2010

The National Consortium of Interpreter Education Centers

An Annotated Bibliography of Resources of Interest to ASL Legal Interpreters

NCIEC Legal Interpreting Workgroup
Prepared by Carla Mathers, Esq., SC:L
3/1/2010

Official Publication of the National Consortium of Interpreter Education Centers © 2010.

The National Consortium of Interpreter Education Centers is funded from 2005 – 2010 by the U.S. Department of Education, Rehabilitation Services CFDA #84.160A and B, Training of Interpreters for Individuals Who Are Deaf and Individuals Who Are Deaf- Blind. Permission is granted to copy the materials enclosed herein, provided that National Consortium of Interpreter Education Centers is credited as the source and referenced appropriately on any such copies.

Sign Language Interpreting Literature

Books

Resource	Description	Details
Foret, Agnes T., & Petrowske, Mildred J. A Manual and Dictionary of Legal Terms for Interpreters for the Deaf Center for the Administration of Justice Wayne State University Law School Detroit, Michigan 1976	Ground breaking work for the dedication of the authors to ensure that the ASL descriptions glossed as equivalents for legal terms were accurate and untainted by pseudo-sign systems meant to approximate English. Of great historical significance to the field of ASL legal interpreting.	• Audience – ASL interpreters • Out of print • Excellent tool • Topic – legal sign vocabulary
Lucas, Ceil, Editor Language and the Law in Deaf Communities Sociolinguistics in Deaf Communities Series Gallaudet University Press 2003	Compilation of articles regarding the intersection of deaf people and the law. Includes a qualitative researched based piece on the effectiveness of interpretations of the Miranda warnings, a chapter on interpreting for deaf jurors, and appellate issues, among other items.	• Audience – ASL interpreters • Available from publisher • Excellent tool • Topic – various, court, law enforcement, deaf jurors
Mathers, Carla M. Sign Language Interpreters in Court: Understanding Best Practices www.AuthorHouse.com AuthorHouse Publishing Bloomington, Indiana 2007	Explains the legal basis for the various roles and functions ASL court interpreters take. Explores the evidentiary bases requiring interpreters to testify in court. Sets forth case law, statutory authority and court administration protocol undergirding ASL interpreters practice and protocol.	• Audience – all • Available from publisher • Essential tool • Topic – case law, statutory bases and court rules governing court interpreting

Resource	Description	Details
Myers, Lowell J. The Law and the Deaf U.S. Department of Health, Education & Welfare 1964	Written by a deaf attorney, this guide provides a unique historical perspective to the legal issues faced by the deaf community in the mid-Twentieth century and at the same time as the interpreting profession was being established.	• Audience – all • Out of print • Useful tool • Topic – deaf people and the law
National Center for Law and Deafness Dubow, Sy, Geer, Sarah & Peltz Strauss, Karen Legal Rights: The Guide for Deaf and Hard of Hearing People Gallaudet University Press (Fourth Edition 1992)	Outlines the major statutes giving rights to deaf people in the United States including advice on how deaf people communicate, the Americans with Disabilities Act, the Rehabilitation Act of 1973, the Education Acts for deaf children, and statutes that affect deaf people in need of mental health services, health care, social services, captioning, telephone service, employment and architectural access.	• Audience – deaf people, attorneys, courts, the general public and interpreters • Available from publisher • Important tool • Topic – legal rights of deaf people
Patrie, Carol J. Interpreting in Legal Settings Dawn Sign Press San Diego, California 2002	Videotape and accompanying manual which provide interpreting students the opportunity to observe interpreting situations as they might actually occur. The manual provides thought questions, vocabulary lists and the transcripts of the videotaped interaction.	• Audience – legal interpreting students • Available from the publisher • Helpful tool • Topic – skills development in legal (out of court) interpreting settings

Resource	Description	Details
Russell, Debra L. Interpreting in Legal Contexts: Consecutive and Simultaneous Interpretation Linstok Press Dissertation Series Linstok Press Burtonsville, Maryland 2002	Seminal work establishing a research base for the concept that consecutive interpretation is more accurate than simultaneous interpretation in trials. Based upon mock trials conducted and analyzed by the author which compared accuracy rates in established error taxonomies when a legal text was interpreted in the consecutive mode vis a vis the simultaneous mode.	• Audience – ASL interpreters and academics • Available from publisher • Essential tool • Topic – consecutive interpreting and accuracy
Russell, Debra L.,& Hale, Sandra, Editors Interpreting in Legal Settings Studies in Interpretation Series Volume 4 Gallaudet University Press 2008	The editors bring together five chapters from various spoken language and sign language interpreter scholars and include topics such as the dynamics of court interpreting, interpreting in asylum appeal hearings, an analysis of the court interpreter's strategies for conveying threats to face, deaf jurors, a preparation and its perception by multiple actors, and legal interpreting in Malaysia.	• Audience – legal interpreting students • Available from the publisher • Helpful tool • Topic – Deaf jurors, preparation, international
Witter-Merithew, Anna Interpreting in the American Judicial System Advancement Seminars, Inc. Sign Media, Inc. Burtonsville, Maryland 1995	Seminal practical tool including a series of 12 videos and an accompanying workbook to understand the legal system and implement the concepts through viewing model interpretations and through providing stimulus materials for practice activities	• Audience – ASL interpreters • Available from publisher • Essential tool • Topic – court and legal interpreting; self-study curriculum and practical materials

Sign Language Interpreting Literature

Articles & Journal Articles

Resource	Description	Details
Andrews, Jean F., Vernon, McCay & LaVigne, Michele The Bill of Rights, Due Process and the Deaf Suspect/Defendant Journal of Interpretation Registry of Interpreters for the Deaf 2007	Authors suggest that a significant population of deaf people who interact with the legal setting have little formal language skills and as a result are denied their basic civil rights when interacting with the legal system even when provided with a qualified sign language interpreter. Research conducted through a readability analysis of 11 common legal documents. Authors conclude that this population cannot comprehend the documents even with the aid of a sign language interpreter.	• Audience – ASL interpreters • Available from publisher • Helpful tool • Topic – sight translation and legal document content; English reading levels; deaf interpreters
Berko, Michelle Lee Preserving the Sixth Amendment Rights of the Deaf Defendant 97 Dickenson Law Review 1992	Sets forth a dated, yet good, discussion of the Constitutional rights of deaf defendants. Includes the rights to confrontation and to effective assistance of counsel. Inventories the various methods of communicating with deaf defendants and critiques each (i.e., lipreading, writing, interpreting)	• Audience -- Attorneys, courts and ASL interpreters • Available in law libraries • Important tool • Topic – criminal law and rights of deaf defendants

Resource	Description	Details
Brunson, Jeremy, L. Your Case Will Now be Heard: Sign Language Interpreters as Problematic Accommodations in Legal Interactions Journal of Deaf Studies and Deaf Education 13:1 Winter 2008	Presents a qualitative study of the experiences that deaf people have regarding accommodations in the legal setting – specifically with interpreters. The author finds that three major themes emerged including the person's experience obtaining an accommodation; obtaining one that is problematic; and obtaining a partial accommodation due to internal ineffectiveness of the interpreter.	• Audience – ASL interpreters, deaf people • Available from publisher • Helpful tool • Topic – quality of interpreters
LaVigne, Michele & Vernon, McCay An Interpreter Isn't Enough: Deafness, Language and Due Process. 2003 Wis. L. Rev. 843	Provides a thorough explanation of the various linguistic issues present within the deaf community. Focuses on deaf individuals who have been declared or at risk of being deemed linguistically incompetent even with skilled interpreting provided by deaf interpreters.	• Audience – attorneys • Available from law libraries, the publisher or Westlaw • Important tool • Topic – linguistic incompetency
Mathers, Carla M. • To Testify or Not to Testify, That is the Question (October 2002 Views) • Responding to Subpoenas (August/Sept. 2004 Views) • The Murky Waters of Testifying in Court (Nov. 2006 Views) Registry of Interpreters for the Deaf -- Subpoena Series	Provide guidance and information to interpreters who have been subpoenaed to testify about prior interpreting. Explains the legal basis for understanding why counsel subpoena interpreters and practical suggestions for interpreters in preparing to testify.	• Audience – ASL interpreters • Available from www.rid.org (keyword search subpoenas) • Important tool • Topic -- testifying

Resource	Description	Details
Mathers, Carla M. *United States v. Davis:* The Linguistic Litmus Test for Exercising a Constitutional Right Journal of Interpretation Registry of Interpreters for the Deaf 2005	Discusses a Supreme Court case interpreting *Miranda* in which the court announced that to obtain an attorney, after one has already waived their rights and agreed to talk with the police, a suspect must state unequivocally that one wants an attorney. Discusses the implications for interpretation and the power dynamics that exist when a deaf person is interrogated	• Audience – ASL interpreters • Available from www.rid.org • Useful tool • Topic – Law enforcement interpreting and privileged communications
Miller, Katrina R., Signs of Prison Life: Linguistic Adaptations of Deaf Inmates Journal of Interpretation Registry of Interpreters for the Deaf 2003	Author presents the results of a preliminary analysis of language use of 96 deaf prisoners in Texas. While results indicate 90% use sign language approximately 20% use non-standard sign language which indicates the need for deaf interpreters in those correctional settings for communication access.	• Audience – sign language interpreters • Available from the publisher • Useful tool • Topic – correctional settings; deaf interpreters
NCIEC Legal Interpreting Workgroup Prepared by: Mathers, Carla M. The Deaf Interpreter in Court: An accommodation that is More than Reasonable. National Consortium of Interpreter Education Centers 2009	Provides legal authority derived from statutes, cases, court practices and social science research supporting the use of deaf interpreters in court in a variety of settings. Delineates characteristics of deaf litigants, interpreters who can hear and specific environmental challenges that suggest the legal assignment be staffed with deaf interpreters. Surveys the state of the legislative environment with respect to provisions permitting or requiring the use of deaf interpreters.	• Audience – all • Available online from NCIEC • Important tool • Topic – deaf interpreting

Resource	Description	Details
New Jersey Language Services Section Guidelines for Proceedings that Involve Deaf Persons who do not Communicate Competently in American Sign Language Administrative Office of the Courts 2004	Sets forth factual settings in which special linguistic accommodations must be made for effective communicative access to the courts. Advises courts on procedure and processes for using deaf interpreters in court. Includes practical suggestions for judges such as instructions to the jury.	• Audience – court administrators, judges, attorneys • Available from New Jersey Administrative Office of the Courts, Language Services Section • Important tool • Topic – deaf interpreting
Registry of Interpreters for the Deaf Standard Practice Paper Interpreting in Legal Settings 2007	Sets forth the position of the national organization of ASL interpreters on aspects relating to qualification and use of interpreters in legal settings including in-court and out of court settings.	• Audience – ASL interpreters, deaf people and legal consumers • Available from RID • Essential tool • Topic – legal and court interpreting
Registry of Interpreters for the Deaf Standard Practice Paper Use of a Certified Deaf Interpreter 2007	Sets forth the unique contributions that a deaf interpreter provides to certain interpreting assignments, including legal interpreting. Sets forth the Association's affirmation of the use of Deaf interpreters.	• Audience – ASL interpreters, deaf people and legal consumers • Available from RID • Essential tool • Topic – deaf interpreters
Sheridan, Brian D. Accommodations for the Hearing Impaired in State Courts 74 Michigan Bar Journal 396 (1995)	Concise description of the legal rights of deaf and hard of hearing litigants to communication access in state courts. Surveys the state anti-discrimination statute and the Americans with Disabilities Act. Provides a range of suggested accommodations including sign language interpreters.	• Audience – attorneys • Available from law libraries, the publisher or Westlaw • Helpful tool for advocacy purposes • Topic – legal rights to communication accommodations

Resource	Description	Details
Smith, Deidre M. Confronting Silence: The Constitution, Deaf Criminal Defendants, and the Right to Interpretation During Trial 46 Maine Law Review 47 1994	Law review article surveying the language of the deaf population in the U.S. and the unique issues facing it. Presents a good primer for use in educating courts and attorneys regarding issues facing deaf litigants. Presents an overview of significant state and federal cases involving deaf litigants. Presents pertinent constitutional provisions ensuring the rights of deaf litigants. Presents pertinent federal statutory provisions relating to the right to interpreters for deaf litigants. Discusses the implications of the failure to provide effective accommodations for deaf people	• Audience – Attorneys, judges and interpreters • Available from law libraries, the publisher or Westlaw • Important tool • Topic –Legal rights of Deaf criminal defendants
Witter-Merithew, Anna Considerations for Interpreting Depositions DO IT Center Interpreting in the American Legal System Program 2002	Defines the deposition procedure and processes as witness testimony and sets forth factors that interpreters working in depositions must consider. Includes a discussion of accuracy with respect to witness testimony, the obligation to prepare for depositions and to seek clarification if presented with unintelligible source language input, the purpose of the record in legal proceedings and the interpreter's relation to it, and strategies for reducing miscues.	• Audience – ASL interpreters • Available from DO IT Center • Essential tool • Topic – Depositions

Resource	Description	Details
Witter-Merithew, Anna Considerations for Interpreting Lines of Questioning in Legal Discourse Events DO IT Center Interpreting in the American Legal System Program 2002	Discusses the concept that texts are informed by context and expectations. Discusses the structure of four legal discourse events typified by lines of questioning including interrogatories, depositions, attorney-client interviews and direct/cross examination of witnesses. Presents a number of challenges to ASL interpreters presented by interpreting these legal discourse events.	• Audience – ASL interpreters • Available from DO IT Center • Essential tool • Topic – Interpreting in court; linguistics
Witter-Merithew, Anna The Legal Right to an Interpreter and Who is Qualified to Interpret in the Legal Context DO IT Center Interpreting in the American Legal System Program 2002	Sets forth the growing demand for interpreters of all languages and the sources of legal authority for the provision of interpreters. Suggests that the importance of qualified interpreters for non-English speaking individuals in court is critical to their realization of their legal rights.	• Audience – ASL interpreters • Available from DO IT Center • Important tool • Topic – Legal bases for interpreters and for definition of qualified interpreter
Witter-Merithew, Anna Principles and Protocol Associated with Courtroom Interpreting DO IT Center Interpreting in the American Legal System Program 2002	Details the fundamental rules governing court interpreters as well as commonly expected behavior that court interpreters must know. Explains the basis for the expectation that the interpreter is prepared, refrains from working in settings in which a conflict of interest is present, understands the peculiar rules regarding communication with the court and with the parties, understands the bases for voir dire, and the interpreter oath.	• Audience – ASL interpreters • Available from DO IT Center • Essential tool • Topic – Interpreter protocol and principles

Spoken Language Interpreting Literature

Books

Resource	Description	Details
Adelo, A. Samuel Working with Interpreters: Some Suggestions for Legal Professionals Bar Journal of the State of New Mexico, March/April 1995	Provides practical information and suggestions to attorneys who use interpreters to communicate with their clients. Explains that many interpreters are not fluent or ethical and gives attorneys a guide for gauging the behavior of interpreters.	• Audience – attorneys • Available from the publisher • Helpful tool • Topic – ethics and protocol
Alcaraz, Enrique & Hughes, Brian Legal Translation Explained Series: Translation Practices Explained St. Jerome Publishing Manchester UK 2002	Designed for spoken language translation students as an introduction to translating in the legal arena. One of a series of manuals which presents scholarship on various topics. The authors discuss the difficulty of understanding legal English, explain the Anglo-American legal system as compared to the civil law European system, discuss translation method and provide resources for the translator of legal texts.	• Audience – spoken language translators • Available from publisher • Useful tool • Topic – legal translation
Berk-Seligson, Susan The Bilingual Courtroom: Court Interpreters in the Judicial Process Language and Legal Discourse Series University of Chicago Press Chicago and London 1990	Discusses the need for and difficulty of interpreting in court settings. Focuses on spoken language interpreting. Examines legalese and its comprehensibility, and the legal basis for court appointed interpreters. Presents the results of research interpreters; interpreter modifications of pragmatic aspects of the message, the impact of the interpreter on the juror's evaluation of witnesses and a discussion of appellate cases involving interpreters.	• Audience – spoken language interpreters • Difficult to find (may be out of print) • Essential tool • Topic – court interpreting

Resource	Description	Details
Colin, Joan & Morris, Ruth Interpreters and the Legal Process Waterside Press Winchester UK 1996	Handbook designed for interpreters in the British legal system in particular focusing on the processes an interpreter can expect to encounter from police interviews through the court system and the post-trial probation system. Provides a glossary of terms commonly used by the interpreting profession in England and Wales. Contains some information on ASL and BSL interpreting.	• Audience – interpreters in England and Wales, both spoken language and sign language. • Available from publisher. • Helpful tool • Topic – interpreting in England and Wales
Edwards, Alicia The Practice of Court Interpreting Benjamins Translation Library Volume 6 John Benjamins Publishing Company Amsterdam/Philadelphia 1995	Provides in-depth practical advice regarding becoming a court interpreter, on preparing for a case and the structure of commonly interpreted criminal matters, on ethics, roles and procedures unique to the court interpreter, on translation of documents and transcription of tapes as well as the interpreter's role in testifying as an expert to their prior transcription of tapes.	• Audience – spoken language interpreters • Available from the publisher • Helpful tool • Topic – practical aspects of court interpreting
Crooker, Constance Emerson The Art of Legal Interpretation: A Guide for Court Interpreters Portland State University Continuing Education Press 1996	Compilation of primarily primary resources such as statutes, ethics codes, AOC reports regarding qualifications of spoken language interpreters in Oregon. Contains the federal statute and standards as well. Discusses language fluency versus interpreting fluency, discusses the competencies suggested that the court interpreter possess. Designed as a orientation for new interpreters seeking to become legal interpreters and to prepare for certification.	• Audience – spoken language interpreters and specifically, interpreters working in Oregon • Available from the publisher • Helpful tool • Topic – court interpreting

Resource	Description	Details
Duenas Gonzalez, Rosann, Vasquez, Victoria F., & Mikkelson, Holly Fundamentals of Court Interpretation: Theory, Policy and Practice. Carolina Academic Press 1992	Explores the legal, linguistic and pragmatic bases of court interpreting focusing on spoken language interpreting. Seminal text providing in depth discussion of roles and ethics of court interpreting. Sets forth the history of court interpreting, practical and professional issues discussion and offers guidance to courts regarding utilization of court interpreters.	• Audience – spoken language interpreters • Available from publisher • Essential tool • Topic -- court interpreting; spoken language interpreter model
Mason, Ian, Editor Triadic Exchanges: Studies in Dialogue Interpreting St. Jerome Publishing Manchester, UK 2001	Collection of research articles focusing in part on legal interpreting such as the challenges in interpreting expert witness testimony and interpreting courtroom questions. One non-legal paper on sign language interpreters in Austria.	• Audience – interpreter academics • Available from publisher • Useful tool • Topic – spoken language legal interpreting
Mikkelson, Holly Translation Practices Explained Introduction to Court Interpreting St. Jerome Publishing Manchester UK 2000	Provides an introduction to court interpreting with a focus on non-American based court and dispute resolution systems. Discusses the various legal traditions of the world, civil and criminal procedure, court interpreter ethics, modes of interpretation. Also provides some practical exercises for interpreting students to use.	• Audience – international spoken language interpreters • Available from the publisher • Useful tool • Topic – international legal tradition

Resource	Description	Details
Morrow, Phyllis A Sociolinguistic Mismatch: Central Alaskan Yup'iks and the Legal System Alaska Justice Forum, 10(2), Summer 1993	Legal professionals working with Yup'iks in central Alaska conducted investigation into the high number of confessions and pleas of guilty in criminal cases among this nation. It was found that the cultural and linguistic orientation of Yup'iks accounts for part of this. The anthropological research demonstrated differing legal traditions between Yup'iks and the American legal system.	• Audience – spoken language interpreters • Available from publisher and online • Important tool • Topic – cultural factors in interpretation
National Center for State Courts Court Interpretation: Model Guides for Policies and Practices in the State Courts 1995	Designed for state court administrators in establishing court interpreting programs. Includes information on training, testing and ensuring ethical conduct on the part of court interpreters. Focuses on spoken language interpreting issues.	• Audience – court administrators, spoken language interpreters • Available online from publisher • Important tool • Topic –court interpreting

Spoken Language Interpreting Literature

Articles & Journal Articles

Resource	Description	Details
Ahmad, Muneer, I. Interpreting Communities: Lawyering Across Language Differences 54 University of California at Los Angeles Law Review 999 2007	Presenting the argument for greater collaboration between poverty lawyers and interpreters in representing clients. Discusses the challenges that an interpreter brings to a traditional attorney-client dyad which is helpful to interpreters in understanding attorney's conduct at times. Discusses views of interpreters as guardian, as co-counsel and as linguistic and cultural expert to the attorney. Argues for and explains the benefits of incorporating the community interpreting model to the law office.	• Audience – legal academics • Available from law libraries, the publisher or Westlaw • Interesting tool • Topic – interpreter's role
Arizona Minority Judges Caucus State of Arizona Access to the Courts Interpreter Need and Practice: Study and Recommendations Interpreter Issues Committee Supreme Court of Arizona 2001-2002	Sets forth statistics on the demand and usage of court interpreters in Arizona. Discusses interpreter qualifications, education, certification and training. Suggests ethical requirements and recommends staffing for Arizona courts. Suggests training for the judiciary, court staff and the bar regarding the proper use of court interpreters.	• Audience – courts and judges • Available from the Minority Judges Caucus of the Supreme Court of Arizona • Interesting tool • Topic -- Court interpreting issues in Arizona

Resource	Description	Details
Baker, Alice J. A Model Statute to Provide Foreign Language Interpreters in Ohio Courts 30 University of Toledo Law Review 593 Summer 1999	The author is a sign language interpreter and attorney who defines court interpreting and sets forth a format for state level legislation to ensure that the interpreters working in court are qualified. The article describes the state and federal constitutional basis for an interpreter and the functions that interpreters generally take in legal settings. The author proposes that a model statute would incorporate the right to spoken language interpreters more broadly hand previously afforded.	• Audience – courts and attorneys • Available from law libraries, the publisher or Westlaw • Interesting tool • Topic – State court interpreter statutes
Berk-Seligson, Susan Interpreting for the Police: Issues in Pre-trial Phases of the Judicial Process Forensic Linguistics The International Journal of Speech, Language and the Law Volume 7 Number 2 Peter French, Editor 2000	Examines the use of ad hoc interpreters by the police during the investigatory stages of a criminal trial through a review of appellate cases from three states. Issues of hearsay and the adequacy of the interpretation in the investigative work conducted by ad hoc interpreters is questioned by the author.	• Audience – interpreters and forensic linguists • Available from the publisher • Interesting tool Topic – Law enforcement interpreting
Bowles, John R. Court Interpreters in Alabama State Courts: Present Perils, Practices and Possibilities 31 American Journal of Trial Advocacy 619 2008	Presents compelling evidence that the lack of an organized interpreter program can have a disparate and adverse impact on non-English speakers. Discusses the need for accurate interpretation, the ethical challenges faced by interpreters, and the existence of bias and conflict of interest on the part of interpreters. Discusses the concept of interpreting privileged communications.	• Audience – courts and attorneys • Available from law libraries, the publisher or Westlaw • Interesting tool • Topic – State court interpreter programs

Resource	Description	Details
Commission on Gender, Commission on Race & Ethnicity United States Courts of Appeals for the Third Circuit Report of the Third Circuit Task Force on Equal Treatment in the Courts 47 Villanova Law Review 1997	Surveys the state of the law regarding the use of spoken and sign language interpreter in state and federal courts. Sets forth statistics regarding interpreter usage by language and locale as well as anecdotal information gathered by the Task Force regarding the problems with interpreters. Provides a discussion of role and function of interpreters and engaged in a literature review of information related to interpreting in court.	• Audience – courts and attorneys • Available from, law libraries, the United States Court of Appeals for the Third Circuit or Westlaw • Useful tool • Topic – interpreters in the court system
Dery, Leslie, V. Amadou Diallo and the "Foreigner" Meme: Interpreting the Application of the Federal Court Interpreter Laws 53 Florida Law Review 230 April 2001	A meme is a behavior, attitude, or idea learned from non-family members or imitated and then transferred to others until it becomes established in the culture. Dery analyzes the concept of "foreigner" in the legal system and how that person is viewed negatively by the dominant culture. Analyzes the brutal death of Diallo at the hands of law enforcement officers and the media insinuation that he was at least partially responsible for his death because he could not speak English. Also looks at the application of the Interpreter Act to individuals who have some English but not fluent English.	• Audience – courts and attorneys • Available from, law libraries, the publisher or Westlaw • Interesting tool • Topic – culture; Federal Court Interpreting Act

Resource	Description	Details
Eclavea, Romualdo, P. Admissibility of Testimony Concerning Extrajudicial Statements Made to or in the Presence of Witness through an Interpreter 12 American Law Reports 4th 1016 Lawyers Cooperative Publishing Company 1982 (original) 2004 (supplement)	Annotation which collects and discusses cases in which out of court testimony has been objected to on the basis of hearsay because the original statement was made through an interpreter and the witness has no personal knowledge of the original statement.	• Audience – attorneys • Available at law libraries, from the publisher or on Westlaw • Useful tool • Topic – hearsay
Fleming, Thomas M., J.D. The Right of the Accused to have Evidence or Court Proceedings Interpreted, Because Accused or Other Participant is Not Proficient in the Language Used. American Law Reports 5th 32 A.L.R.5th 149 Original 1995 Supplement 2008	Collection of cases dealing with the right to interpreters for specific functions in both state and federal courts. Collects cases by type of proceeding in which the interpreter is needed. Discusses waiver standards for interpreters and the qualifications of interpreters. Collects cases regarding the 'borrowing' of interpreters. Sets forth the various standards upon which an appellate court will review the trial court's determination regarding interpreters.	• Audience – attorneys • Available from law libraries, the publisher or Westlaw • Interesting tool for examining the diversity of opinions on court interpreters • Topic – legal standards underlying the right to an interpreter

Resource	Description	Details
Holliday, Beth Bates Interpreter or Translator as Party's Agent for Purposes of Admission by Party-Opponent Exception to Hearsay Rule 121 American Law Reports Federal 611 Lawyers' Cooperative Publishing Company 1994 (original) 2004 (supplement)	When testimony is offered as to statements made by a party-opponent in a language the witness could not understand, translated by a third person into a language understood by the witness, courts have admitted testimony as to the translated statements on the theory that the third person interpreting the statements acted as the party-opponent's agent or was otherwise authorized to speak for him. Annotation collects and discusses cases which have both admitted and excluded interpreted testimony.	• Audience – attorneys • Available at law libraries, from the publisher or on Westlaw • Useful tool • Topic – hearsay
Karton, Joshua Lost in Translation: International Criminal Tribunals and the Legal Implications of Interpreted Testimony 41 Vanderbilt Journal of Transnational Law 1 2008	The author warns readers that when interpreters are involved there will be significant errors in the interpretation of witness testimony. The author details the history of international legal interpreting, the mechanics of interpreted witness testimony, and sets forth stark examples of the types of errors that interpreters make due to the indeterminacy of language translation.	• Audience – attorneys and courts • Available from law libraries, the publisher or Westlaw • Valuable tool supporting the use of interpreters to monitor • Topic – interpreter errors ; witness interpreting
McAlister, Jamie Deaf and Hard of Hearing Criminal Defendants: How You Gonna Get Justice If You Can't Talk to the Judge? 26 Arizona State Law Journal 163 1994	Sets forth a short history of the treatment of deaf people by the larger society and the reasons for the development of a deaf community. Explores the various range of accommodations available for deaf litigants.	• Audience – attorneys and courts • Available from law libraries, the publisher or Westlaw • Valuable tool for educating courts and attorneys • Topic – interpreting; culture; CDI

Resource	Description	Details
Mikkelson, Holly Toward a Redefinition of the Role of the Court Interpreter http://www.acebo.com/papers/rolintrp.htm Undated	Sets forth the legal bases for the various ethical principles governing court interpreters in the United States. Presents some discussion of interpreting in countries with different legal traditions such as civil law countries.	• Audience – spoken language interpreters • Available from internet • Useful tool • Topic – roles; ethics
National Association of Judiciary Interpreters and Translators Preparing Interpreters in Rare Languages Position Paper 2005	Designed as a guide for court administrators to assist them in locating interpreters in languages of low incidence. Contains valuable information supporting the concept of the court interpreter's duty to prepare adequately for an assignment.	• Audience – court administrators • Readily available from www.najit.org • Essential tool • Topic – preparation and deaf interpreters
National Association of Judiciary Interpreters and Translators Direct Speech in Legal Settings Position Paper 2004	Designed as a guide for court administrators and judges to understand how to interact with non-English speakers through the interpreter. Provides clear examples of the misunderstandings that can occur when indirect speech is used.	• Audience – court administrators and interpreters • Readily available from www.najit.org • Essential tool • Topic – protocol
Piatt, Bill Attorney as Interpreter: A Return to Babble 20 New Mexico Law Review 1, Winter 1990	Sets forth the legal basis for an interpreter and the duties of an attorney and explains the inconsistencies of bilingual counsel functioning as an interpreter in a case in which the attorney is involved.	• Audience attorneys • Available from law libraries, the publisher or Westlaw • Helpful resource Topic – attorney ethics; interpreter roles

Resource	Description	Details
Reagan, Helen, E. Considerations in Litigating a Civil Case With Non-English Speaking Clients American Jurisprudence -- Trials 65 Am. Jur. Trials 1 Supplement 2009	Provides an attorney's perspective on the use of spoken language interpreters in depositions for taking non-English speaking testimony. Discusses the interpretation of objections and the issues of representing farm workers including the power issues that arise. Suggests that the role of law office interpreter as an agent of the attorney differs markedly from the court's interpreter and the two roles should not be merged. Explains commonly encountered difficulties that interpreters face in witness interpreting settings such as depositions. Perspective from spoken language interpreters is at times different than sign language interpreters suggested practices.	• Audience attorneys • Available from law libraries, the publisher or Westlaw • Helpful resource for the specialist. • Topic – counsel table interpreting; depositions/witness function interpreting
Romberger, Wanda Interpreters in Civil Cases National Center for State Courts Undated	Discusses Executive Order 13166 which requires language access for limited English proficiency litigants in civil cases. Important work because prior to the Executive Order, interpreters were routinely denied to non-English speakers. Important work for sign language interpreters to understand how the entitlement to their services differs from to spoken language interpreters.	• Audience – court administrators, judges, attorneys and spoken language interpreters • Available from www.ncsc.org • Important tool • Topic –civil matters

Resource	Description	Details
Salimbene, Franklin Court Interpreters: Standards of Practice and Standards for Training 6 Cornell Journal of Law and Public Policy Spring 1997	Sets forth the ethical requirements for court interpreting and suggestions for curriculum and teacher development for court interpreter training programs	• Audience attorneys • Available from law libraries, the publisher or Westlaw • Helpful resource for the specialist and the educator • Topic – Ethics; interpreter education
Shepard, Randall T., Chief Justice Access to Justice for People who do not Speak English 2007 Recent Developments in Indiana Law 40 Indiana Law Review 643 (2007)	Comprehensive law review discussing the issues that a court should be aware can go awry in an interpreted case including interpreter errors as a result of competency and bias. Presents a summary of federal legislative initiatives an Indiana legislative initiatives to improve access to courts through competent interpreting	• Audience – court administrators, judges, attorneys in Indiana • Available from law libraries, the publisher or Westlaw • Interesting tool • Topic – interpreter practice; protocol
Simon, Jo Anne Symposium: The Use of Interpreters for the Deaf and the Legal Community's Obligation to Comply with the ADA 8 Journal of Law and Health 155 1993/1994	Excellent early discussion of the effect of the ADA on the legal profession. Sets forth various aspects for attorneys to consider including historical treatment of deaf individuals, qualifications of interpreters, methods of communication, interpreting protocol, use of team interpreters, interpreters in related legal settings (prisons), and interpreter preparation.	• Audience attorneys and courts • Available from law libraries, the publisher or Westlaw • Excellent resource Topic – Ethics; team; attorneys obligations; preparation

Resource	Description	Details
Supreme Court of Ohio Working with Interpreters for Deaf or Hard of Hearing Persons in the Courtroom: A Bench Card for Judges Supreme Court of Ohio, Interpreter Services Program May 2007	Provides an excellent resource for judges, attorneys and interpreters regarding the law, communication preferences, interpreter qualifications, sample voir dire, suggestions for facilitating interpreted communications, the interpreters oath, and sample jury instructions regarding interpreters.	• Audience – judges • Available from Ohio judicial website • Essential tool • Topic – interpreter practice; protocol
Supreme Court of Ohio Interpreters in the Judicial System: A Handbook for Ohio Judges Supreme Court of Ohio, Interpreter Services Program February 2008	Extensive presentation of the issues facing courts in working with spoken language and sign language interpreters. Includes legal authority, roles, modes, the oath, voir dire, appointment issues or considerations, and preparation, among other things.	• Audience – judges, attorneys • Available from Ohio Judiciary website • Excellent tool Topic – court interpreting
Wright, Charles A., & Gold, Victor, J. Rule 604, Interpreters 27 Federal Practice and Procedure, Evidence, section 6053 (Wight and Miller Treatise) 2005	Attempts a functional definition of language interpreters by suggesting their roles interpreting the proceedings function, the witness function and the access to counsel function. Sets forth case law and a brief discussion of the majority view of borrowing the court interpreter to provide access to counsel services	• Audience – judges, attorneys • Available from law libraries, the publisher or Westlaw • Interesting tool • Topic – function based interpreting

Generic Legal Resources

Books, Articles & Journal Articles

Resource	Description	Details
Black's Law Dictionary Abridged Fourth Edition West Publishing Co. St. Paul, Minnesota 1983	Legal dictionary. Any edition, or the newest possible edition is the most relevant and will have the most current usage in the field of law.	• Audience – attorneys and others interested in the law • Available generally at law school bookstores or bookstores with law sections • Essential tool • Topic – legal vocabulary
Gohara, Miriam S. A Lie For a Lie: False Confessions and the Case for Reconsidering the Legality of Deceptive Interrogation Techniques 33 Fordham Urban Law Journal 791 March 2006	Discusses police trickery and modern police interrogation practices in light of several recent and high profile cases. Discusses the empirical evidence regarding the correlation between trickery and false confessions and argues for legislative mandates prohibiting trickery.	• Audience – attorneys and others interested in the law • Available at law libraries, from the publisher or on Westlaw • Useful tool • Topic – law enforcement interpreting
Gordon, Neil, A. The Implications of Memetics for the Cultural Defense 50 Duke Law Journal 1809 2001	Discusses the implications of a legal strategy drawn from cultural norms and whether this promotes stereotyping or is helpful for courts to understand for punishment purposes and to mitigate sentences when defendants are acting in a culturally motivated manner.	• Audience – attorneys Available at law libraries, from the publisher or on Westlaw • Useful tool • Topic – culture

Resource	Description	Details
Inbau, Fred E., Reid, John E., Buckley, Joseph P. & Jayne, Brian C. Criminal Interrogation and Confessions (Fourth Edition) Jones & Bartlett Publishers Sudbury, Massachusetts 2004	Provides insight into interrogation procedure, law and techniques. Used as a training manual for law enforcement contains sections covering interviewing suspects, interrogation techniques, testifying regarding confessions and a discussion of the legal requirements of law enforcement in both interrogations and in obtaining confessions	• Audience – Law Enforcement officers • Generally available • Helpful tool • Topic – Interrogations and Confessions
Marcus, Paul It's Not Just About Miranda: Determining the Voluntariness of Confessions in Criminal Prosecutions 40 Valparaiso University Law Review 601 2006	Whether a confession is admitted does not simply rest in whether the Miranda warnings were given and understood. Here the author discusses the due process or voluntariness prong that must also be met in order for the confession to be admissible. While not directly dealing with interpreting issues, this article provides an in-depth look at the law on voluntariness as it is applied to confessions.	• Audience – attorneys and others interested in the law • Available at law libraries, from the publisher or on Westlaw • Useful tool • Topic – law enforcement interpreting
Mauet, Thomas A. Fundamentals of Trial Techniques (3rd Edition) Little, Brown and Company Boston Toronto and London 1992	Designed for attorneys, this text examines the entire anatomy of a trial from jury selection, opening statements, direct examination, the use of exhibits, cross examination, closing arguments, objections, trial preparation and strategy. Important tool to orient court interpreters to the workings of the attorney's mind in the trial process whether civil or criminal.	• Audience – attorneys and law students • Available from publisher or at law school bookstores • Useful tool • Topic – trial strategy and process

Forensic Linguistic Resources Beneficial to Interpreters in Legal Settings

Books, Articles & Journal Articles

Resource	Description	Details
Ainsworth, Janet 'You Have the Right to Remain Silent…' But Only If You Ask for It Just So: The Role of Linguistic Ideology in American Police Interrogation Law The International Journal of Speech, Language and the Law Editors, Ron Butters, Diana Eades, Paul Foulkes & Peter French Volume 15, Number 1 2008	Criticizes current constitutional case law which requires a certain linguistic precision (U.S. v. Davis) in order to invoke the right to counsel during the interrogation after initially waiving the right to silence and agreeing to talk. Suggests that because of the hyper-literal requirements imposed by the Supreme Court, arrestees are unlikely to be able to effectively assert their constitutional rights.	• Audience – forensic linguists • Available from publisher • Useful tool • Topic – Constitutional law, law enforcement interpreting
Aldridge, Michelle & Luchjenbroers Linguistic Manipulations in Legal Discourse: Framing Questions and 'Smuggling' Information The International Journal of Speech, Language and the Law Editors, Malcolm Coulthard, Diana Eades, Paul Foulkes & Peter French Volume 14, Number 1 2007	The author focuses on the linguistic experiences of sexual-assault witnesses in the British legal system. Examines the questions posed to a witness to encourage a particular perception of her testimony. Includes conceptual frames and smuggling information in attorney's questions that support a representation that is in the witness' interest or against her interests. Concludes that such linguistic manipulations can weaken a witness' testimony by suggesting that she is to blame or is lying.	• Audience – forensic linguists • Available from publisher • Useful tool • Topic –socio-linguistics and interpreting for complaining witnesses in sex cases

Resource	Description	Details
Benneworth, Kelly Repertoires of Paedophilia: Conflicting Descriptions of Adult-child Sexual Relationships in the Investigative Interview The International Journal of Speech, Language and the Law Editors, Malcolm Coulthard, Diana Eades, Paul Foulkes & Peter French Volume 13, Number 2 2006	Content analysis of eleven audiotaped interviews between sexual offenders and police officers. The author examined the terms used to describe the adult-child sexual relationships and found that officers are more likely to use physical terms to describe the acts; whereas offenders used emotional, euphemistic and colloquial language form often.	• Audience – forensic linguists • Available from publisher • Useful tool • Topic –socio-linguistics and law enforcement; interpreting for complaining witnesses in sex cases
Charrow, Veda R., Crandall, Jo Ann, & Charrow, Robert P. Characteristics and Functions of Legal Language Sublanguage: Studies of Language in Restricted Semantic Domains Chapter 6 Richard Kittredge & John Lehrberger (Eds.) Walter DeGruyter & Co. Germany 1982	In depth examination of the professional sublanguage of the law in terms of its unique linguistic, syntactic and discursive features. Defines legal language as fodder for linguistic examination. Discusses the historical, sociological, historical and jurisprudential influences that contribute to the professional sublanguage and its characteristics. Concludes with a discussion of legal language and the layman including recommendations for reform.	• Audience – linguists and academics • Available from publisher • Valuable tool • Topic – Linguistics in the law
Conley, John M. & O'Barr, William M. Just Words: Law, Language, and Power Language and Legal Discourse Series University of Chicago Press Chicago and London 1998	Pre-eminent writers in the field of language and the power of language in the law bring together in this text a deeper discussion of the politics of law and use the discourse encountered in a rape trial, discourse in mediation sessions, in small claims court and examine discourse in the law through the lens of gender, culture and history.	• Audience – linguists and academics • Available from publisher • Valuable tool • Topic – Linguistics in the law

Resource	Description	Details
Cooke, Michael, Eades, Diana & Hale, Sandra Special Issue on Legal Interpreting Forensic Linguistics The International Journal of Speech, Language and the Law Volume 6 Number 1, 1999	This volume focuses on legal interpreting and has important articles on the impact of court interpreting on the coerciveness of leading questions; interpreters treatment of discourse markers, and questioning in interpreted testimony, among other valuable articles.	• Audience – linguists and academics • Available from publisher • Essential tool • Topic – Interpreting witness testimony, interpreter education and international perspective
Cotterill, Janet, Editor Forensic Linguistics The International Journal of Speech, Language and the Law Volume 9 Number 2, 2002	This volume collects articles critically re-examining the concept of powerful and powerless language; examining the in-court treatment of written statements by defendants; examining complainants' accounts of sexual assault and discussing the informal talk in sidebar sessions, among other items.	• Audience – linguists and academics • Available from publisher • Interesting tool • Topic – Socio-linguistics and discourse analysis in the law
Heydon, Georgina Establishing the Structure of Police Evidentiary Interviews with Suspects Speech, Language and the Law 11(1)2004 University of Brimingham Press 2004	Analysis of data from police interviews with suspect from rural Australia in which the author provides a description of the structure of police interviews aligning the functional parts of the interview with linguistic description meaningful for the analysis of talk in interaction. Heydon finds that the shift from the formal introduction to the information seeking portion is marked by participants attempting to realign roles, but that this is problematic for officers who must maintain the role of interrogator.	• Audience – linguists and academics • Available from publisher • Interesting tool • Topic – Goffman's participant roles; law enforcement analysis of talk

Resource	Description	Details
Levi, Judith N. & Graffam Walker, Anne (Editors) Language in the Judicial Process Law, Society and Policy Volume 5 Plenun Press New York and London 1990	Collected chapters of research into language and the law which had been presented at the Conference on Language in the Judicial Process in 1985. Chapters relevant to interpreters include topics such as lawyer-witness dynamics in cross examination, narrative structure in plea bargaining, litigant narratives in small claims court, and bilingual court proceedings and the interpreter's role. Contributors include Susan Berk-Seligson, William O'Barr, John Conley, Bethany Dumas, and Judith Levi, among others.	• Audience – academics and linguists • Available from publisher • Important tool • Topic – language in the judicial process
Morris, Marshall Editor Translation and the Law American Translators Association Scholarly Monograph Series Volume VIII John Benjamins Publishing Company Amsterdam/Philadelphia 1995	Presents qualitative research regarding various aspects on translation and interpreting, including Janis Palma's important work on the challenges faced by court interpreters from the textual density of the interpreted text. Includes chapters by Holly Mikkelson (accuracy versus brevity), Ruth Morris (attitudes of the legal system towards non-English speakers) and Helge Niska (role conflicts and discourse types in court interpreting).	• Audience – academics interested in interpreting, law, sociolinguistics and interpreters • Available from the publisher • Important tool • Topic – legal translation and interpreting

Resource	Description	Details
Newbury, Phillip & Johnson, Alison Suspects' Resistance to Constraining and Coercive Questioning Strategies in the Police Interview The International Journal of Speech, Language and the Law Editors, Malcolm Coulthard, Diana Eades, Paul Foulkes & Peter French Volume 13, Number 2 2006	Qualitative approach to question-response pairs in a police interview. Examines the resistance strategies used by the interviewee including contest, correction, avoidance and refusal. Examines the agreement-disagreement strategies used and incorporates an analysis of Grice's Cooperative Principles during the interview.	• Audience – forensic linguists • Available from publisher • Useful tool • Topic –socio-linguistics and law enforcement
Shuy, Roger W. Creating Language Crimes: How Law Enforcement Uses (and Misues) Language Oxford University Press 2005	Shuy's newer work which as the title implies deals with how law enforcement understands and organizes language crimes. Explaines the vital role that linguistic evidence and analysis play in criminal investigations. Shuy suggests that officers use conversational strategies to create crimes and sets forth examples of cases he has been involved with as an expert witness. Shuy also gives examples of the use of overlapping speech and ambiguity in a cooperating witness's discourse to create a language crime.	• Audience – forensic linguists • Available from publisher • Useful tool • Topic –socio-linguistics

Resource	Description	Details
Shuy, Roger W. The Language of Confession, Interrogation an Deception Sage Publications Thousand Oaks, California 1998	Provides insight into how law enforcement officers obtain confessions and provides a linguistic analysis of confessions in cases in which the author participated in as an expert to question the voluntariness of the confession. Discusses written and spontaneous confessions, implicature in confessions, and the language of the interrogator as a persuasive factor in obtaining confessions	• Audience – forensic linguists • Available from publisher • Useful tool • Topic – law enforcement and sociolinguistics
Shuy, Roger W. Language Crimes: The Use and Abuse of Language Evidence in the Courtroom Blackwell Publishers Oxford, UK 1996	Using materials from actual criminal prosecution, the text demonstrates linguistic analyses for proper comprehension of recorded conversations. Shuy, a sociolinguist, delves into criminal law areas involving spoken language such as bribery, offering, agreeing, threatening, admitting, telling the truth, perjury, promising and asking questions.	• Audience – forensic linguists • Available from publisher • Useful tool • Topic –socio-linguistics

Resource	Description	Details
Solan, Lawrence M. & Tiersma, Peter M. Speaking of Crime: The Language of Criminal Justice The Chicago Series in Law and Society University of Chicago Press Chicago and London 2005	The authors guide readers through a discussion of how law is used by the police with suspects, the goals of the officers in obtaining a confession and the limitations placed upon them. A legal analysis of the constraints upon law enforcement is also provided. The law regarding searches and consent to search as a discourse act is reviewed with an emphasis on the use of racial profiling as a method for developing probable cause. The authors survey the law regarding interrogation, confession and the right to counsel including Miranda. The authors discuss various implications of using linguistic evidence in court including witnesses memories, taped statements and written statements. Finally, several crimes of language are discussed including solicitation, conspiracy, bribery, threats and perjury.	• Audience – forensic linguists • Available from publisher • Useful tool • Topic –socio-linguistics in regards to the criminal law

Resource	Description	Details
Tiersma, Peter M. Legal Language The University of Chicago Press Chicago and London 1999	Written by a law professor-linguist, the text presents an analysis of how the legal system in the United States uses English and in its quest for precision, creates instability in understanding. The author includes an analysis of written pleadings, witness testimony and jury instructions.	• Audience – forensic linguists, and students of forensic linguists • Available from publisher • Helpful tool • Topic – linguistics in the law