

Legal Interpreter Training: Curriculum Toolkit for Trainers

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Deaf Interpreters: Practical Applications

Overview of Module and Related Units

Overview

This module explores the practical aspects of legal interpreting in Deaf-hearing teams. The module presents a commonly used model of conducting discourse analysis that learners will incorporate into their sight translation work. A discussion of sight translation principles will be explored. Commonly encountered legal texts will be analyzed and interpreted using sight translation. A discussion of the theories underlying consecutive and simultaneous interpreting methods and note-taking strategies will lead to the opportunity to both view interpreters interpreting various legal texts consecutively and simultaneously, and the opportunity to practice both methods of interpreting.

Purpose

The module aims to give learners practical experience interpreting and analyzing various texts through structured practice. Through guided hands on practice, learners will be introduced to sight translation, discourse analysis, consecutive interpreting, note-taking and simultaneous interpreting techniques. The module seeks to provide a theoretical underpinning as well as tools and strategies that learners can hone to incorporate the three commonly used modes of interpreting into their work.


Competencies

- Court and Legal Systems Knowledge
- General Legal Theory
- Court and Legal Interpreting Protocol
- Interpreting Knowledge and Skills
- Professional Development

Identify two types of documents appropriate for sight translation activities.

Identify one type of document that should not be sight translated without an attorney present.

Key Questions



Learners will receive and give feedback collaboratively with their peers on the sight translations performed.

Discussion

Discourse analysis is a method used by interpreter education programs to look at a piece of text and to analyze it for deeper meaning. Discourse is commonly thought of as how people structure and use language on a larger scale than that of the sentence level use and analysis. How we use

The University of Northern Colorado, DOIT Center, has implemented a 10 step discourse process by which learners can analyze texts they intend to translate or interpret. The steps are included in five functions of a cognitive model of interpretation: anticipate, comprehend, restructure, transfer and formulate. The steps include (anticipate) prediction, (comprehend) view/recall, content mapping, salient linguistic features in the source language, (restructure) abstraction, retell in the source language, (transfer) salient linguistic features in the target language, visualization mapping, and (formulate) retelling in the target language and interpretation. (DOIT Center, n.d.). Discourse mapping has been written about extensively by scholars in the field of ASL interpreting. There are many different approaches but most follow the same basic structure as the DOIT Center approach.

Sight translation can be thought of as a hybrid between the traditional methods of spoken language interpretation and written translation. A spoken language interpreter might be given a document in court and be

Activity 2

Go online and locate a juvenile version of the Miranda warnings.

Concept Review (Through in-class discussion or video logs posting)

1. Conduct a discourse analysis of the juvenile waiver of rights, include all steps from the discourse mapping approach you have chosen.
2. Compare thoughts regarding the differences between a juvenile waiver and an adult waiver of rights.
3. Discuss points in small group.
4. Prepare a sight translation in your group of the warnings.
5. Report out to large group and discuss similarities and differences.
6. Share/video your sight translation of a juvenile waiver of rights.

Activity 3

Prepare a sight translation of guilty plea available in the course materials.

Concept Review (Through in-class discussion or video logs posting)

1. Conduct a discourse analysis of the guilty plea, include all steps from the Discourse Mapping article you selected for Activity 1.
2. In small groups, create a context for an interrogation of a suspect and prepare a group sight translation.
3. Have each individual interpret the Miranda warnings on video.
4. Analyze and share feedback on the Miranda renditions.

Assessment

Formative assessment:


Results of internet research assigned regarding discourse mapping strategies.

Small group discussions and reporting out to large group.

Analysis of interpretations in small and large groups

Resource Materials

PowerPoint available in course materials.



Alcaraz, E., & Hughes, B. (2002). *Legal Translation Explained*.
Manchester, UK: St. Jerome Publishing.

University of Northern Colorado, DOIT Center. (2013).
Course work for Internship: Skills Development in Legal
Interpreting.

Winston, E., & Monikowski, C. (2000). *Discourse Mapping:
Developing Textual Coherence Skills in Interpreters* In
, ed. C. Roy.
Washington, D.C.: Gallaudet University Press.

Unit of Learning 2: Consecutive Interpreting Principles and Practice



Related Competency

- Court and Legal Systems Knowledge
- General Legal Theory
- Court and Legal Interpreting Protocol
- Interpreting Knowledge and Skills
- Professional Development

Purpose

This unit provides an overview of how the discourse of a trial is designed, organized and presented through witness testimony. The unit examines direct and cross examination strategies and their implications for the interpreting team. Further, this unit seeks to orient the learner to the theory and practice behind consecutive interpreting and note-taking which is used primarily in the legal setting during Deaf witness testimony. Understanding how evidence is presented through witness examination aids the interpreter in a number of ways. Predictions can be made on the

Team strategies can be enhanced by examining switching based upon anticipated direct or cross examination of various witnesses. Through an examination of the types of settings in which consecutive interpreting and note-taking are typically used and the types of legal discourse that can be anticipated during witness testimony, learners will become familiar with consecutive interpreting and note-taking as used by Deaf-hearing teams. The aim of this unit is to present a method of note-taking and provide hands on practical experience with note-taking which can be modified and used by Deaf hearing teams to enhance their own interpretations.

Objectives

Upon completion of this unit, learners will be able to:

Define consecutive interpreting;

List three settings in which consecutive interpreting takes place in legal interpreting;

State the seven (7) principles of note-taking;

State the difference between direct examination and cross examination;

direct examination versus interpreting cross examination;

Describe the system suggested by Tuck to ensure that Deaf interpreters working with semilingual or nonlingual Deaf individuals are accurately interpreting;

Key Questions

In what settings would an interpreter be likely to use consecutive interpretation and note-taking strategies.

What strategies can an interpreter develop to ensure that facts, form and function are all preserved in a consecutive interpretation?

What would be an example of the ways that interpreters may alter the function of the source language text in a consecutive interpretation?

is appropriate. With the inclusion of Deaf interpreters, the traditional process takes on a relay quality and much of the discourse may need to be processed consecutively, depending on the nature and language use of the Deaf participant. While the Deaf interpreter is rendering the message consecutively, the hearing interpreter does not necessarily have to use consecutive interpreting techniques in the ASL to English rendition directed to the court. Finally, some cases will present a linguistic scenario that may cause the Deaf interpreter to determine that consecutive interpreting must be used throughout the process. This would be the case for example if working with a witness or defendant who did not use American Sign Language.

While legal discourse may appear to be overly complicated and difficult to understand, there are parts of the process that are designed for the layman. In particular, direct, cross and re-direct examinations are the heart of a trial and the place where the evidence speaks directly to the jury. More than any other part of the trial, this is the stage which informs

Because of the critical role played by fact witness in determining truth, a higher standard of accuracy is imposed on interpreters requiring the use of consecutive interpreting and note-taking techniques. The Federal Court Interpreting Act of 1978, as amended, provides that the standard and expected form of interpretation for non-English speaking witnesses be conducted in the consecutive mode.

Cross examination has been lamented as the most difficult of the basic trial skills for an attorney to learn, yet when done effectively, cross

While lawyers are often accused of being tricky or trying to trap a witness, for the most part those critiques come from cross examination where the lawyer is always trying to demonstrate that the witness should not be believed for some reason. A lawyer might be trying, on cross, to show that at some point earlier in time, the witness told a different story than the one they are telling from the stand. A lawyer might be trying to show on cross that the witness has some interest in testifying in a particular manner and should not be believed. These are proper impeachment techniques and because they occur on cross examination, the critical information will be contained in

Cross examination is always presented through
s one that suggests



with a semilingual or nonlingual witness (Tuck, 913). There is no question that this wider latitude will be difficult for courts to accept. Courts are hyper-sensitive to interactions between non-English speaking witnesses and interpreters. Many cases have been documented that show that unscrupulous interpreters have, in the past, abused their position and the court was powerless to supervise. For example, one case involved a Spanish interpreter who routinely added a fifty dollar fee onto the fee. Courts will be resistant and even outright hostile to an interpreter who wants to

court being privy. But with a certain segment of the Deaf population, there will be no other way to arrive at their testimony. Deaf interpreters faced with a witness or party who lacks formalized language must meet separately with the court and attorneys and arrive at agreements on how questions will be asked and responses obtained. Further, Deaf interpreters should mitigate the concern such a practice will cause by ensuring that the hearing team interpreter informs the court when there is intra-translation negotiation of meaning by the Deaf interpreter with the Deaf individual.


In sum, consecutive interpreting and note-taking is the standard practice to be used when working with Deaf witness testimony. Both consecutive interpreting and note-taking are acquired skills that must be practiced before being implemented. In certain instances, the Deaf interpreter may need to negotiate for consecutive interpreting or quasi consecutive interpreting for the entire proceeding. Different parts of the trial pose and these can be predicted and with preparation, their effects lessened.

Activity 1

Read the WASCLA Language Access Summit VII paper on the seven principles of consecutive interpreting contained in the course materials.

Concept Review (Through in-class discussion and role-plays).

1. In small groups, discuss which of these features you might be likely to incorporate into your interpretation?
2. Review the lists of symbols and discuss which of these might make sense to use in your note-taking.

- 
3. What other examples of note-taking techniques would you likely want to incorporate into your interpretations?
 4. of the article.

Activity 2

In small groups, review the police report (Holmes Offense Report) provided for in the course materials from the case

Concept Review (Through in-

1. Discuss in small groups your thoughts about interpreting for the Deaf topic and participants based on your reading of the case file.
2. Assign roles as a Deaf-hearing team of proceedings interpreters and several other participants will take the role of leading the feedback discussion.
3. Interpret the testimony of Deaf mother using consecutive interpreting and note-taking techniques.

Activity 5

Function when a Deaf witness with Minimal Language Skills Testifies in Court available in the course materials.

Concept Review (Through in-class discussion or video logs posting)

1.

nature of the interaction between a Deaf witness and a Deaf interpreter.
2. What would this
would be reviewed and the correct interpretation be presented to the jury?

Assessment

Formative assessment:

- Through responses to in class discussions.
- Through paper or video logs requirements.
- Through self-analysis papers for the interpretations.


Resource Materials

PowerPoint from course materials.

Federal Court Interpreting Act, 28 U.S.C.A. 1827(k)(1996).

Florissi, A. (2011). The principles of consecutive interpreting. Workshop materials. WASCLA Language Access Summit VII. Available at http://www.wascla.org/library/folder.397038-Consecutive_Interpreting_Note_taking_and_Memory_Skills.

Russell, D. (2002). Interpreting in Legal Contexts: Consecutive and Simultaneous Interpretation. Burtonsville, MD: Linstok Press, Inc.



Tuck, B. (2010). Comment: Preserving Facts, Form, and Function when a Deaf witness with Minimal Language Skills Testifies in Court. 158 U. Penn. L. Rev. 905.



Unit of Learning 3: Simultaneous Interpreting Principles and Practice

Related Competencies

- Court and Legal Systems Knowledge
- General Legal Theory
- Court and Legal Interpreting Protocol
- Interpreting Knowledge and Skills
- Professional Development

Purpose

The purpose of this unit is to provide an overview of commonly interpreted settings in which simultaneous interpreting is used. When a Deaf and hearing team are working in court and legal settings, simultaneous interpreting will be difficult because of the dual

Nevertheless, simultaneous interpreting is the expected method of interpreting for a majority of any proceeding. Deaf interpreters must be able to simultaneously interpret texts such as jury instructions or the testimony of hearing witnesses just like hearing interpreters must be able to interpret these texts simultaneously. Simultaneous interpreting in a Deaf-hearing team context is an acquired skill which must be practiced to be effective. This unit is designed to provide an explanation of the cognitive processes and demands facing interpreters in simultaneous legal interpreting and an exploration of the settings in which it is used. This unit aims to provide opportunity for learners to practice interpreting simultaneously for commonly encountered proceedings.

Objectives

Upon completion of this unit, learners will be able to:

- State the eight portions of a legal proceeding in which simultaneous interpreting is used by default;
- State three mental skills that an interpreter using simultaneous interpreting must possess to effectively interpret;

Learners will take the role of the proceedings interpreter for simultaneous witness testimony.

Discussion

Much experience of Deaf consumers and much of the work of signed language interpreters is simultaneous in nature. Many interpreter training programs used to teach simultaneous interpreting to the exclusion of consecutive interpreting and as a result, many interpreters have little experience with consecutive interpreting and much experience with simultaneous interpreting. In a legal proceeding, Deaf interpreters have to be prepared to interpret in simultaneous or semi-simultaneous approaches for many of the legal settings they encounter.

Simultaneous interpreting is the default method for most court proceedings, including the initial appearance, jury selection, opening statements, motions, objections, side-bar conferences, closing argument and jury instructions. An interpreter must be able to quickly analyze and predict the discourse for comprehension. An interpreter must be able to utilize time lag efficiently to not lag too far behind the speaker, but far enough behind in order to be able to create a coherent rendition. Among other items, the simultaneous interpreter must be able to self-monitor and self-correct errors both quickly and efficiently.

length of time the proceedings would take if conducted in the consecutive mode.

On the other hand, simultaneous interpreting might occasion more stress and fatigue for the interpreter, resulting in more errors in the interpretation. Because of the rush of the on-coming source language input, the interpreter has less opportunity to recognize and repair errors. Interpreters might succumb to information overload and the quality of the interpretation would suffer. Simultaneous interpretation is generally more fatiguing than consecutive interpreting. Linguists have demonstrated empirically the stress that is involved in simultaneous interpreting. (Kurz, 2003). Finally, if simultaneous is used in settings which are typically reserved for consecutive interpreting, then it may be difficult to later re-negotiate the working conditions by subsequent interpreters.

Many theories exist into the cognitive processes involved in simultaneous interpreting. Because the cognitive process cannot be seen, some of the

Activity 1

Using the trial transcript provided for in the course materials from the case

Concept Review (Through in-class discussion and role-plays).

1. Discuss in small groups your thoughts about simultaneously interpreting (hearing officer).
2. Assign roles and one take the role of the officer.
3. Role play using consecutive interpreting and note-taking techniques the testimony of the officer.
4. Assign dedicated feedback group members who will lead the feedback discussion regarding the interpreting.

Activity 2

In small groups, review the custody case file provided in the course materials.

Concept Review (Through in-class discussion or video logs posting)


1. Review the custody case file materials in the custody file.
2. View the interpreted testimony of the Guardian ad Litem rendered by Team 2 Stephanie Clark, LeWana Clark and Pasch McCombs.
3. Discuss in small groups whether your predictions were realized in the custody case file.
4. What salient observations did you notice? How did the team handle the simultaneous interpreting process? How were notes used? How was monitoring and correcting handled if at all?

Activity 3

In small groups, review the custody case file provided in the course materials.

Concept Review (Through in-class discussion or video logs posting)

1. Discuss in small groups your thoughts about interpreting for the custody case file based on your reading of the case file. Discuss any predictions in terms of content, topic and participants based on your reading of the case file.

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2. Assign roles as a Deaf-hearing team of proceedings interpreters