
2011

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Suggested Citation

Roberson, Len; Russell, Deb; and Shaw, Risa (2011) "American Sign Language/English Interpreting in Legal Settings: Current Practices in North America," *Journal of Interpretation*: Vol. 21: Iss. 1, Article 6.

Available at: <https://digitalcommons.unf.edu/joi/vol21/iss1/6>

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American Sign Language/English Interpreting in Legal Settings: Current Practices in North America

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Abstract

Standard demographic information was collected on certified and non-certified sign language interpreters relative to the provision of interpreting services in legal settings. The study examined which practices interpreters incorporate into their work in legal settings, with particular attention to working in teams consisting of deaf and hearing interpreters, use of consecutive interpreting, preparation for interpreting in legal settings, and maintaining appropriate roles in the courtroom. Findings suggest that the main reason interpreters do not specialize in legal interpreting is a lack of understanding of the nature of the work and appropriate training. A systemic training sequence that addresses many of the deficits in both knowledge and skill currently found in the field is necessary.

Introduction

Interpreting in legal settings has been seen as an area that requires specialized skills and training (Gonzalez, Vasquez, & Mikkelson, 1991; Hale, 2002; 2007; Lee, 2009; Russell, 2002, 2008). In North America, the Registry of Interpreters for the Deaf, Inc. (RID) has recognized for several decades that interpreting in legal contexts is a distinctive field that requires both advanced skills and training. RID first developed the Specialist Certificate: Legal (SC:L) in 1980. Those interpreters who earn this specialist certificate have “demonstrated specialized knowledge of legal settings and greater familiarity with language used in the legal system” (RID, n.d.). Recent research about best practices that may shape interpreting in legal contexts revealed some practices in the field of sign language interpreting that may obstruct legal access for deaf participants (National Consortium of Interpreter Education Centers, 2009). Apart from this study, there has been little research about signed language interpreting in legal settings that would describe the demographics of interpreters working in legal settings or the training and practices for interpreters who work in legal settings. In an attempt to address this gap in the literature, we undertook a collaborative research project in North America to survey ASL-English interpreters¹.

The intent of this study was to collect standard demographic information on certified and non-certified signed language interpreters relative to the provision of interpreting services in legal settings. We collected data on the practices that interpreters incorporate in their work in legal settings, with particular attention to working in teams with deaf and non-deaf interpreters, using consecutive interpreting, preparing in advance for interpreting in legal assignments, and maintaining appropriate roles within the courtroom. Interpreters also were asked to identify past professional development related to interpreting in legal settings in which they had engaged and their need for further professional development. Additionally, we explored the background of the interpreters who are providing interpreting services in legal settings (e.g., certifications held, years of experience in interpreting in legal contexts, amount of training in interpreting in legal contexts) in order to examine how their backgrounds influence the integration of recommended best practices into their work. We also were interested in constructing survey questions that would allow us to see what training

¹ All references herein to interpreters includes deaf and non-deaf interpreters. We specify when we discuss one or the other specifically.

interpreters possess for the work, given the linguistic and cultural complexity of legal interpreting, and what training they would suggest as helpful in preparing them for legal discourse.

The research questions guiding this study were:

1. What backgrounds do certified interpreters providing interpreting in legal contexts possess?
2. What training in interpreting in legal contexts have certified interpreters had in order to provide such interpreting services?
3. What training in interpreting in legal contexts do certified interpreters providing such interpreting services need?
4. Which of the practices recommended in the RID Standard Practice Paper, *Interpreting in Legal Settings*, are readily integrated into the work of interpreters in the legal settings? Which, if any, are overlooked?
5. Do interpreters view the standard practices recommended by the RID Standard Practice Paper as valid and realistic?
6. How do interpreters work together in teams in legal settings?
7. What strategies and approaches do interpreters employ in order to prepare for interpreting in legal contexts?
8. What are the perceptions held by these interpreters about how the preparation supports or enhances the effectiveness of their work?

This article reports the major findings from the survey and offers recommendations to address these findings.

Literature Review

Studies in the field of interpretation and translation have offered insight into the specialized nature of interpreting in legal contexts in both spoken and signed language interpretation. Over the past two decades, several studies specifically addressed signed language interpreters and explored interpreting practices, products, theories, and strategies that contribute to Deaf people's access to the legal system (Brennan, 1999; Fournier, 1997; Miller, 2001; Miller & McCay, 1994; Napier & Spencer, 2008; Napier, Rohan, & Slatyer, 2007; Nardi, 2005; Russell, 2002; Stevens, 2005; Tilbury, 2005; Turner, 1995; Turner & Brown, 2001; Wilcox, 2006). These studies informed the current research design and were helpful in constructing the research questions and survey instrument in order to contribute to the current body of literature by gathering comprehensive demographic and descriptive data in North America.

The National Consortium of Interpreter Education Centers (NCIEC) brought together a national team of experts to define and document the best practices within the field of legal interpreting. This team became the NCIEC Legal Interpreting Workgroup and developed a document, *Best practices: American Sign Language and English interpretation within legal settings*, that offers "an explanation and rationale for a series of practices that are deemed by expert practitioners to result in a desired outcome with fewer problems and unforeseen complications" (NCIEC, 2009, p. 9). Each of the practices chosen by the researchers for further investigation is identified in the NCIEC document as a best practice. These practices include preparation, use of consecutive interpreting, use of deaf-hearing teams, and the recording of interpretations.

Interpreting Paradigms Leading to Effective Work

Several authors have described interpreting as an act that requires linguistic and cultural mediation in order to produce effective interpretation (Gonzalez, Vasquez, & Mikkelsen, 1991; Pöchhacker, 2008; Shlesinger, 1991). However, how this approach to providing meaning based interpretation applies to interpreting work in legal settings may vary tremendously across regions and countries. To what extent do interpreters embrace this understanding of how to create effective interpretation, and how does that impact their choices and decisions in a legal setting? Russell (2002, 2002, 2008) found that interpreters working in legal contexts were able to produce interpretations that were more appropriately linguistically and culturally framed when using consecutive interpreting strategies. In contrast, the work, when produced using simultaneous interpretation, was less linguistically and culturally appropriate, heavily influenced with source language intrusions and dependent upon a

verbatim or lexically based process. Hale (2002, 2004) found that interpreters vary tremendously in their strategies for handling courtroom discourse, and much of the variance in strategy choices depends on how interpreters view their role and understand the nature of linguistic and cultural mediation. These studies and others conducted over the past twenty years have invited interpreters to see their work in a sociolinguistic context where the interpreter is an active participant, co-constructing meaning in an interpreted interaction (Roy 1999; Russell, 2002, 2005; Wadensjo, 1998; Wilcox & Shaffer, 2005;) and to abandon the interpreter conduit model which can lead to misunderstanding and serious interpreting errors in legal settings (Hale 2004; Mikkelsen, 2000, 2008; Morris, 1993, 1995). These studies led us to create questions in this survey about standard practices used when interpreting legal discourse and strategies that interpreters use to prepare, and how those preparation strategies support or enhance the effectiveness of the work.

Qualifications to Practice

In the U.S., it is widely accepted that, at a minimum, an interpreter who interprets in legal situations must possess national certification (general certification) and have current training in interpreting in legal settings. According to RID (2007), "Legal interpreting requires highly skilled and trained specialists because of the significant consequences to the people involved in the event of a failed communication" (p.1). In Canada, the Association of Visual Language Interpreters (AVLIC) suggests that interpreters working in legal settings should hold the Certificate of Interpretation as the base qualification (the national, general certification), in addition to specialized training and experience. However, despite the standards set forth by RID and AVLIC, there are numerous jurisdictions that choose to employ interpreters who do not possess the qualifications recommended by the national bodies representing interpreters in North America. In addition, participants in this study reported that they do not interpret in legal settings; however, they perform work in assignments that may contain legal issues.

Russell (2002) noted that legal professionals (e.g., judges, lawyers, court officials) often underestimate the level of language proficiency required in legal proceedings. Interpreters who lack the preparation, skills, and qualification to practice, yet provide interpreting services in legal settings, increase the risk of inaccuracy. Such inaccurate interpretation results in a lack of integrity of the judicial process (AVLIC, 1996; Berk-Seligson, 1990; Colin & Morris, 1996). Vernon and Miller (2005) referred to this lack of integrity in their description of the risks that Deaf people experience in the American judicial system and suggested that the injustices "result primarily from a lack of understanding of Deaf people on the part of professionals working in the legal system" (p. 283).

The qualifications necessary to practice in legal settings should also be applied to video interpreting situations. Mason (2009) conducted a study showing that video relay service interpreters are providing interpreting in courtroom settings when local interpreting services are not available. This growing model of service provision has not been subject to the same hiring practices that are commonly supported for interpreting in legal settings, and interpreters working in these contexts may possess little, if any, specific training for dealing with legal discourse, legal interactions, and legal consequences. Interpreters working in video relay services or in video remote interpreting may or may not hold even the general national certification from AVLIC or RID. The qualifications of interpreters hired to provide video interpreting services should take into consideration the ramifications of legal interpreting. In order to address standards and qualifications to practice in North America, it would be helpful to understand the demographics and backgrounds of the interpreters doing the work.

Russell (2002) discussed the importance of having skilled interpreters in the courtroom, due to the use of specialized language that is used in legal settings. She noted that legal interpreters must understand legal jargon, complicated syntax, and features otherwise typically found only in written language. In addition, attention to technical terms, common terms with uncommon meanings, words with Latin, French, or Old English origins, unusual prepositional phrases, formality, vagueness, and over precision is also needed (O'Barr, 1982). Berk-Seligson (1990) and Morrow (1994) posited that grammatical features, including passive constructions, unusual conditional phrases, numerous negations, and overly compact phrases will further challenge interpreters in legal settings. These phrases may include a great deal of information in one sentence (Berk-Seligson, 1990; Morrow, 1994). There are additional nuances to consider from within a legal setting that have direct impact on the

qualifications needed. Morris (2008) drew our attention to the dynamics of the courtroom and how apparent breaches of ethical conduct on the part of interpreters may be the result of interpreters responding to the complex use of English and multiple dynamics of the courtroom, such as use of long and rambling questions, overlapping speech, speed, and mixed instructions. It is evident from the literature surrounding court interpreting that the interpreters who have the appropriate qualifications and specialized training are better equipped and prepared to handle the complexities of language and the dynamics of the courtroom.

Consequences of Errors

Inadequacies of interpreters in legal settings obviously result in dire consequences for Deaf litigants and defendants. Brunson (2008) examined access to signed language interpreters in legal settings and how interpreters affected the experiences of twelve individuals in those settings. One of the notable findings of this study was the consistent theme of partial or failed communications occurring due to a lack of understanding on the part of the signed language interpreter and/or the lack of skills in this demanding setting (e.g., language, interpreting, legal discourse, stress management, intercultural communications). Several of the interviewees reported that the interpreters had little knowledge of the person's case, and the individuals considered the interpreter ineffective because he or she "didn't know what I was talking about" (p. 88). Further, the study identified that some interpreters may act unethically and unprofessionally, with little consequence for their actions. Brunson recommended that Deaf people "begin [demanding] that courts, police, and other legal authorities videotape all proceedings in which there is a sign language interpreter. This will provide Deaf people and the courts with recourse when the interpretation is in question" (p. 91).

Kolb and Pöchhacker (2008) also examined the quality of interpretation in asylum hearings. Their findings pointed to lexical errors, semantic inaccuracies, and the omission of tag question forms that would have allowed the applicant to explain his or her actions, if they had known that the opportunity had been there. The authors argued for further, larger studies of similar under-researched legal activities such as asylum hearings.

Consecutive and Simultaneous interpreting

Russell (2002) stated that simultaneous interpreting refers to the process "whereby an interpreter begins the interpretation while another person is still speaking or signing overlapping the original message or source with the interpretation simultaneously" [whereas consecutive interpreting is the process] "whereby an interpreter waits until a complete thought or group of thoughts has been spoken or signed, in order to understand the entire segment before beginning the interpretation, resulting in a very high standard of accuracy in the interpretation" (p. 52). Numerous studies have examined differences between consecutive and simultaneous interpreting, and the findings provide support for interpreters to use consecutive interpreting in order to realize greater accuracy in legal interpreting (Alexieva, 1991; Bruton, 1985; Russell, 2002; Seleskovitch & Lederer 1995). It is generally agreed that effective interpreting depends greatly upon the interpreter's awareness of which mode is more appropriate and accurate for the specific discourse and interactive demands in any legal event. The simultaneous and consecutive modes have been adopted into state and federal statutes and the court rules of many judicial circuits (NAJIT, 2006), and research supports the notion that consecutive interpreting is more effective for certain legal events (Russell, 2002). It is widely accepted that in any legal setting where an individual with limited English proficiency has an active role, consecutive interpreting should be used (NAJIT, 2006). Such active participation would be required, for example, when a deaf person takes the stand during either examination or cross-examination.

Specific to ASL/English interpreting in legal contexts, Russell (2002) conducted mock trials with interpreters, exploring the use of simultaneous and consecutive interpreting. The results of this study showed that when the interpreter chose to use consecutive interpreting for direct witness testimony and expert witness testimony, the work was more effective and had less interpreting errors. Consecutive interpreting provided *significantly greater accuracy* compared to simultaneous interpreting. In the two trials utilizing consecutive interpreting, accuracy rates were between 95–98%, whereas, simultaneous interpreting accuracy rates were between 83–87%. Chi Square testing was performed on each of the discourse events of direct witness testimony, cross-examination of the same witness and expert witness

testimony, and the results demonstrated that the consecutive mode of interpretation was superior to the simultaneous form, when used for all three discourse events. Some of the common patterns of errors made by interpreters in this study included omission of content and reduced answers for the court; inaccurate use of tense (mixing present tense for past tense); inaccurate use of register (more casual in ASL than indicated in the English source message); deceptive ASL to English messages (message was produced in fluent English, but presented inaccurate content); dysfunctional grammar when representing English to ASL messages; source language intrusions which resulted in form-based or transcoding work; and interpreter-created utterances which were not attributed to the interpreter and not interpreted for all participants. As well, there were patterns of “hedging” in spoken English when the answer was definitive in ASL, and times when the interpreters linked previous utterances to separate utterances which resulted in an answer of “no” when the predicted response was “yes.” However, despite evidence from both spoken and signed language interpreting, and the NCIEC document on best practices (2009) supporting the use of consecutive interpreting, the predominant practice of ASL/English interpreters has been to provide simultaneous interpreting.

Team Interpreting

In recent years there has been a trend to employ teams of signed language interpreters in a number of contexts in order to best address the needs of the interpreting assignment (Russell, 2008). The teams tend to consist of two hearing interpreters. The rationale utilized for employing a team is often based on the complexity of the work, the importance of providing the most accurate work by reducing the cognitive and mental fatigue that occurs in these assignments, and the length of the assignment (National Association of Judiciary Interpreters & Translators, 2007). In many North American contexts, these factors have shaped hiring practices and interpreter education practices.

Shaw (2003) and Cokely (2003) explored the nature of interpreters working in teams. Shaw (2003) examined how interpreters who have been hired to monitor the work of other interpreters working in legal settings function as part of a legal team in a deposition. Her findings revealed that the linguistic, cultural, and analysis skills of the monitoring interpreters must be of an exceptional quality in order to be able to discern what constitutes an interpreting error and how to bring that to the attention of the attorneys. Her work also revealed the ways in which monitoring interpreters' interactions with teams of interpreters can affect the quality of the overall work in a proceeding. When major errors in the interpretation have been brought to the attention of the appropriate personnel, there were numerous benefits, that ranged from saving time in costly postponements and rescheduling, to allowing proceedings to continue after the corrections were made in a way that was efficient and supported the judicial process.

The role of a team interpreter as a support in the interpreting process is critical to the success of the team. Cokely (2003) reported significant discrepancies between the behaviors interpreters identified they would use to ask for support and the actual behaviors that they used to request support. His study showed interpreters in preliminary meetings mentioned seven behaviors that they would use to ask for support, but during the actual interpretation there were 16 different behaviors that were used by them to request support.

Finally, Russell (2008) reported on the preparation conversations held between team members prior to interpreting trials and on interview data obtained from lawyers, deaf consumers, and judges about their perceptions of the interpreter's work. In this study, lawyers reported that they anticipated that interpreters would ask them important questions about the content of the upcoming trial; however, the interpreters generally used the preparation conversation to review logistical matters of positioning or length of interpreter turns, versus preparing for the context and particulars of the trial at hand. This study revealed how the reality of working in teams is often in sharp contrast to the conventional views or myths that have impacted our field, especially in relation to monitoring the accuracy of the work or making decisions that support interpreting effectiveness. Based on these studies that address interpreter paradigms, qualifications to practice, modes of interpreting, best practice approaches, and team interpreting, this study addressed the provision of teams for interpreting in legal settings, team roles, and ways in which teams provide support that leads to effective interpretation.

While all of the studies described briefly in this section represent some of the research conducted with spoken and signed language interpreters, what appears to be missing is a demographic picture

of those who provide interpretation in legal settings in North America and a descriptive approach to understanding the practices and perceptions of interpreters. This study is an attempt to address that gap in the literature, while gleaning information from the participants on a range of issues that may be critical in defining effective practices and training opportunities.

Method

The purpose of this study was to collect basic demographic and relevant information on ASL/English interpreters relative to the provision of interpreting services in legal settings in North America. In addition, data were collected on the practices interpreters incorporate in their work in legal settings, the professional development they have had, and what they believe they need in the future related to interpreting in legal settings.

The research team, located at three educational institutions, ensured ethical approval was granted prior to launching the study. Each researcher submitted an application to an Institutional Review Board (IRB) at the respective institutions, and approval was received from all three IRBs to conduct the study. Following IRB approval, the research team developed a questionnaire. A small group of individuals, interpreters who specialized in interpreting in legal settings and who are also experienced researchers, reviewed the instrument and provided feedback on the questions as well as the design of the survey instrument. Feedback from these reviewers was incorporated into the final version of the instrument.

Participants

Potential participants were identified from the professional organizations of interpreters in the U.S. (RID) and Canada (AVLIC). In the U.S., the entire certified membership of RID was invited to participate (the list was purchased from RID) along with deaf interpreters throughout the country. In Canada, the entire AVLIC membership was invited, both certified and non-certified, to participate along with deaf interpreters in that country. All the participants were ASL/English interpreters in the U.S. and Canada. The study targeted current certified ASL/English and selected non-certified interpreters in both countries. The inclusion of non-certified interpreters in the U.S. allowed for the inclusion of deaf interpreters. The decision to include non-certified interpreters from Canada was due to the fact that there are more working interpreters in Canada who are not certified than who hold national credentials. Some of the participants were currently providing interpreting services in legal settings while some of the participants were not.

The names and email addresses of all of the potential participants were entered into the online survey tool, *Vovici*, housed at the University of North Florida. A total of 6,657 participants were invited to participate in the study via an electronic invitation sent by the *Vovici* survey system. The invitation was a request for the recipient's participation in the study and an explanation of the study, including information about anonymity. Included in the email was a hyperlink to the online survey. Following a four-week period of initial responses, a follow-up email was sent reminding individuals who had not yet completed the survey about the request for their participation. The follow-up email again explained the study and the value of their input and requested that they complete the survey. One additional follow-up contact was made two weeks after the first follow-up, six weeks following the initial contact. This last reminder was only sent to those who had not yet completed the survey. After six weeks, the survey was discontinued. In the end, 1,995 individuals chose to complete the survey. This represents a 30% response rate, which is a robust rate for survey research (Creswell, 2002).

Instrument

The survey consisted of 64 questions that included closed, multiple choice, and open-ended questions. The survey was divided into eight sections including General Information, Experience Interpreting in Legal Settings, Training for Interpreting in Legal Settings, Practices Regarding Simultaneous and Consecutive Interpreting, Preparation, Deaf and Hearing Teams, and Protocol. A concluding section requested additional information, final thoughts, and recommendations from the participants. As a part of the demographic information collected, participants were asked to provide information regarding their years of experience; whether they were deaf, hard-of-hearing, or hearing; the state or province of residence; the interpreting certifications held; and their highest academic degree.

Procedures and Data Analysis Approaches

During May-October 2009, participants were invited to complete an online survey. Invitations for participation were distributed electronically, via the distribution lists of the Registry of Interpreters for the Deaf, Inc. (RID) and the Association of Visual Language Interpreters of Canada (AVLIC). All participation was voluntary and no payment was offered to those who completed the survey. Once survey data were gathered, a statistical analysis was performed using SPSS and the statistical processes built into *Vovici*. Qualitative data were analyzed using the computerized software program Nvivo 8. This allowed for the content to be analyzed for themes that emerged in the data and for the participants' perspectives to be retained in their original words.

Results

Participant Demographics

The vast majority of participants were female (85%), with only 15% of the research participants being male. With regard to the age of the participants, 58% fell into the range of 30-49 years old, thus making this the largest age category. The second largest age group was those participants who were between 50 and 64 years old, with 29% of the research participants falling into this group. The two smallest groups were those participants between the ages of 18 and 29 (11%) and those older than 65 years of age (2%). Deaf research participants made up 3% of the sample, hard-of-hearing research participants were 2%, and the largest group was hearing (95%).

Geographic Location

The target population for this survey was North American interpreters. In Canada, the majority of responses came from the provinces of Ontario (4%), British Columbia (2.5%), and Alberta (2.1%). In the U.S., the three states in which the most research participants reside were California (9.4%), Florida (7%), and New York (6.8%).

Years of Interpreting Experience and Academic Degrees

The researchers sought to discover, in general, the number of years each respondent had been interpreting in any setting. One-third of the research participants (33.3%) had between 11 and 20 years of interpreting experience. Nearly a quarter (24%) had more than 26 years of interpreting experience, and 4.9% of the research participants had more than 35 years of experience. In addition, the data indicated that 43% of the research participants had a four-year degree as their highest academic degree, and 27.6% had a graduate degree as their highest degree, with 24.1% holding a Master's degree and 3.5% holding a doctorate degree.

Legal Interpreting Experience and Training

Participants were asked a series of questions designed to determine their interpreting and training in legal settings. The results showed that 45.7% of the research participants were currently providing interpreting in legal settings. Of course, this meant that more than half (54.3%) did not interpret in legal settings. Of those who indicated that they currently provide legal interpreting services, 20.4% had only been doing so for 1-3 years, and over half (55.6%) had only been doing so for 10 years or less. As indicated, 54.3% of the participants did not provide interpreting in legal settings. These individuals were then asked to indicate the reasons why they did not choose to interpret in legal contexts. The most frequent response was lack of training, followed by a lack of knowledge of legal discourse and concern for the consequences of potential errors.

Regarding training of the participants who work in legal settings, 13.3% of the participants had taken one or more credit-earning courses in interpreting in legal settings or legal studies and 86.7% had taken no courses. Participants were also asked if they would be interested in receiving training for interpreting in the legal setting if it were offered for college or university credit (e.g., a "certificate" program in *Interpreting in Legal Settings*), and 72.3% indicated they would participate in such training. Participants were asked to identify topics about which they needed additional training. Topics most frequently identified included legal vocabulary and terminology, courtroom procedures and protocol, the Miranda warning/rights, criminal law, legal proceedings, working with deaf/hearing teams, family

law, and witness interpreting. Each of these areas is critical to the effectiveness of an interpreter's work, and the results support that interpreters recognize the need for further preparation in these areas.

Interpreting Practices in Legal Settings

Participants were invited to respond to a series of questions that examined the extent to which they incorporate certain best practices into their interpreting work. The results showed that interpreters use consecutive interpreting in several key events with varying frequencies (see Table 1). For example, during the direct testimony of a deaf witness, interpreters reported that 15.6% of the time they *always* use consecutive interpreting, and during the cross examination of a deaf witness, they *always* use consecutive interpreting 15.5% of the time. This is an interesting finding in that standard, recommended practice for direct testimony of a witness with limited English proficiency is that the testimony be interpreted in consecutive mode (Court Interpreters Act, 1978; Gonzalez, Vasquez, & Mikkelsen, 1991; NAJIT, 2006). Many interpreters reported that they *rarely* or *never* provided consecutive interpreting for direct witness testimony (combined total of 8.1%).

Table 1: Frequency of Consecutive Interpreting Use With a Deaf Witness

Event	Always	Usually	Occasionally
Direct Testimony by a Deaf Witness	15.6	21.9	11.2
Cross Examination of a Deaf Witness	15.5	20.5	9.6
Testimony of a Deaf Expert Witness	11.8	12.7	7.7
Direct Testimony by a Hearing Witness	3.3	8.6	17.0
Cross Examination of a Hearing Witness	3.4	8.5	15.8
Testimony of a Hearing Expert Witness	3.1	8.0	15.5

In addition to the reports about courtroom interpreting, participants indicated the frequency with which they use consecutive interpreting in legal events outside of the courtroom, which included forensic assessments, attorney-client meetings, domestic violence complaints, child protection investigations, immigration/naturalization events, law enforcement interactions, notary public interactions, examinations for discovery/depositions, and aboriginal justice systems interactions. Table 2 shows that the highest report of *always* using consecutive interpreting occurred for child protection investigations (9%) and law enforcement interactions (9%), followed by examinations for discovery/depositions (8%) and attorney-client meetings (8%). Of particular interest is the number of settings in which discourse often is framed around questions and responses (which lend themselves to consecutive interpreting), yet the participants in this study choose not to use it.

After participants reported frequency of consecutive interpreting, they identified the factors that influence their decision to provide consecutive or simultaneous interpreting. The three most often cited, influential factors were complexity/density of the information (46%), type of discourse lending itself to consecutive (44%), and potential consequences of errors (40%). Other factors were interpreting in a deaf/hearing team (24%), one's personal confidence in using consecutive interpreting (21%), interpreting for children or youth (20%), government requirements to use consecutive interpreting for direct witness statements given in languages other than English (10%), lack of experience in the use of consecutive interpreting (6%), and lack of training in the use of consecutive interpreting (5%). These factors that influence interpreters' decisions to provide consecutive or simultaneous interpreting may be a partial explanation for the reason consecutive interpreting is not used by some interpreters and has implications for the training needed if interpreters are to enact best practices.

Table 2: Use of Consecutive Interpreting in Legal Settings

Event	Always	Usually	Occasionally
Working in Deaf/Hearing Team	17.7	18.1	10.4
One-to-One interviews	9.6	25.9	24.7
Forensic Assessment	6.9	10.4	8.6
Attorney Client Meetings	7.7	24.3	27.1
Domestic Violence Complaints	6.2	22.8	18.1
Child Protection Investigations	9.1	21.7	17.9
Notary Public	1.8	4.9	8.3
Immigration & Naturalization	5.7	11.4	9.2
Examinations for Discovery & Depositions	8.7	18.7	18.5
Law Enforcement	9.1	25.1	19.0
Corrections Meetings	3.0	12.3	17.9
Video Relay Service	2.6	8.3	21.4
Video Relay Interpreting	0.9	3.0	4.4
Aboriginal Justice Systems	1.4	5.0	3.7
Evidentiary Hearings	2.7	10.9	15.9
Opening Statements	2.0	3.9	13.2
Closing Statements	2.0	3.6	13.8
Jury Instructions	1.9	5.5	11.8
Court Ordered Education	2.5	7.3	21.4
Parole / Probation Meetings	4.2	15.8	20.8

Note: Values represent percentages of total responses.

Preparation for Working in Legal Settings

Participants who indicated that they interpret in legal settings were provided a list of preparation strategies and asked to indicate which ones they use in their interpreting practice. Fifty-one percent (51%) of all research participants indicated that they receive preparation information from the referring agency. Forty-one percent (41%) indicated that they conduct preparation meetings with other interpreters on the interpreting team, 38% conduct preparation meetings with experienced interpreters who are not involved in this interpreted interaction, and 38% conduct preparation meetings with interpreters who have previously worked the assignment (i.e., with the same client). Participants also reported conducting preparation meetings with the attorneys (32%) and the deaf individual(s) prior to the event (32%), and some include the training they have taken as a form of preparation in their work (34%). Participants reported that they conduct preparation meetings with the involved hearing person prior to the event (24%); however, those who meet with attorneys did not specify whether the attorneys are hearing or deaf, nor did they specify what role the hearing person played in the event, (i.e., an attorney or a legal assistant). Only 27% of the participants said that they prepared by reading case files; however, not all legal events are case related or have files. Participants reported using online dictionary resources 27% of the time. Twenty-six percent (26%) of the participants reported that they observe legal situations as a form of preparation, and 23% reported observing interpreters in legal settings as a form of preparation.

Participants were asked to identify benefits of conducting preparation for their legal interpreting assignments. They reported that preparation helped them increase their confidence and reduce their nervousness prior to assignments. They also reported that preparation allowed them to produce interpretations that are processed at the contextual level, versus only a lexical or phrasal level. They reported that preparation enhanced their understanding of the event, allowing them to perform with

a greater degree of accuracy. Other themes that emerged from this qualitative data included message delivery with appropriate affect, increased prediction skills, improved receptive understanding and expressive production of messages, and better vocabulary selection. The following comments sum up many of the themes:

“Preparation, or lack thereof, influences all factors for interpreting in legal settings.”

“The kind of preparation I would like to have is often not available, but I do the best I can with what people provide me.”

“It’s imperative! Without the preparation I would not have the confidence to do the work.”

“I am as prepared as I can possibly be. Because I have as much information as I can get, my interpretation is smoother and more accurate.”

Participants reported that lack of preparation has a negative impact upon the interpreting work, creating a sense of nervousness and adding to the stress of working in legal environments. They indicated that they feel more intimidated, uncomfortable, and unqualified to do the interpreting without appropriate preparation and noted a direct relationship between the lack of preparation and increased interpreting errors that could potentially mar a legal proceeding. When the interpreters lacked the scope and context of the case file, they reported there was an increased need for clarification and interruption of the proceedings. Additional themes addressed the quality of the interpretation and the overall fluidity of both the interpreting product and the process and the very specific ways in which the deaf consumer is affected. For example, participants reported that when the interpreter is less than fully prepared, deaf consumers may become nervous, agitated, frustrated, and confused. All of those emotions can lead to misunderstandings and can have legal implications for the deaf consumer. The following quotes are reflective of the majority of participants:

“When unprepared, my confidence level drops significantly, which has a definite impact on my ability to understand signed testimony etc., as well as impacting my clarity in expressing legal terms and expressions used by lawyers and judges.”

“I feel unqualified without preparation.”

Composition of Interpreting Teams

The data revealed that interpreters feel it is beneficial to have input concerning the composition of the team and selecting the interpreters with whom they will work. This includes input about how the team approaches the work and how the complementary skill sets of the interpreters can meet the needs of the assignment. Table 3 shows the frequency with which participants had a vote in choosing their team interpreters on legal assignments. Only 9.4% said they *always* have a choice, while 30.2% said they usually do, which indicates only 40% of the participants are in a position to do so on a regular basis. These data raise the question of whether the participants in this study realize the benefits of selecting their teammates (e.g., similar approaches to the work, qualifications that meet the needs of the assignment, complementary skill sets) and whether they see the team composition as a working condition that is negotiable when being hired for an interpreting assignment in legal settings.

Table 3: Ability to Choose the Interpreter Team

Response	Frequency
Always	9.4%
Usually	30.2%
Occasionally	22.6%
Rarely	16.2%
Never	10.4%

Deaf and Hearing Teams

Given the increased use of Certified Deaf Interpreters in general interpreting settings as well as in legal settings, the researchers were interested in obtaining more information about deaf/hearing teams. Participants (overwhelmingly hearing interpreters) were asked to identify factors that influence the decision to work in a deaf/hearing team, and they identified the top four factors as language issues, the availability of a deaf interpreter, the complexity of the case, and the deaf consumer's linguistic needs. When asked to identify the individual factors of the deaf consumer that influence the decision to work in a deaf/hearing team, participants cited age of the consumer and cultural complexity as the two top reasons. Participants also cited the following factors as they relate to the deaf consumer; signing style, level of familiarity with legal processes, level of education, cognitive ability, and mental health issues. Table 4 illustrates the frequency that the participants work in deaf/hearing teams in legal settings.

Table 4: Frequency of Interpreters Working in Deaf/Hearing Teams

Response	Frequency
Always	0.5%
Usually	3.4%
Occasionally	15.1%
Rarely	21.2%
Never	26.8%

Given that 48% of all participants never or rarely work with a deaf interpreter, it is important to explore who makes the decision that there is a need for a deaf/hearing team. Participants also indicated that more than 53% of the time, it is either the hearing interpreter or the contracting agency that makes the determination most frequently that a deaf/hearing team is, or is not, needed (see Table 5). This is an area that invites further discussion in our field.

Table 5: Decision Maker on Deaf Interpreter

Response	Frequency
Individual hearing interpreter	29.5%
Contracted agency	23.7%
Deaf consumer	14.8%
Court Personnel	13%
Attorney	10.2%
Monitor Interpreter	7.1%
Law enforcement personnel	3.2%
Expert Witness	2.1%

The following quote exemplifies the challenges that face hearing interpreters wishing to work with deaf interpreters on a regular basis. The comments also point to the need for education about the need and efficacy of working with deaf interpreters.

"I refuse to do the job if the client is minimal language [sic], or foreign language, without a deaf team. However, there are times I feel a youth or certain deaf person would definitely benefit from a CDI, but since I live in a remote area and they come from 3 hours away, I have reserved the request for the most dire cases. (My request was declined by a court before for a youth). I feel it is going to take time for the courts in these rural areas to be more open to CDIs. Availability of CDIs in the rural setting is an issue."

Recording Interpretations

A series of questions were posed about practices that are thought to be supportive of effective interpreting practice in legal settings, including how often one is video recorded in legal settings. The data revealed that 65% of interpreters responding to the survey have never been video recorded in the course of their work in legal settings. The data also revealed that interpreters who are *always* or *usually* recorded in specific contexts such as police interviews, examinations for discovery/depositions, courtroom proceedings, child protection matters, and forensic assessments, are by far in the minority. For example, 53% of research participants reported they are never recorded for police interviews, with another 10% indicating that they are rarely recorded. Recording in courtroom proceedings showed similar results with 68% of participants indicating they are *never* recorded and 15% who are *rarely* recorded. Seventy-seven percent (77%) of interpreters reported they are *never* recorded while working in forensic assessments and 65% reported they are *never* recorded while working in child protection matters. Finally, some 62% of research participants say they are *never* recorded while working examinations for discovery or depositions. When asked how often the interpreter initiates the recording, only 11.6% of participants indicated that they *always* initiate the recording. Another 12% report *usually* initiating recording. Twelve percent (12%) report they *occasionally* initiate this process, while 10% rarely do, and 54% indicate that they never initiate the procedure.

Video Relay/Video Remote Interpreting

Participants were asked if, in the course of their working in video relay service (VRS) or in video remote interpreting (VRI) centers, they handled calls that were of a legal nature. Forty-nine percent (49%) indicated that they do not work in VRS or VRI environments. Of the remaining participants who do work in such settings, 46% indicated that they take calls of a legal nature, and 5% indicated they do not take such calls. When asked if they feel prepared and/or comfortable taking calls of a legal nature, 61.7% responded that they do not feel prepared and/or comfortable. Additionally, 32.1% indicated they pass legal calls on to another interpreter if they feel unprepared or uncomfortable and another 5.4% report they do not pass calls on to another interpreter. What is not known is the level of training that VRS interpreters have for identifying calls of a legal nature or that have a legal consequence, or whether or not they have any training for interpreting legal matters. Given the pressure to use the simultaneous interpreting mode in an environment where the interpreter has no specific assignment preparation, this should be an area of concern for our field.

Recommendations

The results of this study have a number of implications for practitioners, as well as educational institutions and professional organizations. One of the key implications from the review of data is that interpreting in legal settings is not appropriate for all interpreters. As a specialization within the field, interpreting in legal contexts requires not only specialized, focused training but also unique vocabulary and skill sets. Access to training and education in these areas is another key implication to consider. In terms of practitioner implications, there are a number of themes that address the consequences of preparation for the work (or lack of preparation), the need for consecutive interpreting training, and how best to work in deaf and hearing teams. As well, the issue of initiating video recording of legal events is one that deserves attention. Finally, the issue of working in video relay settings and handling calls of a legal nature is one of grave concern that warrants attention from all stakeholders involved.

There are also recommendations for interpreter educators to consider based on the findings of this study. It is clear that specialized training is needed for those who are interpreting, or intend to interpret, in legal settings. Interpreter educators, including those who primarily provide professional development trainings, need to develop and deliver effective trainings that pull from best practices. Topics such as the use of consecutive and simultaneous interpreting in legal settings, message analysis and correction, effective case preparation, legal discourse and interaction, and system understanding and protocols are representative of topics research participants indicated are needed. An additional need in the field is for trained, credentialed interpreters working in legal settings to serve as mentors for new interpreters in an effort to model best practices and engage in ongoing dialogue centered on the effective provision of legal interpreting services. There is also a need for training in individual

interpreter assessment and identifying the need for and working in deaf/hearing teams.

Likewise, the data from this study have implications for educational institutions and professional interpreter associations. A critical component of effective change in the specialty field of interpreting in legal settings will be the delivery of training and education that is grounded in current and best practices and is accessible to interpreters throughout North America. Data from this study strongly suggest that weekend trainings and blended (online and face-to-face) training opportunities are most desired by interpreters. Institutions should consider alternative delivery models that will reach across North America and not just to a local area. Additional models of certificate programs, both graduate and undergraduate, in interpreting in legal contexts should be developed and implemented to meet the need of further education in the specialization. As suggested earlier, 72% of the participants indicated that they would participate in such a program, if it were available.

There are several recommendations that emerge from this study for practitioners. The most urgent of these recommendations are the following:

Interpreters need to concentrate on gaining linguistic fluency and cultural adeptness required for interpreting in legal contexts and work that has legal consequences. This will require that interpreters appropriately assess their own qualifications to deal with the nature of the work, including the linguistic demands, protocol knowledge, and the processes of effective teamwork. Linguistic fluency and cultural adeptness should be a prerequisite skill set to develop early in the process of specializing.

Interpreters providing services in legal settings should have a clear understanding of the work that needs to be done and have the necessary knowledge and experience to facilitate the provision of best practices. The incorporation of a deaf interpreter or the determination of when to use consecutive interpreting are two examples of key aspects of the work within legal settings that are not used to the extent necessary.

Serious consideration should be given to the development of a systematic training sequence that would address many of the deficits in both knowledge and skill currently found in the field. We suggest that such a developmental sequence would include orientation to the legal system; legal discourse; types of law; self-assessment and analysis of interpretations; discourse, interaction, and text analysis-based translation, sight translation, consecutive interpreting, and simultaneous interpreting training; preparation in general and specific to legal settings; team processes, specifically deaf/hearing teams; protocol – video recording, qualifying, conflict of interest checks, preparation strategies; case preparation; message analysis; and error correction. Although at least one such systematic sequence is available in the United States at the University of Northern Colorado, more training programs are needed.

The legal system needs significant education about the practices presented in this study. Collaboration is needed between interpreters, deaf clients, agencies, and the legal entities that hire interpreters to facilitate a greater recognition of the need for minimum qualifications for legal interpreters to include both specialized training and credentials. Few requirements exist that require interpreters who work in legal settings to have specific training in legal work.

This article has described some of the important findings of this North American survey of interpreters in legal settings. This research project has generated much more data than can be reported in this article, however we have attempted to describe some of the major findings of interest to the readership of this journal. It is clear from the data at this point that there is a need for training of interpreters in legal settings and that more interpreters may choose to provide interpretation in such settings if they had the foundational skills and knowledge. What also stands out in the data is the need for much discussion about the composition of teams working in legal settings and the strategies teams use to manage legal discourse.

Acknowledgements

The authors wish to gratefully acknowledge and thank the following groups and individuals for their support and assistance with this research: the National Consortium of Interpreter Education Centers through the Mid-America Regional Interpreter Education Center (MARIE) for financial assistance to conduct this study, Robin Demko, Damian Karl and Heather Nicols, research assistants, and the participants in our study.

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