

Legal Interpreting Skill Development: Improving Interpreting of Lines of Legal Questioning

Peter Tiersma (1999), in his book entitled *Legal Language*, discusses the role of these interactive narratives in the courtroom - indicating that the attorney, even during direct examination, make polite commands to tell a "mini-narrative" followed by a series of questions to clarify, expand or focus on particular points.

- In direct examination, questions typically flow from open-ended questions/requests for a brief narrative to increasingly coercive or controlling questions to give the witness very little leeway. The broadest type of such questions is the WH question - however, even these types questions are phrased in such a way as to limit the answer to a brief replay.
 - EX: "With respect to the white young man, where was he when you first observed him?"
 - Also common are the yes/no questions: EX: "Did he appear to you to be deceased?"
 - Or the disjunctive question in which the answer is restricted to two choices, both explicitly present in the question. EX: "Who was closer to the door that you entered, the young man or the young lady?"
- In cross-examination leading questions are often used - these are assertions of fact or accusations for which the attorney seeks agreement. "The cross examiner should strive to make the assertions and statements of fact: the witness should simply be asked to agree with them" (Tiersma, 1999, p. 165). Although not all cross examination consists of leading questions - they are very common.

Samples of each type of legal question form.

1. **Open questions** are WH questions that do not restrict the content included in the response.

Q. Why was it important to join the organization?
A. Because only members were allowed to vote on critical issues.

2. **Semi-open questions** are similar to a yes/no form of a question in that they have a specific and brief answer that can be predetermined. They can also come in the form of a yes/no question. When they are posed in the form of a yes/no question, they are typically followed by another semi-open question.

Example 1:

Q. When did you join the organization?
A. In April of 1972.

Q. Do you know how many people belong to the organization?
A. Yes.

Q. How many people belong to the organization?
A. About 7,500.

Example 2:

Q. With respect to the young man, where was he when you first observed him?
A. Lying face down on the bed.

3. **Closed questions** are those that intend a response that is restricted to yes or no.

Q. And, did he appear to you to be deceased?
A. Yes.

Tiersma, P. (1999). *Legal language*