

Representation and Power in the Modern American Courtroom: An Examination of the Depp Vs Heard Trial

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Introduction

Actors Johnny Depp and Amber Heard were married and later divorced. In 2018, Heard wrote an op-ed narrating her experience as a victim of abuse and sexual violence. It was understood at the time that Depp was the abuser. In an attempt to redeem his image, Depp sued *The Sun* (London-based tabloid) that called him a wife beater and he lost in 2019, and in 2022 he sued Heard for defamation in the United States. The outcome of that trial was crucial for regaining Depp's good image and thus career. Depp's team requested airing the trial live and they were successful as the trial gained the attention of millions around the globe. With a live feed on YouTube, lay audiences had the rare opportunity of following and understanding legal practices that are inherent within courtroom discourse and interaction.

Courtroom/Trial discourse is one of the most studied forms of legal discourse within the field of forensic linguistics, receiving considerable attention as the most popular institutionalized legal interaction (Bhatia 1987; Maley 1994). Trial discourse is a distinct speech event that belongs to a complex genre with its own complex structure and a few subgenres (Coulthard et al. 2017). Trials are either inquisitorial or adversarial; The USA adopts the adversarial system (Hostettler 2006), which places the opposing lawyers as adversaries aiming to convince the jury with their narrative, while the judge referees and is not meant to pose questions beyond the presented facts (van Koppen and Penrod 2003). This means that the competing lawyers hold the power to build different representations and narratives. Power inside the courtroom is either institutional, which is held by the judge, or an interactional authority that is held by counsellors (Dettenwanger 2016). Cao (2016) refers to a third and concealed power form: Linguistic Power. According to her, Legal reasoning is based on the interpretation of language as a medium for exercising legal power, since language has an ability to conceal as well as reveal. It can enlighten and inform, and its might is highlighted through the representation of reality to achieve one's ends. The courtroom is described by Wagner and Cheng as, "a stage for the display of linguistic power at work, with various actors performing largely linguistic acts in discursive choices in (re) presenting and (re)constructing stories or events in real life" (2006, xvi). This explains why counsellors are described by DiDonato (2016) as language mediators, while Cao describes them as magicians capable of diverting attention, distracting audiences and reorganizing realities to convince judging members with their constructed narrative.

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Courtroom interaction is governed by specific norms and regulations; lawyers provide opening and closing speeches in the form of monologues and control questions directed at witnesses. Therefore, most courtroom interaction happens through the specific format of questions and answers, where lawyers posit questions while suspects/witnesses present answers (Archer 2011; Bhatia 1987). Lawyers use their turns and questions to request information, confirmation and/or clarification, or even deliver implicit accusations (Archer 2005), and presuppositions and judgements (Tiersma 1999). Questions are generally a lawyer's tool for control (Penman 1990). Questions are hardly meant to present new information but are meant to display the knowledge they have to the judge and jury (Cotterill 2003; Heffer 2005). The function of questions is mainly seeking information or confirmation (Gibbons 2003). As Heffer clarifies, they are mostly display questions where counsellors are asking witnesses not to gain new information, but to serve for displaying evidence.

Numerous studies dedicated to examining counsellor questions and their different typologies (Archer 2005; Gibbons 2003; Myklebust and Bjørklund 2006; Oxburgh et al. 2010) agreed that open-ended and less restrictive questions yield detailed informative responses and reach uncoerced responses. The more open and less conducive the questions, the more they allow witnesses to elaborate and talk, which shows that the counsellor is relinquishing some of his/her control over to the witness and vice versa. This clarifies the obvious link between the question-and-answer mode of interaction and power.

There is a clear power asymmetry between both witnesses and suspects, on the one hand, and counsellors, on the other (Archer 2005, 2011; Gibbons 1994). Bhatia (1987) explains the manifestation of counsellors' power in how they talk more, interrupt more, hesitate less, and control a witness's contribution by using coercive questions, in addition to being allowed speakership. On the other hand, witnesses on the stand respond only when talked to, are constrained in their responses by the form of the questions as explained by Bhatia, and cannot ask their own questions as suggested by Tiersma (1999). This is even clear in how expert witnesses have the same diminished authority in a court of law despite their knowledge. Witnesses are continually judged by counsellors and jury members (Dettenwanger 2016). However, this does not take all forms of power out of the hands of witnesses. They can show a level of control over their answers as they can show varying levels of cooperation (Oxburg, Mykleburst and Grant 2010). At the same time, it could also mean that witnesses on the stand are sometimes coerced into painting a particular representation of a suspect.

Within a courtroom speech event, there are numerous social actors that include the judge, jury, lawyers, witnesses, suspects, members of the press, and the public (Drew 1992). Meanwhile, truths in adversarial trials are neither objective, nor are they shared by both sides. Truth is established by counsels' contention. In trials, "facts are no longer an objective phenomenon" (Bhatia 1987, 229). The purpose behind all interaction is to win the case rather than reach objective facts. Adversarial parties have conflicting goals (Archer 2011; Cotterill 2003), as according to Drew, both provide a more convincing narrative to the ruling party: the judge and/or jury.

The side that succeeds in convincing the ruling party with their narrative wins the case.

Material

This study focuses on the trial held between John C. Depp vs Amber Laura Heard that was held in Fairfax County in Virginia. The trial was aired on April 11th, 2022. The plaintiff (Depp) filed a defamation complaint against his former wife. The transcript of all witnesses' examination and cross-examination was retrieved from Reporting Depp V Heard website (2022), and cross-checked with the recorded live videos of the trial retrieved from Law & Crime Network YouTube Channel (2022).

This paper focuses on the two main (star) witnesses of the trial Johnny Depp and Amber Heard, who appeared on the stand for a total of seven days. The examination and the cross-examination are part of the analysis along with the lawyers who conducted them. In adversarial procedures, a plaintiff is first examined by a member of his/her team, then cross-examined by the opposing team, and then the defendant is examined and later cross-examined. From Depp's team, Attorney Meyers was responsible for his examination. Depp was cross-examined by Attorney Rottenborn. From Heard's team. Later, Amber Heard was examined by Elaine Bredehoft from her team and then cross-examined by Camille Vasquez from Depp's team.

The study aims to answer the following main question: How did the adversarial teams in the Depp vs Heard 2022 defamation trial succeed/fail in enforcing their respective narratives during the main witnesses' examination and cross-examination? This entails the following sub-questions:

- A. How did the competing counselors employ different questioning strategies for enforcing their respective representations?
- B. How did the witnesses' guided responses aid in constructing the desired representation of themselves and the opposing parties?
- C. Who were the real addressees during witnesses' examination and cross-examination and how were they targeted to alter the outcome of the trial?

Methodology

In order to answer the study's main question and sub-questions, a number of theoretical models were implemented for the analysis. To analyze lawyers' questions, Archer's (2005) Continuum for Control was implemented. Questions were categorized according to Archer on a continuum that goes from the least to the most conducive (i.e. from information-seeking to confirmation-seeking). The continuum starts with broad wh-questions as the least conducive, moving to narrow wh-questions, alternatives, Yes/No- questions, negative grammatical yes/no questions, declaratives, and tagged declaratives as the most conducive. Tagged declaratives were further divided into copying tags that match the declarative phrase preceding and the more conducive checking tags which would be negative if the declarative is affirmative.

For analyzing witnesses' answers, van Dijk's (1998) ideological square was implemented. Van Dijk referred to how dominant discourse includes an element of polarization through emphasizing the good things about *Us* and the bad things about the *Other*, while mitigating *Our* bad things and *Their* good things, which he called *the Ideological Square*. The overall strategy that aligns with this notion of ideological polarization is positive self-presentation and negative other representation.

The ideological square relies on four sides: emphasizing positive self-representation and deemphasizing negative self-representation, along with emphasizing negative other representation and deemphasizing positive other representation. Those four overarching strategies subsume other strategies, such as semantic macro structures of topic selection, word selection, local syntax of (de) emphasis of responsibility, rhetorical figures of metaphors and euphemisms...etc.: all of which are meant to emphasize positive self and negative other. Van Dijk (1998) explained that they could be implemented through numerous tools that include (and are not limited to): clausal structures, the choice of the active and/or passive forms, word choice, stress, and intonation. Presuppositions, overall topic selection, and use of metaphors.

Bell's (1984) model for Audience Design was utilized as a lens to examine the data to unravel the real addressees during questions and answers. Bell maintains that stylistic variation within the speech of a single speaker could be motivated by a wish for solidarity or distancing from one's addressees, topic or setting. He maintains that there are five roles in an interaction: Speakers, Addressees, Auditors, Over-hearers, and Eavesdropper. Bell's model for Audience Design adds that style variation for an audience role means variation in all closer roles.

The analysis will start by tackling the trial's audience design then it will analyze the question-answer interactions as they have appeared inside the courtroom to understand the case: It will start with Johnny Depp's examination, followed by his cross, then Amber's and her cross, while tackling the questions and answers in each interaction.

Analysis

According to the American adversarial system, witness preparation is a professional responsibility towards clients as mentioned in The Restatement (Third) of the Law Governing Lawyers 116, which is mentioned in the New York Rules of Professional Conduct. Gaal and DiLorenzo (2018) explains that witness preparation might not be a stipulation for a procedure before a trial, yet "the failure to do so can constitute a breach of an attorney's professional responsibility as attorneys are required to 'competently' represent their clients." (26)

This slightly complicates the application of Bell's (1984) Audience Design. When a witness is on the stand, the lawyer cross-examining them is no longer an addressee when answering questions. The real intended addressees are the jury members. Meanwhile, the *auditor* who is commonly known, acknowledged but not addressed is the judge, as exhibited in the following Attorney utterances

Attorney: The night before the flight ... and sorry if we've covered some of this, but just to orient the jury to the sequence of events. (Reporting Depp V Heard 2022, Week 2, Day 8, April 21, 44)

Attorney: ... I'd like to show you another audio recording. That is plaintiffs' exhibit 397. And for the record, we intend to play the portion that is 1 hour, 4 seconds to 1 hour, 2 minutes, and 50 seconds. (Reporting Depp V Heard 2022, Week 2, Day 7, April 20, 57)

With a live broadcasting that reached millions, the *eavesdroppers*, who are commonly non-ratified listeners of whom the speaker is unaware and the *overhearers*, who are known yet neither ratified nor addressed gain additional importance as their global support of Depp was undeniably vocal both online and outside the court. Those audiences are Depp's and Heard's movie and series audiences. Their power and opinion are impactful. It was clear when in more than one occasion Heard was mocked online for checking the camera placement before tearing up. This shows how they are part of the adversaries' intended addressees. Another example of the fluidity of the roles of social actors during that trial was Depp's repeated occurrences of addressing the judge, which was neither common nor expected, nor was it attempted by Heard. Depp had repeatedly shifted his posture to talk directly to the jury when responding to questions to create proximity and impose trust (also something that was not attempted by Heard). With Bell's (1984) notion that an intention to show solidarity with a further role signifies linguistic changes, there is a need to examine witnesses' interaction through that lens.

Plaintiff Examination: Questions and Answers

When looking at Attorney Meyers' questions to Johnny Depp, the target was clearly to empower him on the stand. The majority of the questions were broad Wh-questions (over 70%). The second most common type of question was Grammatical (Yes/No) questions. Analysis shows that it might have been a rehearsed structure with the illocutionary force to encourage the witness to elaborate. For example, "Mr. Depp could you please explain to the jury the circumstances that led to you having um the bruise that's reflected in this photograph?" (Reporting Depp V Heard 2022, Week 2, Day 7, April 20, 35), and "Could you please explain to the jury why you're here today?" (Reporting Depp V Heard 2022, Week 2, Day 6, April 19, 55). Neither example was meant to inquire about ability, but with each (and others), the structure prompted the witness to elaborate uninterrupted for extended turns. The plaintiff's attorney's reliance on the least conducive forms of questions meant relinquishing power to the witness. Moreover, it conveyed trust: that they trust him to talk on the stand, which leads audiences to believe what he is saying as true.

Positive self-representation was clear in Depp's responses. The most common images were meant to portray Depp as an honest human being, a good father, loving

towards fans, and a gentleman towards Amber. Though not directly relevant to the topic of the trial but getting addressees (jury and global audiences) convinced of Depp's good character would serve to convince them of his case and ultimately alter the outcome of the trial, which did take place.

One of the biggest challenges facing the plaintiff's team was deemphasizing his negative self-representation. As someone who has been (self) portrayed in the media as a drunk and an addict, evading that portrayal was a delicate task accomplished successfully through main strategies: *Exclusion*, *Juxtaposition* and later through *Negative (M)Other Representation*. Firstly, the plaintiff was clearly instructed never to mention the word addict or addiction on the stand. Instead, he relied on metaphors such as "the monkey on my back" (Reporting Depp V Heard 2022, Week 2, Day 7, April 20, 13), and the "snake that bit me" (Reporting Depp V Heard 2022, Week 2, Day 6, April 19, 77). It is interesting how both images absolve him of his responsibility towards his addiction.

Attorney Meyers: Mr. Depp is there any substance that you've ever been addicted to and and what is that?

Depp: ... I I didn't want to get bit by that snake, and I started taking the roxies and I was bit by the snake and then before you know it um that that monkey is on your back to stay. (Reporting Depp V Heard 2022, Week 2, Day 6, 76)

The second strategy employed by the plaintiff and his team is *Juxtaposition*, where each time he had to refer to his addiction, he mentioned one of his more popular acting roles. In the following example, the plaintiff/witness on the stand reiterated the answer (though it might have been correct) to force the image of his most successful role.

Attorney Meyers: Mr. Depp, do you have an estimate as to what year you started taking the opiates that you just described?

Depp: when a 2000 or excuse me uh it was Pirates. (Reporting Depp V Heard 2022, Week 2, Day 6, April 19, 77)

The third strategy in deemphasizing the negative self-representation is negative (m)other representation. Attempting to portray the plaintiff as innocent of the crime of abuse and violence, the attorneys meant to enforce his image as a victim: a child abuse victim of an addicted mother. Not only did that serve the purpose of improving his own image, but it served as a blame-holder or a scapegoat for his addiction through stressing his mother's addiction "Depp: I can remember vividly Betty Sue telling me to go get her nerve pills" (Reporting Depp V Heard 2022, Week 2 Day 6, April 19, 74). It is also interesting how throughout the turns that discussed his childhood and addiction, both lawyer and witness would refer to his mother by her first name (betty Sue), while later when discussing how he was served his divorce papers around the time of her death, He and they started referring to her as his *mother*.

Following his mother's representation as an abuser, Depp's team started working on equating Heard to his mother, "you start to slowly realize that you are in a relationship with your mother in a sense" (Reporting Depp V Heard 2022, Week 2, Day 7, April 20, 2). Thus, placing Depp as a domestic violence victim: when asked why he stayed his response was "why did I stay I stayed I suppose because my father stayed. I suppose" (Reporting Depp V Heard 2022, Week 2, Day 7, April 20, 5). That smart strategy that started from his first hour on the stand narrating the events of his childhood has succeeded in placing him as a victim just like his father and Heard as a domestic abuser just like Depp's mother. Moreover, by creating an evil other in the figure of his mother, the plaintiff's team has succeeded in projecting all his shortcomings as a drug addict and an abuser on the late mother: a person to blame who is not in the courtroom and whose actions are not part of the trial's proceedings. The rest of his answers focused on representing Heard as a cruel, a gold digger, an abuser, and a drug user herself.

Depp's presence on the stand was not only characterized by a consistent adherence to an apparently well-rehearsed and well-thought-of strategy, but his power on the stand was also clear. He was comfortable enough addressing the judge and the jury, interrupting his own attorney, and even mocking the opposing attorneys' objections in instances such as: "Yes let's let him object to another one," (Reporting Depp V Heard 2022, Week 2, Day 7, April 20, 9), and "yes I looked at papers. Maybe they're hearsay papers" (Reporting Depp V Heard 2022, Week 2, Day 7, April 20, 48).

Plaintiff Cross- Examination: Questions and Answers

Depp has clearly assumed power during his time on the stand. This power was also clear during his cross-examination at the hands of attorney Rottenborn. Right off the start, he emphasized the attorney's name *Rotten-Born* causing laughter in the gallery as the lawyer fumbled through the snickers for a response. Not only was he comfortable enough to interrupt the opposing lawyer, but on numerous occasions he refused to cooperate.

Attorney Rottenborn: ... I'm trying to be respectful of the court's time and the jury's time. So, I'm gonna ask you that question again. Because I think *it's a pretty simple yes or no question*, which is ...

Depp: You'd like it to be, sir. Nothing simple in this case. (Reporting Depp V Heard 2022, Week 2, Day 7, April 20, 75; emphasis added)

Due to the witness's insistent refusal to cooperate, most of the cross-examiner's questions were grammatical yes/no questions seeking confirmation from Depp on the information that his side is presenting. However, this strategy has backfired as in the below example:

Mr. Rottenborn: Right. So, in this text, if you could blow up, Michelle, please, that top text, on May 30th, 2014, you texted Mr. Bettany ... just a little bit smaller. You texted Mr. Bettany, ‘I’m going to properly stop the booze thing, darling. Drank all night before I picked Amber up to fly to LA this past Sunday. Ugly mate. No food for days. Powders. Half a bottle of whiskey, a thousand Red Bull and vodkas. Pills. Two bottles of Champers on plane and what do you get? An angry fucking blackout screaming obscenities and insulting any fuck who got near? I’m done. I’m admittedly too fucked in the head to spray my rage at the one I love.’ Read that again, ‘I’m admittedly too fucked in the head to spray my rage at the one I love for little reason as well. I’m too old to be that guy. But pills are fine.’ *Did I read that right?*

Depp: *Yes, you did.* (Reporting Depp V Heard 2022, Week 2, Day 8, April 21, 7; emphasis added)

It could be safely assumed here that Rottenborn attempted to handle Depp’s representation through reading Depp’s SMSs and communication with different friends and staff. In those messages that were admitted as different forms of evidence, Depp has repeatedly acknowledged using drugs, being an addict, and even hitting Amber. The lawyer apparently meant to get Depp to admit his deeds on the stand through reading the messages himself. However, due to the overuse of the highly conducive question form “Did I read that right?” This strategy has backfired. Attorney Rottenborn has repeated the same phrasing 78 times, and with the plaintiff’s refusal to cooperate it turned out into a running joke with Depp providing a variation of the answer each time. Rottenborn’s usage of the pronoun *I* in “Did I read” might have contributed to its failure as well.

Defendant’s Examination: Questions and Answers

On the other hand, the defendant’s lawyer (here Attorney Bredehoft) might have negatively impacted Heard’s representation with her choice of questions. Most of her questions were narrow Wh-questions. For example, when attempting to focus on her positive self-representation, she would pose a question as “where did you go to school when you were younger?” (Reporting Depp V Heard 2022, Week 4, Day 15, May 4, 69) which was meant to elicit her background as a scholarship kid at a catholic school. This control of Heard as a witness during examination reflected a lack of trust in Heard’s words which negatively impacted her credibility.

Apparently, Heard has not been properly trained as a witness. Her answers to the question “what, if any, relationship has he developed with your family?” (Reporting Depp V Heard 2022, Week 4, Day 15, May 4, 81) included the answer below, which hardly adds to the negative representation of the plaintiff.

Heard: ... Johnny was so kind, so generous to my family, but especially my mom and dad. ... Johnny just really just showered my dad. And my dad ... was just, like, you know, floored he's getting all these amazing

gifts ... He gave my mom jewelry, brought her out to come and see me while I was visiting Johnny. (Reporting Depp V Heard 2022, Week 4, Day 15, May 4, 81)

There are other instances where Attorney Bredehofft failed to pursue an important line of questioning, one of them was when she asked her about the first time she was slapped by Depp. She did not pursue following Heard's responses, which should have served to fully present Heard as a domestic violence victim, had it not been cut short. On another occasion during Heard's examination, Attorney Bredehofft asked her a question to get an instance of sexual assault on the record. Heard's response started narrating a gruesome story only to be interrupted by her lawyer asking about what had happened the following day (which could be a triggering example for some),

Elaine Bredehofft: Okay. Now, I'm going to take you to... Let's go to Hicksville. Let's tell the jury about Hicksville, May 2013. Can you tell the jury what transpired at Hicksville?

Heard: ... And then it became clear to me he was, like, looking for something. He cleared things off the bed. I went into the bathroom. And as I come out, he asked me where it is and how long I've been hiding it. And I was like, "What are you talking about?" And he says, "You know what I'm fucking talking about, you know what I'm fucking taking about. Be honest with me. Where are you hiding it?" And he kind of, like, makes to look into the bathroom. And I gesture to the bathroom, which was to my right. I kind of, like, gestured to him and I said, like, "What am I ... Where am I going to ... What am I hiding and where am I going to hide it?" And we're standing in this little hallway area outside of the bathroom and he starts, you know, what feels like patting me down, or saying he's patting me down, I can't recall. But he ripped my dress, the strap top part of my dress. I had just dyed this thing myself pink. And it was one of those things I ... it was like, you know, "That's my ... I just finished that dress." And he's, like, grabbing my breasts, he's touching my thighs. He rips my underwear off. And then he proceeds to do a cavity search. He was looking ... he said he was looking for his drugs, his cocaine, his coke. I was wondering how I, somebody who didn't do cocaine and was against it. ... That was in and of itself causing problems in our relationship. How could I hide ... Why would I hide his drugs from him? Like, he was insinuating that I was doing it or something, it made no sense. And he was telling me, "We're doing ... We're going to conduct a cavity search, shall we?" Like, just shoved his fingers inside me. I just stood there staring at the stupid light. I didn't know what to ... You know, I didn't know what to do. I just stood there while he did that. He twisted his fingers around. I don't ... I didn't say, like, "Stop or anything," I just ...

Elaine Bredehoft: *So, the next morning, what transpired?* (Reporting Depp V Heard 2022, Week 4, Day 15, May 4, 105; emphasis added)

Bearing in mind the nature of adversarial trials, the evidence that Bredehoft has not pursued was later ignored during the cross-examination, despite the brutality of the attack that could have changed the plaintiff's representation and portrayed him as an abuser. It is noteworthy that during the plaintiff's examination, and when narrating his account of violence by Heard, his attorney would pursue the same line of questioning to expose the minutest details. This was not meant as an assertive tool of Heard's representation as an abuser herself.

Defendant's Cross- Examination: Questions and Answers

When examining Heard's examination, it could be seen as the weakest line in the examination and cross-examination square. Meanwhile, her cross-examination at the hands of Camille Vasquez was the strongest and the most popular among global audiences.

Vasquez's cross-examination of Heard on the stand was highly reliant on highly conducive questions. Her most employed questioning strategies were on the conducive end of the spectrum: declaratives and tagged declaratives. Vasquez was also powerful in restraining the witnesses' responses (and Heard was not as powerful on the stand as Depp). The attorney never allowed questions beyond 'yes' or 'no' and would interrupt Heard otherwise. Her ultimate goal was to undermine Heard's words on the stand, thus delegitimizing all her testimony. In that respect, she focused on leading her to contradict her words, focusing her impact on representing her as a liar. The following example could clarify that:

Ms. Vasquez: Let's pull please pull up Plaintiff's Exhibit 1252. This is a picture of you, Ms. Heard?

Amber: Yes, it is.

Ms. Vasquez: At that event?

Amber: Yes, it is.

Ms. Vasquez: The night after the Met Gala?

Amber: Yes, it is.

Ms. Vasquez: The night after Mr. Depp allegedly broke your nose?

Amber: I'm not sure if it was broken for the record, but you should see what it looked like underneath the makeup.

Ms. Vasquez: He whacked you so hard in the face that you thought you had broken your nose?

Amber: Exactly

Ms. Vasquez: This is a picture of you, Mr. Depp, and Don Rickles, right?

Amber: That is correct.

Ms. Vasquez: Let's please pull up Plaintiff's Exhibit 1254. This is also a picture of you at the same event, correct, Ms. Heard?

Amber: That is correct.

Ms. Vasquez: And just to confirm now that the jury can see it, this is a picture of you at the same event the night after Mr. Depp allegedly whacked you in the face so hard you thought he broke your nose?

Amber: This is a picture of me after he did whack me in the face.

Ms. Vasquez: The night after, right?

Amber: Yes, it is. I believe it was the night after, yes.

Ms. Vasquez: Your nose doesn't appear to be injured in any of these pictures, doesn't it, Ms. Heard?

Amber: I'm wearing makeup.

Ms. Vasquez: Your nose doesn't appear to be injured in any of these pictures, does it, Ms. Heard?

Amber: It's why I'm wearing makeup.

Ms. Vasquez: Right. And makeup covers up swelling, right?

Amber: Makeup will not cover up swelling, ice will, though.

Ms. Vasquez: Ice will cover up swelling?

Amber: Ice reduces swelling. Normally, the swelling after that kind of injury is not as bad as you might imagine, and for me, it wasn't that bad. I have a picture of it underneath the makeup. That's how I know how to reference it.

Ms. Vasquez: A picture you haven't produced or shown to this jury, right, Ms. Heard?

Amber: I have produced everything.

Ms. Vasquez: But you haven't shown it to this jury?

Amber: I would very much like to, it's not my job. (Reporting Depp V Heard 2022, Week 5, Day17, May16, 124- 125)

In the previous extract, the attorney posed 14 questions where nine of those questions were declaratives. Questions were phrased as sentences, and the questioning intention is only shown through Vasquez's intonation. This forces a complying and cooperative witness to either confirm or deny the sentence with little to no room for their own contribution to the narrative being weaved around them. Bearing in mind the limited power of a witness on the stand and their perception that they might not be allowed to contribute unless addressed allows an attorney to provide a representation of a lying Amber Heard, thus discrediting her.

Results

To answer the research question, it is clear that the plaintiff's team of attorneys was more prepared. They adequately employed less restrictive questions with their own witness conveying a sense of trust and power, while relying on the highly restrictive declaratives in their questioning of the defendant to exert their power to inhibit her ability to portray herself as she wishes but to control the representation themselves. They have clearly prepared their witness (Depp) for his time on the stand, which was reflected in his ease of managing that duration and his comfort in

challenging the opposing team's power and in interrupting and addressing the judge and jury. Meanwhile, the defendant's team were less prepared in handling the trial. Their overreliance on the most conducive tagged declaratives in cross-examining the plaintiff might reflect superficial awareness of the types of investigative questions and their intended outcomes, not to mention that the failure of their questioning strategy might have exposed their lack of resourcefulness in that regard. Overall, it was clear that both adversarial teams had numerous addressees in mind: the jury that would pass the final verdict was clearly an intended addressee, but the millions following the trial's live broadcast were on everyone's mind as well.

Conclusion

Examining this trial has shown that legal discourse remains a complex genre, with its complexity arising from its institutional nature that remains obscure for laymen in addition to its language and protocol. This analysis of a trial's discourse might have also shown that absolute realities and objective representation of events are never the goal in an adversarial courtroom. Attorneys are mainly focused on presenting events through their lens, which might depart from the neutral lens of reality and objectivity. That is why reserved judgment is advised in cases of trial hearings. The nature of adversarial trial forces two sides to become at odds. Intrinsically this is a fallacy. No defendant should be seen as black nor a plaintiff be seen as white (or vice versa). The plaintiff winning this defamation trial might not mean his absolute innocence nor is the loss of the defendant a sign of her guilt (neither does it disprove it). This trial, and probably all others, showcases the skill of the team of attorneys; however, this particular trial could reflect *star power* and its impact on the verdict.

This study was only limited to analyzing the questions and answers directed at the trial's main witnesses. Meanwhile, there are multitudes of witnesses and pieces of evidence that have been made public in a rare instance of sharing trial proceedings with the public. A bigger study with a larger scope could incorporate the analysis of all those and how they have contributed to the overall representation of the plaintiffs and defendants. Through the analysis process, it was also clear that multimodal analysis could highlight different aspects of power that are normally not reflected within trial transcripts. It could also be helpful to examine witnesses' responses through Grice's (1975) cooperative principle to unravel whether varying degrees of cooperation could lead to different representation of the same events. Comparing lay witnesses' power on the stand to a global star power could showcase whether witnesses could hold a new power form that is yet to be explored. Finally, trial discourse is much like today's global context: language never reflects life neutrally.

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