.

So, what'd you do there? You move that dumpster up against the wall, and hoist yourself up on it, pulled yourself up on the ladder? Let me remind you that you are under oath. I'd also like to inform you that when police and paramedics reported to the scene that night after your fall, they noted that the dumpster was in the exact same place you left it up against the wall, beneath the ladder. So I'm gonna ask you for the second time. Did you push dumpster up against the wall, hoist yourself up on it, pull yourself up on the ladder so that you could have access to the sign depicting the Flying Carpet Pizza slice?

77

240

Okay. All right. Here's a question. What's your motive here? This all about sour grapes? Because if you believe in Judge Duggan, if you believe, like I do, that her passion for the law, her sense of integrity, her ability to communicate what makes our system of justice so special is in fact what makes her special, then what are you hoping accomplish to coming in here and casting aspersions against her? You know, if this jury finds her guilty, not only will she be done as a judge, but you won't be able to sell her to television. After all, who wants a judge that's been found guilty of obstructing justice?

22 119 98 1 126

84 24 5 126 113

64	Looks like you? Okay. All right. All right, we'll go with that. Uh let me ask you another question. Uh, this guy who looks like you? He looks pretty angry in this picture. Is it because his terrorist buddy who'd been limiting his activities to Eastern Europe suddenly killed 37 Americans? I mean, that must have really turned up the heat on you and the bank. I'm sorry. I mean the heat on the guy in this photo who looks exactly like you. No answer? I understand. It's a lot to digest. But while you're thinking about it let me ask you. How much did you and the bank make with Gronsky? If you say so. But apparently	112	88	22	2	4	122
171	your accounting department wasn't too busy to generate a financial forecast for the lupus group. I mean, hell, they generated a financial forecast for them every single month last year. And they weren't too backed up for multiple sclerosis or Crohn's disease, for that matter. According to the documents you surrendered to the government, they all got a monthly financial report. So a skeptic would think that maybe you did run the numbers for Parkinson's and for some reason decided not to share them here with us today. Any chance that might be the case, Dr. Latham?	103	80	18	7	0	112
Total		572	447	116	34	22	619

The total sum of the sentence length of the top five questions posed by the defense lawyers, in the cross-examination stage scenes with the layman witness, was 572 words. Meanwhile, the syntactic complexity, calculated by Szmrecsanyi's (2004) formula, was 619, as illustrated in Table 5.2. This corresponds with the nature of the cross-examination stage where defense lawyers tend to rely on the syntactic embeddedness represented in the use of subordinate conjunctions, whwords, and sentence length in their questions to intentionally confuse the witness/plaintiff with the aim of discrediting them or pointing out loopholes in their narratives.

The results based on the analysis concurred with what was published in the literature. Further, a more in-depth analysis of the most used question type with the highest ISC scores was the yes/no question type. The yes/no question type was used 9 times in the top five questions. The yes/no question is an interchangeable question type that performs different tasks depending on which stage the question is posed. During the cross-examination stage, the yes/no question type acts as an information-checking tool that aims to prompt the witness/plaintiff into either confirming or denying the narrative established earlier in the direct examination stage while limiting their answers to one-word replies. The desired answer limitation, during the cross-examination stage, is applied with the intention of either discrediting the witness by highlighting possible loopholes derived from their one-word replies to the judge and jury members.

5.1.3. How to Get Away with Murder (HTGAWM): Direct Examination Stage: Layman Witness

In *How to Get Away with Murder (HTGAWM)*, the total number of questions asked during the direct examination stage was 392 questions with a compiled syntactic complexity score of 6741. Table 5. 3. presented the top five questions posed during the direct examination to the layman witness with the highest ISC score.

Table 5. 3

Top Ten Questions with Index of Syntactic Complexity (ISC) in the Direct Examinations of the How to Get Away with Murder TV-based Legal Drama with the Layman Witness (from highest to lowest)

Question No.	Question	No. of Words	No. of Nouns	No. of Verbs	No. of Sub Conj. (x2)	No. of Wh- word (x2)	Total ISC Score
360	Exactly! You choose how the law is applied, Mr. Richt. So, tell me, do you actually believe in this felony murder charge against my client? Say yes, and that means we should all be defined by our worst decisions, punished for them for the rest of our lives. Even if that means calling an innocent person a murderer, because Brandi only made one mistake here, and that's to want a better life. That's why she sat in that car while Troy took that money. But apparently, you think that means - she should go down for murder.	97	69	21	6	1	104
14	Because you were able to get away from his bad parenting? His parents died when he was a child. His first wife, my birth mother,	82	60	19	4	2	91

died in a car accident when I was 3. That changes you. Makes you scared of losing people. That's why he clung to Marjorie and me. We were his entire world. Which is how I know there's no way he could have hurt her. I get that's hard to believe coming from me, but it's the truth.

Susan. You knew he was vulnerable and trustworthy, so you targeted him. Don't look at him. He's suffered enough under your care, and now you're going to fix that by admitting what you did... how you raped this boy...manipulated him to the point that

he stole money for your unborn child. Tell the court the

truth, Susan!

You raped my client,

Ms. Keating, you admit to a violent between altercation Mr. Lahey and your husband on the night he was murdered, this after having your own heated argument with him that night, yet you you claim had absolutely nothing to do with his murder, which makes

61 46 15 2 2 69

56 43 11 0 2 58

131

191

	wonder who do you think killed your husband? Ms. Keating?						
6	Okay. I only ask because there's something I find strange about the chain of custody on this video. Detective Gill testified that he received the video from the store owner at 8:00 P.M. But the logs say he didn't log it into custody until 2:09 A.M. Don't you find that time gap odd?	53	46	9	1	0	57
Total		349	264	75	13	7	379

The total sum of the sentence length of the top five questions posed by the lawyers, in the direct examination stage scenes was 349 words. Meanwhile, the syntactic complexity, calculated by Szmrecsanyi's (2004) formula was 379, as illustrated in Table 5.3. By inspecting the questions with the highest syntactic score, the most used question type was the *yes/no question*. The *Yes/No question* type was used 3 times in the top five questions. As an interchangeable question type, during the direct examination stage, the *yes/no question* acts as an information-seeking tool that prompts the witness/plaintiff into providing more details to allow them, with the prosecutor's help, to build the narrative for the judge and jury members. By asking the *yes/no question* in the direct examination stage, the witness/plaintiff can answer the posed questions without fear of interruption, thus not limiting their answers to one-word replies.

5.1.4. How to Get Away with Murder (HTGAWM): Cross-examination Stage: Layman Witness

In *How to Get Away with Murder (HTGAWM)*, the total number of questions asked to the layman witness was 212 questions, during the cross-examination stage scenes, with a compiled syntactic complexity score of 2998. Table 5.4. presented the top five questions posed during the cross-examination of the trial with the highest ISC score.

Table 5.4.

Top Ten Questions with Index of Syntactic Complexity (ISC) in the Cross-examinations of the How to Get Away with Murder TV-based Legal Drama with the Layman Witness (from highest to lowest)

Question No.	Question	(No. of Words)	No. of Nouns Sentence Length	No. of Verbs	Conj.	word	Total ISC Score
71	Cute. I only ask because isn't it true you only slept with him the night you murdered your husband to establish an alibi? Then you ran home and played the grieving widow for the police, all while you had someone transfer my client's fingerprint to that ring. Why aren't you defending yourself?! Is it 'cause it's all true? Shame on you, Ms. Keating. Shame on you for using my client as a pawn in your own murder plot.	78	60	14	7	1	90
69	Or are you just that good of a liar? You spend your whole life playing a part, after all the perfect wife, dedicated attorney. But you were faking it faking a moral compass, faking being in love, when, really, deep down, you're out for yourself. Which is why you had to kill Sam,	66	47	14	2	4	73

because he had the nerve to shatter the sham that was your marriage!

162	But you hesitated, and that's okay. Because you need to be 100% certain. The Councilman is a father. He has a family. Their lives will be destroyed based on something you think he might've done, so I'm asking you once again is there any doubt whatsoever that it was him who did all of these terrible things to you?	59	43	16	2	1	65
153	I understand that you believe that you were pregnant. But that was many, many years ago. And now all of a sudden, you're having these memories of this man that looks like a lot of other white men out there. So isn't it possible that he wasn't the one who raped you?	52	44	9	1	1	57
75	I mean right here. You're leading, and she's following. It looks to me that she's mirroring your behavior, isn't she? I mean, look at her body language. She's literally looking to you to see what to do next. Because she's afraid of you, isn't she?	45	39	11	1	1	54
Total		300	233	64	13	8	339

The total sum of the sentence length of the top ten questions posed by the lawyers was 300 words. Meanwhile, the syntactic complexity, calculated by Szmrecsanyi's (2004) formula, was 339, as illustrated in Table 5.4. The total number of used subordinate conjunctions and wh-words in the cross-examination (42) was higher than the total number used in the direct examination stage (40). This corresponded with the nature of the cross-examination stage where lawyers tend to rely on subordinate conjunctions and wh-words to further enhance the syntactic embeddedness of their questions. This is

done to intentionally confuse the witness/plaintiff in order to contest the established narrative as a means to discredit them.

It is worth highlighting that by comparing the total ISC score of the top five questions in the direct and cross-examination stages of the *HTGAWM* scenes with the layman witness, the total score in the direct examination (379) was higher than the cross-examination (339). Such results contradicted previous literature. However, a possible justification for it could be linked to the sentence length of the questions. In the direct examination scenes, the sentence length of the top five questions was 347 words whereas the total sentence length of the questions posed in the cross-examination stage was 300. Since the calculation of the ISC score, based on Szmrecsanyi's (2004) formula, is on an ordinal basis, the lengthier the sentence, the higher the ISC score. Further, given that *HTGAWM* is a TV-series, the focus is likely to be directed towards furthering the plot through the dialogue as opposed to offering an accurate presentation of the actual proceedings taking place in a real-life courtroom setting.

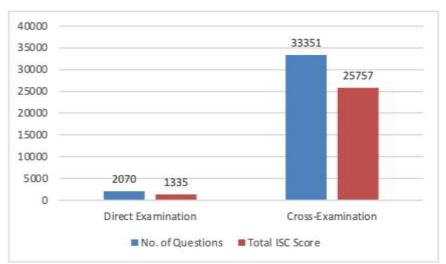
Additionally, a more in-depth analysis to the question type with the highest ISC score addressed to the layman witness during the cross-examination stage presented the *yes/no question* type as the most used question type. The *yes/no question* type was used 9 times in the top five questions. During the cross-examination stage, the *yes/no question* type acts as an information-checking tool that aims to prompt the witness/plaintiff into either confirming or denying the narrative established earlier in the direct examination stage while limiting their answers to one-word replies. The desired answer limitation, during the cross-examination stage, is applied with the intention of either discrediting the witness by highlighting possible loopholes derived from their one-word replies to the judge and jury members.

6. **Discussion & Conclusion**

In calculating the ordinal scores of the 2070 questions posed to the layman witness during the direct examination stages in the TV-

based legal dramas, the total syntactic complexity score was 33351. On the other hand, the ordinal scores of the syntactic complexity score of the 1335 questions asked during the cross-examination stage was 25757. Based on the ordinal scores of Szmrecsanyi's (2004) formula, the syntactic complexity of the questions posed during the direct examination stage were higher than the syntactic complexity score of the questions asked during the direct examination stage to the layman witness, as demonstrated in Figure 5.1.

Figure 5.1. Total Index of Syntactic Complexity Score of the Questions during the Direct and Cross-Examination Stages with Layman Witnesses in the TV-based Legal Drama Series



The results, based on Szmrecsanyi's (2004) formula, reflected a high use of embeddedness in the form of subordinate conjunctions and wh-words in the direct examination stages of the TV-based legal drama trials compared to their utilization in the cross-examination stages, as highlighted in Figure 5.1. The results derived from the analysis of the questions posed to the layman during the direct and cross-examination stages of the trial were in contradiction with the published literature in Zajac et al's. (2003) study which concluded, that defense lawyers during the cross-examination stage asked more syntactically complex and grammatically challenging questions

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compared to prosecutors during the direct-examination stage of the trial. Further, Andrews and Lamb (2017) and Hanna et al's. (2012) studies also contradicted the findings of the present study where it pointed out how defense lawyers, during the cross-examination stage, use more syntactically complex questions than the prosecution lawyers', in the direct examination stage of the trial.

Further, a possible justification for the results based on this section could be explained through the fact that the direct and cross-examination stages of the trials are scenes in TV-series where the main aim is to push the plot forward. In doing so, little to no emphasis is likely to be placed on mimicking actual proceedings of a real-life courtroom setting.

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