

SUSAN L. TANNER

(480) 628-7878
susantanner@lsu.edu

1956 Christian Street
Baton Rouge, LA 70808

UNIVERSITY TEACHING EXPERIENCE

Louisiana State University – Paul M. Hebert Law Center | Baton Rouge, LA 2020 - Present
Assistant Professor of Professional Practice

- Courses Taught:
 - LAW 5787 - **Law, Rhetoric, & Public Policy**: This course examines the relationship between rhetoric, public policy, and the law and explores key rhetorical theories, with an emphasis on the constitutive nature of the law. The class investigates ways in which laws are shaped by and help to shape public perception and policy. Students engage in a semester-long research project culminating in a seminar paper in which they apply a rhetorical lens to an important legal issue of their choosing.
 - LAW 5021 - **Legal Research and Writing I**: Introduction to legal research skills and preparation of objective memoranda. Each student is required to research two different legal problems and to prepare memoranda analyzing the problems. Instructors conduct individual conferences after students have prepared draft memoranda. Following the conferences, students revise their drafts into final memoranda.
 - LAW 5021- **Legal Research and Writing**: Special section for international LLM students.
 - LAW 5022 - **Legal Research and Writing II**: Additional instruction in legal research skills and introduction to persuasive writing and oral argument. Each student must research a legal problem, prepare an appellate brief based on analysis of the issues, and participate in an oral argument. Students again receive individual conferencing on their draft briefs before preparing the final version.
 - LAW 5901 – **Independent Supervised Research**.

Carnegie Mellon University | Pittsburgh, PA 2013 - 2020
Instructor, English

- Courses Taught:
 - 76-101: **Interpretation and Argument**. Topics: Privacy, Technology and the Law; By the People, For the People? Activism, Slactivism and Social Media; Race, Identity and Policy
 - 76-108: **Writing about Public Problems**
 - 76-270: **Writing in the Professions**
- Helped pilot new curriculum for 76-101: Interpretation and Argument.
- Coordinated "Focus In" writing workshops for current and former students.
- Created curriculum for specialty topic in writing: What is Privacy Anyway? Privacy, Technology and the Law

Carnegie Mellon University | Doha, Qatar (Summer) 2014- 2018
Instructor, Summer College Preview Program

- Taught College Prep English to International students at CMU's Doha campus in Education City

UNIVERSITY ADMINISTRATIVE EXPERIENCE

Carnegie Mellon University

Assistant Director of First-Year-Writing | Pittsburgh, PA 2017 - 2020

- In coordination with the Director of FYW, develop curriculum for first-year writing courses including: Writing about Public Problems, Writing about Data, Writing about Literature and Writing about Art
- On-board new instructors (Visiting Associate Professors, Adjunct Faculty and PhD Students)
- Revise curriculum and train new instructors in Writing about Public Problems
- Lead bi-weekly informal teaching meetings and co-lead quarterly teacher training

EDUCATION

PhD Carnegie Mellon University, Rhetoric 2020

Dissertation: "The Rhetorical Force of the Law: An Analysis of the Language, Genre and Structure of Legal Opinions"

Committee: Andreea Ritivoi (chair), David Kaufer, Douglas Coulson

JD Indiana University – Maurer School of Law 2012

Cum Laude

Balfour Merit Scholar

MA Arizona State University, Rhetoric and Composition 2006

Thesis: Representing Diné: Rhetoric of Translation in Navajo Storytelling

BA Arizona State University, English Literature 2003

Minors in Philosophy and Psychology

National Merit Scholar

RESEARCH EXPERIENCE

CyLab Usable Privacy and Security Laboratory | Pittsburgh, PA 2013 - 2020

Privacy Policy Researcher & Editor

- Worked with CUPS & School of Engineering and Public Policy to research, document and classify corporate privacy policies
- Edited and helped research graduate student dissertation projects for students in CUPS and EPP

Carnegie Mellon University | Pittsburgh, PA 2014 - 2015

Research Assistant to Dr. John Oddo

- Collaborated on a project using Critical Discourse Analysis to evaluate news broadcasts related to weapons of mass destruction.

IU Maurer School of Law | Bloomington, IN 2009 - 2012

Research Assistant/Graduate Fellow

- Researched issues in the intersection of law and rhetoric for Professor Gene Shreve for two law review publications
- Researched global legal issues for IU's Center for Global Legal Studies and Professor Jayanth Krishnan

- Researched Liberian constitutional issues and philosophies of democratization for Professor Susan Williams, resulting in the publication of *Democracy, Gender Equality, and Customary Law: Constitutionalizing Internal Cultural Disruption*

PROFESSIONAL EXPERIENCE

Orrick, Herrington and Sutcliff | Wheeling, WV 2012 - 2013
Associate

- Conducted research; drafted memoranda and briefs; drafted court documents
- Reviewed discovery documents for relevance, privilege and privacy information

StudentsFirst | Sacramento, CA 2011 - 2012
Policy and Legislation Analyst

- As member of the policy team, aided in drafting policy documents and enacting education legislation nationwide
- Analyzed state education legislation for *State Report Cards, 2012*
- Led policy groups of 9-12 researchers to investigate the education laws of every US state and DC

District 10 Pro Bono | Bloomington, IN 2011 –2012
Legal Intern

- Filed bankruptcy petitions, conducted financial and legal interviews, drafted memoranda, legal pleadings and briefs
- Coordinated cases with volunteer attorneys from the community

Low-Income Tax Clinic at Indiana Legal Services | Bloomington 2010 - 2011
Legal Intern

- With authorization under special orders from the IRS, served as point of contact between clients and IRS
- Negotiated collection agreements between clients and the IRS and the State of Indiana Department of Revenue
- Researched tax-related legal issues and drafted memoranda

SuperFare.com | Denver, CO 2005 - 2008
Vice President, Marketing

- Oversaw all aspects of marketing, including web and social media presence, press releases and advertising
- Helped draft Initial Public Offering

C&C Media / New York, Los Angeles, Scottsdale 2002 - 2006
Executive Vice President

- Developed comprehensive marketing strategies for clients in the fashion and entertainment businesses
- Wrote, produced, and distributed press releases and marketing materials, and managed production of commercials
- Supervised teams of 19-40 to produce multi-media, web presence and music for international events
- Over the course of ten years, worked my way from Assistant Producer to Executive Vice President

"The Rhetorical Force of the Law: *An Analysis of the Language, Genre and Structure of Legal Opinions*"

Rhetorical scholars have long advocated for the study of legal discourse because of the "centrality of language in the production, exercise and subversion of legal power." John M. Conley and William M. O'Barr, *Just Words: Law, Language, and Power* (University of Chicago Press, 1998), xi. The law's power comes from more than simply its force through proclamations, statutes and speech acts; it is inherent in its constitutive nature, through which courts shape and reflect individual realities and lived experiences. In this dissertation, I account for the force of legal discourse through an analysis of how courts use subtle rhetorical strategies in legal opinions to maintain legitimacy and authority and shape a common understanding of the law. Further, I seek to bring legal and rhetorical scholarship into closer concert by applying both a legal and a rhetorical analysis to multiple corpora, including an entire line of jurisprudence.

Through an analysis of thousands of texts, from across courts (including the US, UK and Navajo Supreme Courts) jurisdictions, and legal topics, I identify key genre features of legal opinions add to the rhetorical force of the discourse. Through a rhetorical analysis of appellate opinions, I examine the ways in which judges choose legal starting points, craft their arguments and anticipate counterarguments, and the effect these choices have on garnering acceptance of legal concepts within primary and secondary audiences. Further, I explore the promise of advocacy as a way to mediate access to the legal process. Finally, my research examines the constitutive nature of the law and attempts to explain how a body of law and its related concepts are shaped through legal discourse. To do this, I trace the inception of privacy law in the US from Warren and Brandeis' *The Right to Privacy* through to current legal conceptions of privacy. Among my findings are that the use of quasi-scientific reasoning and argument structures lend ethos and authority to legal arguments, and that courts use prior discourse in a highly sophisticated manner that deters discussion of legal alternatives. My research adds to an understanding of how the law is shaped by discourse and suggests a tool for non-legal experts to understand the role of prior text in contemporary decisions.

BOOK CHAPTERS

"Aristotle, the Syllogism, the Enthymeme, and the Starting Points of the Law."

Intersections: Legal Discourse Across Space and Time (Accepted, 2022) with contributions from Brian Larson, Laura Webb, Vasileios Adamidis, Jenny Andrus, M. Kelly Carr, Laura J. Collins, Judy M. Cornett, Rasha Diab, Sean O'Rourke, Erin Frymire, Sarah Hakimzadeh, Francis J. Mootz III, Mark Hannah, Clarke Rountree, Susan Provenzano, and Lindsay Head

The syllogism is at the heart of legal reasoning. So foundational is this concept that Justice Scalia and Bryan Garner argue that "the most rigorous form of logic, and hence the most persuasive, is the syllogism." Legal scholars share examples of syllogism from Aristotle to demonstrate proper syllogistic logic and proscribe the boundaries of rational legal reasoning. And yet, Aristotle would hardly recognize typical legal arguments as syllogistic.

Rather than syllogistic, legal language can be better understood as enthymematic. A seemingly insignificant distinction, the difference has vast consequences for the way we understand the way courts reason and the process through which common law is made. Enthymemes are perhaps the most important rhetorical device available to forensic rhetors. In *The Rhetoric*, Aristotle equated them to rhetoric itself, proclaiming that "enthymemes [...] are the substance of rhetorical persuasion" (Aristotle Book I). He concludes that enthymemes are "rhetorical

syllogisms” because they are the rhetorical corollary to the scientific syllogism. Where scientific syllogisms begin with known truths about the nature of the world, legal enthymemes begin with commonly held beliefs and assumptions. Enthymemes necessarily operate in the realm of forensic and deliberative oratory because of the contingent nature of humanistic truths.

Despite the important distinctions between syllogisms and enthymemes, the enthymematic structure of legal arguments is not well understood or studied. This chapter examines two recent Fourth Amendment Supreme Court privacy law cases, *United States v. Jones* (2012) and *Carpenter v. United States* (2018) through the lens of Aristotle’s *Rhetoric* books I and II and his treatment of the enthymeme. The paper ultimately argues that the enthymematic structure of legal reasoning has profound effects on the logic and rhetoric of U.S. Supreme Court decisions that cannot be fully understood through the traditional paradigm of the legal syllogism. It examines alternative hypotheses and starting points to legal reasoning by analogy and explores the effect that adopting an alternative starting point has on the trajectory of the law.

Writing Arguments: A Rhetoric with Readings: “Appendix”

2006: John Ramage, John Bean June Johnson, Authors

Writing Arguments: A Rhetoric with Readings, Concise Edition integrates four different approaches to argument: the enthymeme as a logical structure, the classical concepts of logos, pathos, and ethos, the Toulmin system, and stasis theory. Focusing on argument as dialogue in search of solutions instead of a pro-con debate with winners and losers, it is consistently praised for teaching the critical-thinking skills needed for writing arguments. Major assignment chapters each focus on one or two classical stases (e.g. definition, resemblance, causal, evaluation, and policy). Each concept is immediately reinforced with discussion prompts, and each chapter ends with multiple comprehensive writing assignments.

SELECTED PEER REVIEWED PUBLICATIONS/AWARDS

"Self-regulation and Legal Writing: An Application of the ABA standards on Professional Identity Formation"

2023: Proceedings (With Ryan Roderick, Submitted)

Legal writing faculty have long been teaching professional genres like legal briefs and memos. In teaching these genres, it has never been about students just producing the form. Rather, by learning the genres, students begin to develop professional identities and processes, and by learning rhetorical situation, they learn how to enter a new discourse community. To help students develop practices for continued professional development, we would do well to pay more attention to teaching the processes associated with legal writing. We face an increasing exigence to do so in light of the revised ABA Standards, which call for increased attention to encouraging students’ professional identity formation. This article offers legal writing faculty a way to rethink how we teach practices of writing by encouraging students to self-regulate their learning through a series of self-reflective and goal-setting interventions. First, we introduce the need for teaching self-regulation in a legal writing classroom. Then, we explore a way to conceptualize self-regulation, and discuss how one professor applied this conceptualization to her teaching on legal memos and briefs.

"Survey of Law Student Awareness and Use of Captions"

2023: TechTrends

The present study is a conceptual replication (Christensen et al., 2021) of a nationwide study by Linder (2016) that surveyed undergraduate students regarding their use and perceptions of closed captions and transcripts. This study focuses on students in a professional graduate degree program (law) from a single institution. In Linder’s (2016) study, various student

populations reported that they used closed captions and transcripts as a learning aid to help with accuracy, comprehension, retention, and engagement. Experimental studies of closed caption use in domains with challenging new vocabulary such as foreign language (Winke et al., 2010) and science (Marino et al., 2010) have shown benefits for a broad range of learners. Analysis of quantitative and qualitative survey data (n=190) may provide evidence for the validity of Linder's (2016) instrument. Findings from this study may also support the benefits of closed captions and transcripts for novice learners in a domain with a highly complex vocabulary (Mayer 2009).

"Teaching Genre through Descriptive Analysis"

2022: The Second Draft

We know, from numerous writing studies, that genre and transfer are intricately linked. Genre awareness helps most directly with "near transfer," a student's ability to transfer knowledge of one writing task to another, substantially similar task. But mere familiarity with a genre form may not be as useful to student learning as a broader genre knowledge and awareness of rhetorical situation. If we think of genre less as a noun than as a verb, genre becomes a response to a repeated rhetorical need and an artifact of a writing process, not merely a written product. Attention to this process can create a valuable learning opportunity for our students who can then begin to realize how foundational our understanding of genres is to our understanding of the legal profession more broadly. This paper details a process I adapted for my legal writing classroom, a process pioneered by scholars in the WID/WAC and Professional Communication fields, the *Comparative Genre Analysis*. Using a modified version, what I call *Descriptive Analysis*, students learn how to work from model writing samples to understand and write within a new genre.

"Intertextuality in Three Supreme Court Privacy Cases: An Analysis of Process and Agency"

2016: NCA Best Paper Award, Law and Communication

In order to understand the interplay between the corpus juris and the interpretation of our codified laws, I study the way in which privacy law concepts are entextualized in a line of Supreme Court privacy law opinions. Using theories of entextualization, or "the process of rendering a given instance of discourse a text, detachable from its local context" (Urban), this paper analyzes instances of intertextuality in three Supreme Court privacy law cases, and finds that specific prior texts command a large proportion of the legal opinions. The opinions make extensive use of direct quotations, citation of prior cases and reference to legal concepts derived from prior case law and legal scholarship. To analyze how a text is entextualized, the paper tracks the way in which the Fourth Amendment is taken up variously as a text, a concept, and a law through the examination of the context surrounding its use and finds that the Court engages "The Fourth Amendment" to different ends to justify its reasoning in the instant case.

SELECTED LAW REVIEW ARTICLES

"Rhetorical Use of Enthymeme in Supreme Court Opinions"

2019: Western Michigan University Journal of Practical & Clinical Law

Citizen's United v. FEC sparked a debate about judicial activism and the duty of the Court to consider the practical effect their decisions will have beyond the courtroom. Its decision, which opened the gates for virtually unrestricted campaign financing through corporations has been called "one of the worst decisions in the history of the Supreme Court." Years later, the debate over the Court's right to strike down Section 203 of the BCRA continues. This debate is not new, Legal Realists, Formalists and Constructivists have long disagreed about how laws are, and should be, made. These theorists disagree about whether the Court is akin to a scientist, interpreting laws somehow external to and with primacy over internal rules, or more like a

politician creating laws through a speech act. At the heart of this contention is the function of reasoned elaboration in legal opinions at the appellate level. Legal argumentation scholars argue, and law students are taught, that case law operates much like a philosophical syllogism, where established law forms the class under which the court must apply a particular case. To better understand how courts form and elaborate their decisions, I examine two Supreme Court cases. One, *United States v. Jones*, based its findings on a relatively narrow reading of the law, and the other, *Citizen's United*, took a more expansive view of Constitutional protections. I focus on the Court's use of enthymeme in its legal reasoning and reconstruct implicit/missing premises as way to understand how the Court uses a syllogistic structure in its Opinions. I ultimately argue that the syllogistic structure employed within the tradition of reasoned elaboration obfuscates the judicial discretion inherent in Supreme Court decisions.

SELECTED CONFERENCE PRESENTATIONS

Applied Legal Storytelling

2023: Narrative's Role in False Confessions (Accepted)

Western Regional Legal Writing Conference

2022: "Teaching Descriptive Analysis to Understand Genre"

Global Meeting on Law & Society

2022: "Inviting Engagement in the Legal Process: A Comparison of Navajo, UK and US Supreme Court Opinions"

Southeastern Association of Law Schools Conference

2022: "Using Intertextuality to Understand Legal Precedent" as part of the New Scholars Program

2022: "The Myth of the Guilty Suspect" as part of the Law and Humanities panel

Legal Writing Institute Biennial Conference

2022: "Are you certain I can be uncertain? Exploring strategies for relating to, recognizing, realizing, and refining modal language in student writing"

Sirico Scholar's Workshop

2022: Enthymeme's Historic Roots

Conference of the Law, Literature and Humanities Association of Australasia

2021: "Building Community through Legal Language: A Comparison of US & Navajo Legal Writing"

Empire State Legal Writing Conference

2021: "Modality in Early Student Writing" as part of the New Scholars Forum

Association of Teachers of Technical Writing

2019: "Keeping Accountable to Audience: Incorporating Multiple Perspectives in Student Writing"

Council of Writing Program Administrators

2019: "Assessing Curricular Changes that Emphasize Intensive Exposures to Authentic Genres in the First-Year Writing Classroom"

Rhetoric Society of America Conference

2018: "Legal Discursive Accessibility: a Comparative Genre Analysis of Supreme Court Opinions"

Association for the Study of Law, Culture, and the Humanities Conference

2018: "Speaking for Oneself: a Comparative Linguistic Analysis of Navajo and US Supreme Court Opinions"

2017: "Translating the Law: Linguistic Accommodations for Non-Legal Audiences"

2015: "Representing Silence: Agency and Influence in the Legal Aid Setting"

2014: "Redefining the Right to Be Left Alone: Rhetorical Use of Normative Privacy Ideologies in Post 9/11 Discourse about Security and Privacy Laws"

Conference on College Composition and Communication

2019: "Research, Writing, and Information Literacy: From Pre-formed to Performed Inquiry"

2016: "Research Supported Strategies: Facilitating Transfer from FYC to Other Courses"

2014: Works-in-Progress presentation at Research Network Forum

National Communication Association Convention

2017: "Expert Witness and Audience in the Courtroom: The Role of Expertise in the Post-Daubert Era"

2016: "Intertextuality in Three Supreme Court Privacy Cases: An Analysis of Process and Agency" and "To Tell the Truth: An Investigation of Edward Snowden as Parrhesiastic"

2015: "Are All Judges Activist? Rhetorical Use of the Enthymeme in Supreme Court Opinions"

Digital Humanities Summer Institute Colloquium

2016: "Using DH to Increase Legal Literacy and Agency"

Keystone Digital Humanities Conference

2016: "Tracing the Influence of "The Right to Privacy"

SELECTED INVITED LECTURES

Workshop, "Digital Humanities Methods for Legal Text Analysis," Big Data Learning Group, Case Western Reserve University, 2106

Presentation, "Should We Care about Privacy?" Mass Surveillance in the 21st Century Symposium, Carnegie Mellon University, 2017

Presentation, "Wiki – Wiki – Wha?: Using a wiki to enhance learning and transfer," Carnegie Mellon Teaching and Learning Summit, October 2016. With Co-speakers Ryan Roderick and Michael Pierce Williams

Presentations, CMU Writing Teachers Meetings

"Understanding Dyslexia," 2016; "Lesson Planning," 2014 & 2106, "WikiRhetoric," 2015

ACADEMIC HONORS AND AWARDS

William S. Dietrich II Presidential Doctoral Fellowship 2017-18

A.W. Mellon Digital Humanities Fellowship 2016-17

ProSEED Crosswalk Grants

Project Lead to develop educational videos for First Year Writing Program 2015

Grant for WikiRhetoric Project to enhance student writing transfer 2013

Education Pioneers Bay Area Cohort Fellowship 2011

Faegre, Baker and Daniels Access to Justice Pro Bono Program Fellowship 2010-12

SPECIALIZED TRAINING

Digital Humanities Summer Institute, Victoria, BC, Summer 2016

Description: Honed digital humanities research methods, including stylometry analysis using R

Digital Humanities Workshop, Carnegie Mellon University, 2015

Description: Worked collaboratively with graduate students across disciplines to develop digital humanities project involving linguistic analysis of a corpus of text. Learned basics of GIS mapping, network analysis, programming with Python and R, database management and web design

PROFESSIONAL SERVICE - NATIONAL

Co-Chair

LWI One-day Workshops Committee 2022-2023
LWI Ad Hoc AI Committee 2023

Peer Reviewer

Legal Communication & Rhetoric: JALWD 2021, 2022

Deputy Editor

American Bar Association Section of International Law 2022
2022 International Law Year in Review

PROFESSIONAL SERVICE - INSTITUTIONAL

Faculty Advisor

LSU Law Journal for Social Justice & Policy LSU 2022-2023
Public Interest Law Society LSU 2022-2023

Faculty Committees

Diversity & Inclusion LSU 2020-2021
Curriculum LSU 2021-2023

Elected Positions

Rhetoric Graduate Student Representative to the Faculty CMU 2018-2019
Rhetoric Representative to the Graduate Committee CMU 2015-2016
Rhetoric Graduate Student Representative to the Faculty CMU 2014-2015
Chair, RSA Three Rivers Chapter Speakers Committee CMU 2013-2014
Magister, Phi Delta Phi Legal Fraternity IU 2010-2012
President, Feminist Law Forum IU 2011-2012
Vice President / Publicity Chair, Women's Law Caucus IU 2009-2011

Symposium Co-Organizer

Law Speaker Symposium Series CMU 2019-2020
Future of Health Policy Symposium ASU 2004
Southwest Graduate Literature Symposium ASU 2002