

August 3, 2016, NCI EC webinar

*****DISCLAIMER!!*****

The webinar is brought to you by NCI EC, which is the national consortium of interpreting centers. Ours is the MARIE Center. Can you advance the slide once more.

Thank you. And our mission is to connect and collaborate with diverse stakeholders in order to create excellence in interpreting.

And so it's important that we are benefiting our

University.

We all work together with the goal of improving education for interpreters across the country.

Next slide, please.

It is my pleasure to introduce Chris Tester, our presenter for tonight. Chris works as a facilitator, an actor, a consultant, an interpreter, and he's just an all around great guy.

Chris is originally from Vermont. My state of choice currently, although his state of birth. He is now a New Yorker. And he's going to share some of the work he's done in his master's degree. From Heriot Watt University.

So Chris, thank you for joining us tonight. We look forward to having you, and the information that you have to bring to us tonight. Thank you.

>> Christopher Tester: Wonderful. Thank you so much, Amy, for your very kind words.

Give me just one second to actually adjust my screen so that I can see myself and the PowerPoint at the same time.

There we go. Good evening, everyone. As Amy

said, I'm Chris Tester. This is my name sign. I'm thrilled to share my master's research with all of you. Thank you so much for giving up your Wednesday evening to take a peek at what I've been doing for the last two years. It should take about an hour to get through my thesis.

As you can see the title of my thesis is identifying hearing ASL to English interpreters' current practice in determining the need of deaf interpreters for court proceedings.

Next slide, please, Carrie.

Before I go any further, as Amy mentioned, please save your questions until the end of the presentation, but if for some reason there is a technical glitch and you are unable to see what I said or you would like to ask for a point of clarification, feel free to type your question in the chat box. And if I feel it is relevant to the slide we're currently on or the topic we're discussing, I will answer it.

If you have a little bit of a heavier question, please hold that until the end and we're going to save about 15 or 20 minutes at the end of the presentation

to go over all questions that you might have.

Unfortunately there's about 200 of you so I won't be able to answer all of the questions that come up this evening, but I do hope to get to many of them.

So I actually graduated with a degree called the European masters in sign language interpreting. That program is housed within three universities. One is located in Scotland, the second in Finland, and the third in Germany.

It's actually a consortium similar to the NCI EC. The program was two and a half years long and required all of us to create original research within the field of sign language interpreting.

My degree was actually conferred from Heriot Watt University in Scotland. I have to give thanks to my two advisors, Jemina Napier, which was my primary advisor. And my secondary advisor, Jens Hessman.

Jens is actually located in the university in Germany, while Jemina is actually at Heriot Watt University. It was wonderful to have two people in two different countries advise my research.

You might also notice some unique stylings in my

writing on the PowerPoint slides, and that's just the fact that my research was actually intended for an international audience. I also had to separate hearing ASL English interpreters from deaf and hearing interpreters and because my research was intended for an international audience it might have more context than you actually need as an American audience.

Next slide, please.

So before I get into my research, I had to identify a problem in our field. So the first problem I identified is that there's actually very limited research on the role function of deaf interpreters within legal settings. The second is that the best practice here within the states is to actually have deaf and hearing teams working in legal settings together. That's our good intention and the best practice that we've set for ourselves. However, the actual current practice, what's happening, is that mostly hearing ASL English interpreters are working alone in the court. So while we have set the best practice being that deaf and hearing teams should work in tandem, the actual practice is that hearing ASL interpreters are the

frontline within the legal system throughout the states. Sometimes it's two hearing interpreters working together while other times it's a hearing interpreter working alone.

It's usually only after an issue has been

These are the questions I hoped my research would answer.

Next slide, please.

Luckily the interpreter can read my mind and remind me to advance the slide.

I'm not going to go into too much detail here, but I did want to give you a brief literature review. This first slide deals with spoken language interpreting within legal settings. And while there is a growing body of research for spoken language interpreting in the courtroom, if you look at other legal areas, be it law enforcement, depositions or different legal interactions, the research is very limited in terms of spoken language interpretations, but it is rich concerning spoken language interpretations within the courtroom.

Most of it focuses on witness testimony, and there's also a lot of research on the interpreter's face and how the interpreter's identity impacts the interpretation and whether it impacts the language of the interpretation or the interaction with the people within the courtroom. That's been the trend with

spoken language interpreting research in the past few years. And also in the accuracy of the interpretation.

If you are curious about who actually published this research you can look to the resource page at the very end of the PowerPoint, which will be sent to you at the conclusion of this webinar.

Next slide, please.

These bullet points pertain to signed language and the research within the courtroom. That research typically focuses on the role of the interpreter in the legal process as well as the accuracy of the interpretation, which is a little bit different than what spoken language interpreters have been researching.

For obvious reasons, the deaf community and the ASL interpreting community value their access to the legal system and value accuracy within the proceedings. There is actually less research on how the

the research employs hearing ASL English interpreters.

New research has been focusing on the language of deaf individuals that find themselves within the legal system. This research focuses on language deprivation, education, and non-standard signs.

There is not a lot of research, but a growing body.

Next slide, please.

I'm looking at my notes. Just bear with me for one minute.

This specific slide helps us contextualize our research study, again for the international community. For those of us here in the states I'm assuming most people tuning in this evening are Americans. These are the three pillars of interpreting within legal systems. The first is the Federal Court Interpreting Act of 1978. And under this act it does not assume that the accommodation is automatically granted, but rather that it needs to be asked for, and that's as it applies to Federal courts.

The Americans with Disabilities Act, which introduces the concept of a reasonable accommodation, applies to state courts and interpreting services

within those courts.

And lastly our certification, the Special Certificate: Legal, is actually the only one of its kind throughout the world. We're the only country to offer a specialty certificate in legal settings, but having conversed with interpreters all throughout Europe, it seems that we are the only one.

Having the SCL makes you a certified interpreter for the Federal court system. I gave all this information to help contextualize my study for the international audience.

I did not expand upon these legal aspects within my thesis because I'm under the impression that all of us here this evening have a basic understanding of these three pillars of how interpreters access the legal system.

Next slide, please.

So in order to develop my research, I had to establish a framework. I had two books that served as frameworks for my research. The first is equality before the law, deaf people's access to justice. It's a fantastic book. The research comes from the UK,

mostly England.

This book is a comprehensive study on deaf people's access to the justice system. It studies three different groups. First, sign language interpreters and their work within the courtroom, their training, their knowledge, experience and a host of other factors.

The second group is the staff of the court. This includes the clerk, the bailiff, the judge, so on and so forth. They have different terms for those people in the UK, but I interpreted them for us here in the states.

The third group was actually the deaf people that find themselves in the legal system and are having to use interpreters or might not have access to interpreters. This book served as a wonderful resource for my research and served as a framework that I drew upon.

My thesis was to get a master's degree only, so I had to pick only one group to study, and I picked hearing ASL to English interpreters. It was impossible for me to include the perspective of the Deaf

interpreters that find themselves within legal settings as well as the court staff within the scope of my project.

That book was written by Mary Brennan and Richard Brown. It's hard to find because it's currently out of syndicate. It was published in 1997, but try, it's a wonderful resource. And if you would like to do a little bit of research on your own, I suggest reading it because it will help you establish a strong framework for your work and can serve as a wonderful resource.

My second framework, I call it our deaf interpreter manifesto, is Deaf interpreters in court, an accommodation that

that may or may not have the Special Certificate: Legal are all included in Carl Mathers' wonderful resource.

So I used these resources to frame my own research for my thesis.

Next slide, please.

So I'll get into a little bit of my methodology and how I actually went about answering the questions that I set out to. I used both a questionnaire and I did interviews. I used purposive sampling and snowballing effect. Once I found a core group of participants I then asked them to forward my questionnaire to others who met the requirements. They had to be an interpreter based in the U.S., they

I'm not going to go line by line through the demographics here, but I will give you a summary. There were 78 total participants in my study, which is actually a decent number for my research project.

And Carrie, if you would, the next slide.

So based on the demographic information -- I had an alert, I'm sorry, I had to minimize that window.

So the average participant in my study was a female with over 20 years of experience who held the specialty certificate legal and was considered to be very experienced within the courtroom.

It's interesting to note that most of these interpreters express greater confidence with their English than their ASL skills.

The degree to which there was a discrepancy was not stated, but they did express greater confidence.

They had to list a Likert scale regarding their confidence in languages. For English most people picked excellent, but for ASL most people picked good.

I don't think that gives us a negative connotation of interpreters, but it's interesting to notice that most interpreters felt more comfortable working in

English rather than ASL.

It seems we're having some technical issues that

skills came out to be on top.

Next slide, please.

I also asked participants to rank one through six what their rationale was for requesting a deaf interpreter.

The rationales I took from Carla Mathers manifesto, deaf interpreters as a reasonable accommodation. I didn't come up with these rationales. They're actually based on her research, which served as the framework for my own study.

So I asked participants to rank one through six and I'll show you the results on the next slide, if you would, Carrie.

So if you're just counting what people ranked as the top reason, the first was deaf individuals ASL. That was the reason they called in a deaf interpreter to a legal setting. But I decided to see if I counted numbers one, two, three and four for each single category would the results be different? And they were.

Complicated situation actually nearly trumped deaf individuals ASL with 71 responses.

Interpreters felt conflicted not only with the deaf individual's ASL, but with the whole situation. It could be with the law enforcement, with the judge. I couldn't identify one particular thing that made something complicated, but it was that the whole situation was quite complex.

Next slide, please.

This quote is a perfect example of many interpreters and what they commented on the questionnaire. There was a section for open-ended questions because often times interpreters didn't want to pick one answer and not be able to justify that answer. And this shows that language is not the only reason interpreters would call in a Deaf interpreter, which aligns to my experience as a Deaf interpreter.

Sometimes you're able to get along with the deaf person just fine and you're able to communicate clearly with them, and the moment they enter the legal setting, their communication changes, be it because they're upset, scared or angry, but their language is different from when they were outside of the courtroom.

And that's just one quote from one participant.

Next slide, please.

So I asked how often do you work with a Deaf interpreter team? And these were the results. I actually thought this was quite optimistic from my end. I think there was 35% of participants that said sometimes -- I'm sorry, 35 people. Often, there were 17 people that often work with a Deaf interpreter. And rarely there was 23 people. More than nothing.

Also one thing I forgot to mention as it relates to demographics is that the interpreters who responded were actually from all over the U.S. Meaning we got respondents from the Midwest, from the coasts. And they -- but I did not -- I was not able to identify which areas used a Deaf interpreter more often or rarely or sometimes, which was a limitation of the study.

I recently presented at the Region 1 RID conference in Pittsburgh just three weeks ago, and as I was talking with interpreters that were from Pittsburgh, they informed me that there was no certified interpreters in their area. There were some certified interpreters in Philadelphia, but they often found themselves at a loss for hiring a Deaf interpreter

home -- after the interpreter discussed it with the lawyer and having it known that the deaf person would be able to go home, they went on and interpreted the legal proceeding.

I shared this quote at several different conferences I presented it and it started a lively debate and conversation.

I shared it at the legal summit in Washington, D.C. with the Deaf interpreter group. There was no hearing interpreters present at that workshop. And I have to say that the response was mixed, pretty much evenly divided. Half of the group supported the hearing interpreter's decision, they didn't want to cause the deaf person to have to stay in jail longer than they had to because they wanted to bring in a Deaf interpreter. And the other half completely disagreed because even though it was fine for that interpreter to maybe interpret that short arraignment, it could actually have caused a snowballing effect for the next week and the proceedings down the line by not having set the precedent to call in a Deaf interpreter.

At the Region 1 conference I also showed this

has already been through the legal system, they have been identified as a person who would -- who needs to use a certified Deaf interpreter. After the second or third appearance, the hearing interpreter would never have to ask for a certified deaf interpreter, even if those hearing interpreters are not the same, that Deaf interpreter will always go with the deaf person because it's identified within that system. There's no need for a negotiation of why a Deaf interpreter would need to be used, rather the system is set up in place in the state of New Jersey.

So I was a little surprised with the results. And it's possible that it was higher with -- I thought it would be higher for often, but it's possible that my question was not clear to the participants, and that's always a limitation of a study that there's no interaction with the participants when you just are collecting the data.

Someone is asking for a point of clarification.

What is your point -- what is your question?

I don't see a response so I will move on to the next slide, please.

In addition to the surveys, I conducted three interviews. Those three interviews were done with participants who had already taken the survey. These three participants informed me that they had taken my survey and so I was able to then ask them follow-up questions. Those three participants said to me that

advance my own slide.

The next question I asked was "What issues or barriers prevented you from getting a Deaf interpreter or for the Deaf interpreter to be provided?"

Again, I used the examples from the two books that I mentioned of the framework. The results for this particular question surprised me and I think they're very important for us to recognize in our field.

The top reason that an interpreter didn't get a Deaf interpreter was that they couldn't find one. That's important for us as Deaf interpreters. And for hearing interpreters that's important for training.

The biggest barrier to not getting a Deaf interpreter was that there was not one available in that particular area. And going back to my comments before about Pittsburgh, there are no certified deaf interpreters in that area, and that issue must come up a lot.

In New York City there are two of us with our SCLs that are certified. In New Jersey there is one that has had legal training. And Philadelphia has a few, so we can make an impact in this metropolitan area using

what the long-term consequences are of that. You know, do we think will I be the same interpreter going forward in these particular proceedings? So we have to think about what's best for the system and not necessarily what's best for us because we have to think about the whole case and not just about what I need at this very moment.

And so that certainly could be part of the issue, oh, well, right now while he's talking to his lawyer, I'm fine, but perhaps later on with a different interpreter and that switching of interpreters maybe every month as the court case goes on, maybe would not be appropriate for this client. Maybe there are language issues because there is such high turnover that's to be expected with the hearing interpreters that are working. So that is certainly something that we as professionals need to keep in mind.

Next slide, please.

So I must mention that I do live in New York City, so for the hearing

be exposed to sirens or yelling or what have you. So if you would just bear with us while we continue.

In conclusion, more than 50% of the participants had over 20 years of experience working in the courts and possessed the SCL.

To reiterate, deaf consumers -- oops. Move your

identified.

Based on the comments that I received -- so a lot of open-ended comments to the questions, many respondents including those open-ended questions. Interpreters had a desire to have a systematic way to identify situations where they needed a Deaf interpreter. They wanted it to be clear. They wanted black and white on paper because then it reduced the burden for the hearing interpreter on whether or not to bring in a Deaf interpreter.

Remember when I showed you that quote of the hearing interpreter saying, you know, I discussed it with the lawyer knowing that if I go ahead and proceed that deaf person would be able to go home so I did so.

If we had a policy that the first time someone is arraigned that we needed to have a deaf hearing team at that arraignment, that would reduce the burden for that -- for the hearing interpreter.

So if we could have requirements like that, it would reduce the burden on hearing interpreters to request Deaf interpreters.

And there are many possible ways to do that. We

need a strong foundation of support.

Now, in states like New Jersey that I've mentioned, New Jersey has a specific legal statute that supports the interpreters' demand. What they say is they call it an intermediary interpreter, and for our purposes that means a Deaf interpreter.

Any time a hearing interpreter says in the proceedings, I require the services of an intermediary interpreter, that has to be followed. That is a very powerful legal statute.

So hearing interpreters don't have to think, I'm going to request this and then have to negotiate it, but rather they know the right to have a Deaf interpreter if they call one.

And I have just forgotten the last thing I wanted to think of. Excuse me while I look at my notes.

Next slide, please.

Let me tell you some limitations of my research bias. I am a Deaf interpreter. The audience that took this study perhaps knew who I was, so obviously I cannot be fully neutral. It's possible that knowing that I was the researcher meant that people who wanted to

So we can talk about the barriers that exist for interpreters in individual situations.

We need to do a study like this and replicate it with deaf interpreters.

I know that some Deaf interpreters in the community were upset that they hadn't been contacted. Some Deaf interpreters were surprised by my results actually. They felt like they hadn't been contacted enough. So there certainly is not always a shared understanding between hearing and Deaf interpreters. When a hearing interpreters say that they weren't able to find a Deaf interpreter, the Deaf interpreters say actually, we are available, but we're not contacted.

So it's possibly that we would find some conflicting results with the data if we were to replicate this for deaf interpreters.

So I think that those are some important considerations and some other considerations that I hadn't mentioned before.

The fact that the majority of my interpreters in this study have over 20 years of experience, that means that perhaps they have established patterns and did

those patterns influence their decision? So would a newer interpreter, a more novice interpreter who is working in the courts -- and when I say novice into the field of interpreting, I mean a novice interpreter into the legal setting. So a novice interpreter into the legal setting, would those interpreters be more likely to get a Deaf interpreter?

When you compare them to interpreters with over 20 years of experience working in the same court system with the same practice, are they less likely to change their practices by using a Deaf interpreter, and is that in itself a barrier, their years of experience?

I don't want to dismiss the years of experience that an interpreter has by any means. I'm not talking about that interpreters of over 20 years of experience aren't using best practices, but rather all I'm saying are that the trends in our field change and we have to be sure that we're keeping up with those changes. And what the skill level is of the interpreter is not necessarily always correlating to their experience and their years of experience.

So going back to the third point, I would love to

study Deaf interpreters and their experience and training with the courts.

My sense is that we will not have deaf interpreters with an average of 20 years experience, so their years of experience will certainly be less than the hearing interpreters, but I certainly think that there will be some conflicts in the relationship or

is my last slide.

That is my research. I am happy to open up the chat box to questions. We certainly have plenty of time. It was a challenge for me to go through this webinar tonight, I have to say. There were a lot of points I tried to hit on. I hope I was able to hit on a lot of important points within the data that I found.

Amy?

>> Amy: So we're just going to give people a few minutes to think of some questions. I know I already have a list of questions, but let's wait just a second and we should see them in the chat box.

And let's repeat the question for the audience because not everybody will be able to see it.

>> I see that there is a question from Darcy. Your question is how do you convince the courts to bring in a CDI when your local -- so your particular state has no-- when those CDIs have no legal experience.

>> Christopher Tester: Honestly in that situation I'm not sure how you would convince the court system, but you may have to bring in someone from quite a distance.

My second answer maybe to that question is that we need to set up more training, of course, for the local deaf interpreter community, for both hearing and Deaf interpreters. We have several deaf masters in legal interpreting who have been trained through NCI EC and they work all over the United States. I am one of those trainers.

And we certainly have the ability to train Deaf interpreters in the area to be ready to do that kind of legal work.

My research unfortunately didn't talk specifically about how do you as a Deaf interpreter convince the courts to bring in someone from out of state, but one thing I do recommend is reading Carla Mathers' book, deaf interpreters in the courtroom, a reasonable accommodation that's more than reasonable.

To the interpreter, that's close enough as the title for that book. She got it close enough.

But it does have some good legal -- legal statutes and case law and specific situations where that has happened.

Also let me just look for a reference. There is

an article that I have forgotten the name of -- the author's name is Loving and McCray. McKay Vernon.

So those two researchers are very good because

have training and certification and legal training -- so I'm separating out interpreter training and legal training by saying they're both important.

The biggest benefit is that as a deaf person we have to live through the system, through the process everyday in American Sign Language. So as a hearing interpreter, even an interpreter with deaf parents, both, doesn't matter, you can switch to English and negotiate with the system in English. That is not true of a deaf person, nor is it true of a Deaf interpreter. We always have to navigate the system in ASL.

So with training and with knowledge of the system, working with a hearing interpreter, that is the benefit that we provide.

But just like all hearing interpreters, not every interpreter is qualified. And that's always important to keep in the back of our mind. Not all hearing interpreters are qualified to work in the courts.

That's absolutely true. Some of them have the skills to

But of course, to your point we do need more research in this particular area, and I hope somebody to do part 2 of this and look specifically at Deaf interpreters. So what are issues that hearing interpreters face, we have looked at that already, but to complement that research and build from that particular research what is happening for Deaf interpreters in the courtrooms?

Sorry, I'm trying to scroll through and it's difficult to look at individual questions.

As people are typing their questions, it -- the text scrolls up and I lose the question that I had just been reading.

Sorry, I'm always looking at the last question because I can't go back to the previous question, but I'm going to try to respond to Michelle Draper's question.

Do you know if courts document when certified Deaf interpreters are used?

I know that in New Jersey, yes, it is always documented when a Deaf interpreter is used, but New Jersey has strict protocol, and researchers can

male or female, whether they were hearing or deaf, and I asked if they learned ASL as a child or they learned ASL as an adult. Those were my only demographic questions. But it is certainly a good question.

So Judith, Judith's question is: You're watching the preparation with your husband, who is a lawyer -- watching the presentation with your husband, who is a lawyer. And I'm going to quote -- rather from the quote of the interpreter proceeding without a CDI knowing that the deaf person would be able to go home from the arraignment.

Because it is a quote from the survey, I don't know if the deaf person was asked what they wanted. I didn't follow up with that. But I'm an optimistic person and I'm going to say yes, the interpreter hopefully asked.

But again, I don't know for sure.

But yes, I do think absolutely the deaf person -- the deaf person should and can advocate for a Deaf interpreter for themselves, most definitely.

At the same time, why should that be the burden on the deaf person? I mean, they're already in a very stressful situation as you can imagine. I'm thinking here in New York City the court system is not very, if you will, people friendly. It's complicated, it's confusing, it's easy to get lost in the system. It's easy to get lost in the building!

And now add that burden that a deaf person must ask for a deaf interpreter, why not have it within the system and be ready?

So I'm looking for -- Laura Jackson. I'm responding to your question. Your question is: There is a moratorium on the SCL. What does the future look like for new or novice interpreters getting into the field of legal interpreting? What are my concerns about the use of CDIs given that the SCL is on hold?

Let me think about how to respond. Sure, I am concerned because now that there is, let's say, no goal for an interpreter -- hearing interpreter to achieve

workshop where interpreters are learning how to negotiate with a judge and the court system for what they need.

So just as an example, if we think we are going to need four interpreters in court proceedings, how do we argue for that? I know that some of you are asking like how do we convince the court system?

And part of that is through training and learning how to use appropriate language and the same language, the institutional language that's in the court system already.

So unfortunately that was the last question I could answer. We have run out of time. I think I'm going to go ahead and turn it over to you, Amy, but first I want to say thank you very much. I hope you've enjoyed some of the information that I was able to glean from my research. Please contact me any time.

I believe that the PowerPoint is available for everyone. I certainly am happy to make that available.

And once again, contact me any time. Thank you very much for your attention tonight.

I Amy: Thank you so much, Chris, the work that

you've done is extremely valuable. And it can in turn benefit our work as advocates by having us have a better understanding of how this system works and influencing our expectations.

I really appreciate your point in how we can improve and expand on the research that is to be done in the future. Hopefully somebody will take it upon themselves to do that research.

>> Christopher Tester: I too. I'm hopeful of that.

>> Amy: Great. Okay. So again, Chris, thank you so much.

We're going to take him off the screen now.

Again, thank all of you for showing up, giving up a little bit of your summer evening to join us for this wonderful webinar. We really appreciate all the work that you do and thank you for taking the time to improve yourselves.

Sitting back and doing nothing doesn't help you become a better interpreter, it's things like this that really help you grow as a professional. And it's extremely available for our profession. Thank you so

much.

And Carrie, next slide.

Tonight couldn't happen without Carrie Woodruff. They run everything behind the scenes. I know there were some technical glitches this evening, but hopefully we got through it and you still benefited from the workshop.

Thank you to both of the interpreters. I know it is not easy to interpret for your colleagues.

I'm trying to remember the English phrase. What is it, you're the quarterback? But it's not hard for -- it's very hard for interpreters to work in front of their colleagues. And their work is very helpful for new ASL learners as well as non-ASL users to be able to access this information.

And also thank you to Texas Closed Captioning for providing captioning services this evening.

Next slide, please.

Again, just to reiterate the process for filling out the evaluation and CEUs, you should be getting an

what you need to do. Just simply follow the process listed there.

Once we receive the evaluation and confirmation that you have filled out the evaluation, plus we have cross-reference that with the list of registrants for this evening's webinar, we will send the CEUs to be processed into RID.

If you are watching this as a group, the process is pretty similar, just make sure you all sign in on the sign-in sheet and send that to Carrie.

Next slide, please.

Thank you, Chris, for already giving a little bit of plug to the consortium, but you can stay in touch with us by looking at our website, which is interpretereducation.org. We have a lot of resources that are free for you to access and use. They are at your disposal, so please take advantage of everything we have to offer. If you have any questions, please contact us at the MARIE Center. And again, I'm Amy Williamson, the interpreter coordinator at the MARIE Center. And next slide.

We will have two more webinars coming up quite

please do take time to fill it out.

Thank you, and we look forward to seeing you again. Have a wonderful evening.