

NATIONAL CLEARINGHOUSE OF REHABILITATION TRAINING MATERIALS, SEPTEMBER 21, 2013.

INTERPRETING DEPOSITIONS, SEPTEMBER 21, 2013.

>> GOOD MORNING OR AFTERNOON, DEPENDING ON WHERE YOU ARE AT.

I'M GLAD YOU ARE HERE.

MY NAME IS CARRIE WHITE AND I'M YOUR MODERATOR FOR TODAY.

AND TODAY'S WEBINAR IS "INTERPRETING DEPOSITIONS." WE HAVE A FEW HOUSEKEEPING ITEMS WE NEED TO GO THROUGH FIRST.

CAPTIONING AND INTERPRETERS ARE PROVIDED TODAY.

THE STREAMING WINDOW OPENS AUTOMATICALLY.

THERE IS A TAB FOR THE AUDIO/VIDEO ON THE FAR RIGHT.

CLICK ON THE BOTTOM CORNER, AND A MENU WILL DROP-DOWN.

CLICK "DETACH PANEL." THEN YOU CAN RESIZE THE VIDEO BOX.

TO OPEN THE CAPTIONING, CLICK ON "THE CAPTIONING ICON" ON THE TOOL BAR.

WINDOWS WILL BE CLI

IT WILL -- IT'S A SATISFACTION SURVEY AND IT WILL ALSO ASK YOU FOR YOUR CEU INFORMATION AT THAT TIME.

THEY CAN TAKE UP TO EIGHT WEEKS FOR THESE KIND OF EVENTS FOR THE CEUS TO BE POSTED TO YOUR TRANSCRIPT, SO PLEASE BE PATIENT WITH THE PROCESS.

IT IS TEDIOUS.

I AM CHECKING ON HOW MUCH -- ON THE LENGTH OF TIME THAT PEOPLE ARE LOGGED INTO THE WEBINAR AND COMPARING IT TO THE CEU REQUEST LIST. SO PLEASE STAY FOR THE ENTIRE WEBINAR.

WITH ALL OF THAT OUT OF THE WAY I WOULD L

THERE ARE A NUMBER OF REASONS FOR THAT, BUT PRIMARILY TO TRY TO KEEP THINGS MORE CIVIL, BECAUSE DEPOSITIONS CAN BE QUITE UNRULY BECAUSE THEY ARE UNSUPERVISED, MEANING THERE IS NO JUDGE PRESENT.

AND SO THE ATTORNEYS CAN AT TIMES GET A LITTLE OUT OF HAND, AND THEIR APPROACHES WILL VARY.

OFTEN IN THE BEGINNING THE ATTORNEYS ARE GOING TO BE FRIENDLY AND COOPERATIVE AND THE ATTORNEY TAKING THE DEPOSITION WANTS THE WITNESS TO RAMBLE.

AND THE ATTORNEY DEFENDING THE DEPOSITION WANTS THE WITNESS TO SAY AS LITTLE AS POSSIBLE. SO IN THE BEGINNING, THE ATTORNEY MIGHT BE VERY FRIENDLY, TRYING TO GET THE WITNESS TO VOLUNTEER INFORMATION.

SOMETIMES WHEN THEY ARE NOT GETTING WHAT THEY WANT, THEY MIGHT BECOME MORE AGGRESSIVE AND CONTROLLING.

BUT THAT USUALLY ISN'T THE CASE, BECAUSE YOU WANT THE WITNESS TO TALK.

AND SO IF YOU THINK ABOUT IT, THE DEPOSITION, COURT REPORTER IS TAKING DOWN WHAT EVERYONE SAYS, WHAT THE QUESTIONS AND ANSWERS AND OBJECTIONS AND THEN A TRANSCRIPT IS PRODUCED. SO IT'S ALL WRITTEN DOWN.

AND JUST FROM READING THE TRANSCRIPTS YOU CAN'T GET THE MOOD NECESSARILY.

IT BECOMES KIND OF STERILE AND THAT IS ONE OF THE MAIN REASONS TO HAVE A VIDEOTAPE. SO IF THE ATTORNEY OR THE WITNESS IS UNCOOPERATIVE, OR HOSTILE IN SOME WAY, THEN YOU HAVE THAT AND IT MAKES A BETTER IMPRESSION ON THE JURY TO SHOW THE VIDEO AS OPPOSED TO JUST READING THE TRANSCRIPT INTO THE RECORD.

ATTORNEYS CAN DERAIL DEPOSITIONS IN A NUMBER OF WAYS.

I REMEMBER A DEPOSITION THAT MY VERY IMPORTANT JOB WAS TO COUNT THE NUMBER OF SECONDS THAT THE ATTORNEY USED IN MAKING OBJECTIONS AND MAKING SPEECHES, BECAUSE IN A FEDERAL LAWSUIT, DEPOSITIONS ARE LIMITED TO SEVEN HOURS EACH. SO THIS ATTORNEY WANTED TO USE AS MUCH OF THAT SEVEN HOURS WITH HIM TALKING AS OPPOSED TO LETTING US GET THE STORY FROM THE WITNESS.

THERE WAS ANOTHER DEPOSITION PRETTY WELL KNOWN CASE CALLED TEXACO PEN

DEPOSITION EXCEPT THE ONLY PROPER TOPIC FOR AN ATTORNEY TO INSTRUCT A WITNESS NOT TO ANSWER A QUESTION IS IF IT RELATES TO PRIVILEGE. SO YOU WILL HEAR A LOT OF OBJECTIONS, BUT THE WITNESS IS ALWAYS INSTRUCTED TO GO AHEAD AND ANSWER THE QUESTIONS UNLESS INSTRUCTED BY COUNSEL NOT TO ANSWER THE QUESTION ON THE BASIS OF PRIVILEGE. SO PRIMARILY THE PURPOSE OF THE DEPOSITION IS TO GATHER INFORMATION, AND TO FACILITATE -- I WILL COME BACK TO THOSE IN MORE DETAILS.

BUT IT'S ALSO USED TO PERPETUATE TESTIMONY.

CIVIL CASES CAN TAKE YEARS TO COMPLETE, SO AFTER THE INCIDENT THAT YOU ARE SUING OVER, AS SOON AS POSSIBLE AFTER THAT, YOU WANT TO DEPOSE THE WITNESSES. SO THAT YOU CAN GET THEIR STORIES DOWN AND THEY CAN'T THEN LATER CHANGE OR SAY I CAN'T REMEMBER BECAUSE THE LENGTH OF TIME THAT PASSES BETWEEN A DEPOSITION AND ACTUAL TRIAL CAN ACTUALLY BE YEARS. SO YOU WANT TO PERPETUATE THE TESTIMONY.

THERE IS A SPECIAL KIND OF DEPOSITION CALLED "DE BENE ESSE." IT'S A DEPOSITION IN WHICH THE WITNESS IS NOT GOING TO BE AVAILABLE FOR TRIAL LATER. SO YOU ACTUALLY HAVE TO TAKE THAT DEPOSITION AS IF WERE IN THE COURTROOM. SO YOU STILL MAKE YOUR OBJECTIONS.

IT WON'T BE RULED UPON UNTIL LATER AT TRIAL.

BUT IT'S A DIFFERENT KIND OF DEPOSITION, BECAUSE IT'S ONE IN WHICH THE WITNESS IS NOT GOING TO BE AVAILABLE AT TRIAL TO TESTIMONY.

"DISPOSITIVE MOTION" IS CALLED SUMMARY JUDGMENT AND SAYS AFTER ALL OF DISCOVERY AND AFTER DEPOSITIONS HAVE BEEN TAKEN AND YOU WRITE A MOTION TO THE COURT SAYING THERE ARE NO FACTS IN DISPUTE.

WE AGREE ON ALL OF THE FACTS AND GIVEN THAT, WE AGREE ON ALL THE FACTS THE LAW IS IN MY FAVOR AND I SHOULD WIN THIS CASE WITHOUT HAVING TO GO TO TRIAL.

THAT IS CALLED "A MOTION FOR SUMMARY JUDGMENT." SO I WANT TO SPEND A LITTLE BIT MORE TIME ON GATHERING INFORMATION AND FACILITATING SETTLEMENT.

THIS SLIDE SHOWS THE PARTS OF THE DISCOVERY PROCESS. A LAWSUIT IS FILED.

YOU GO TO A SCHEDULING CONFERENCE.

IF THE SCHEDULING CONFERENCE DATES ARE SET IN WHICH THE DISCOVERY PROCESS TAKES PLACE.

INTERROGATORIES ARE WRITTEN QUESTIONS ONLY BETWEEN THE PLAINTIFF AND THE DEFENDANT.

AND THEY ARE ANSWERED UNDER OATH.

AT THE SAME TIME YOU SEND INTERROGATORIES, YOU ASK FOR DOCUMENTS AND MAY ALSO ASK THE OTHER SIDE TO REMIT CERTAIN FACTS.

AND ONCE YOU RECEIVE ALL OF THE DOCUMENTS AND THE ANSWERS TO INTERROGATORIES AND THEIR ADMISSIONS, THEN YOU CREATE AN OUTLINE FOR YOUR DEPOSITION BASED ON THOSE DOCUMENTS.

YOU CAN DEPOSE THE PARTIES IN THE CASE, AND YOU CAN ALSO DEPOSE NON-PARTIES, WITNESSES.

THE ONLY DIFFERENCE IS THAT YOU SEND A WITNESS A SUBPOENA.

WE HAD A CLIENT ONCE WHO WE FOUND OUT SUCH BAD THINGS ABOUT THIS MAN -- IT WAS A SEXUAL HARASSMENT CASE AND FOUND OUT DURING THE DEPOSITION, BECAUSE THE CLIENTS HAD INVESTIGATED HIM, THAT HE HAD TERRIBLE, TERRIBLE THINGS IN HIS BACKGROUND AND SPENT THE MAJORITY OF THAT DEPOSITION ASSERTING THE 5TH AMENDMENT SO HIS WORDS COULD NOT BE USED TO PROSECUTE HIM IN A CRIMINAL MANNER.

AFTER THAT, WHEN WE HAD PEOPLE WHO COME TO US TO SERVE AS THEIR LAWYER IN CERTAIN CASES WE STARTED TO REQUIRE THAT THEY TAKE LIE-DETECTOR CASES BEFORE, BECAUSE YOU CAN'T TELL WHO IS LYING TO YOU AND THE LAST PLACE YOU WANT TO HEAR ABOUT IS IN A DEPOSITION.

AN SOON AFTER THAT DEPOSITION, THE CASE WAS SETTLED FOR MANY HUNDREDS OF DOLLARS. SO LET'S TALK A LITTLE BIT ABOUT WHO IS PRESENT AT A DEPOSITION, AND WHAT THEIR FUNCTIONS ARE: SO IN A CIVIL MATTER, BOTH SIDES TAKE DEPOSITIONS. SO IT'S CONFUSING TO SAY PLAINTIFF'S ATTORNEY OR STATE'S ATTORNEY, BECAUSE THEY MAY TAKE DIFFERENT ROLES DEPENDING UPON WHO CALLED THE DEPOSITION. SO THE ATTORNEY ASKING THE QUESTIONS IS CALLED "THE DEPOSING ATTORNEY." GENERALLY THERE WILL JUST BE THE TWO ATTORNEYS, THE DEPOSING AND THE DEFENDING, BUT SOMETIMES THERE WILL BE MORE.

THE WITNESS, THE PERSON ANSWERING THE QUESTIONS IS CALLED "THE DEPONENT." AND IF THE WITNESS IS A PARTY THEN THEY WILL HAVE AN ATTORNEY PRESENT CALLED "THE DEFENDING ATTORNEY." IF THE WITNESS IS NOT A PARTY THEY MAY OR MAY NOT HAVE AN INDEPENDENT

THAT IT DOES NOT MATTER WHO IS PAYING YOU OR WHO HIRES YOU, YOUR ROLE IS DETERMINED BY THE FUNCTION THAT YOU ARE INTERPRETING.

AND IN A DEPOSITION YOU ARE INTERPRETING WITNESS TESTIMONY, WHICH MAKES YOU A PROCEEDINGS INTERPRETER.

THE SAME THING WITH THE COURT REPORTER.

THE COURT REPORTER IS AN OFFICER OF THE COURT, AND A DEPOSITION THEY WILL BE PAID BY THE DEPOSING ATTORNEY, BUT THAT DOES NOT AFFECT THEIR FUNCTION.

THEY ARE STILL SWORN TO ACCURATELY RECORD THE DEPOSITION. SO I HAVE A PICTURE NOW TO SHOW YOU A DEPOSITION AND THE DEPOSITION HAS A VIDEOGRAPHER.

IT HAS TWO PROCEEDINGS INTERPRETERS AND ALSO TWO TABLE INTERPRETERS.

THE BLUE CIRCLES ARE THE PROCEEDINGS INTERPRETERS.

THE GREEN TRIANGLES ARE THE TABLE INTERPRETERS.

THE PURPLE TRIANGLE IS THE DEAF PERSON, THE DEPONENT.

THE RED OVAL IS THE DEPOSING ATTORNEY.

AND THE ORANGE OVAL IS THE DEFENDING ATTORNEY.

THEN THERE IS ONE CAMERA FOCUSED ON THE WITNESS, ON THE DEPOSITION.

AND NEXT TO THAT CAMERA, NOT PRESENT WOULD BE THE COURT REPORTER.

THE DEPONENT IS THE PURPLE TRIANGLE.

THE ATTORNEY ASKING THE QUESTIONS IS THE RED OVAL; THAT IS THE DEPOSING ATTORNEY.

AND THE ORANGE OVAL IS THE DEFENDING ATTORNEY.

JUNE ASKED WHETHER OR NOT THIS SETUP WILL WORK WITH THE CDI? AND IT WOULD WORK JUST FINE WITH THE CDI.

AND WITH A CDI, THE CDI WOULD BE A BLUE TRIANGLE.

THE HEARING INTERPRETER WORKING WITH THE CDI WOULD BE SOMEWHERE BETWEEN THE PURPLE OVAL -- I'M SORRY, THE PURPLE TRIANGLE, AND THE RED OVAL.

AND BARBARA ASKED WHY IS THE DEPOSING ATTORNEY OUT OF THE SIGHT LINE OF THE PROCEEDINGS INTERPRETERS? THE DEPOSING ATTORNEY IS NOT OUT OF THE SIGHT LINE OF THE PROCEEDINGS INTERPRETERS.

THE DEPOSING ATTORNEY IS ACROSS THE TABLE AND DIRECTLY IN FRONT OF THE PROCEEDINGS INTERPRETERS.

THE CDIS, SOMEONE ASKED WHERE A CDI WOULD BE AND I JUST EXPLAINED THAT.

THE BLUE TRIANGLES WOULD STAY.

THOSE WOULD BE THE CDIS.

AND THEIR TEAMMATE, WHO WOULD BE PROVIDING THEIR SOURCE LANGUAGE WOULD BE ACROSS THE TABLE, PROBABLY WHERE THAT CAMERA IS.



HE DIDN'T HAVE ANY PRIVILEGED COMMUNICATION WITH ANY WITNESS. SO THE ROOM IS REALLY GOING TO CONSTRAIN HOW YOU SET UP.

QUESTION AND IT CERTAINLY WOULD BE THE CASE IF THE DEPONENT USED A CDI THAN THE TABLE INTERPRETER FOR THE WITNESS FOR WHATEVER SIDE WAS SPONSORING THAT WITNESS MAY VERY WELL HAVE A CDI.

IT DEPENDS ON THE REASON THAT A CDI IS INDICATED FOR THE DEPOSITION.

IF IT'S BECAUSE IT'S HIGH-STRESS WITNESS TESTIMONY, BUT THE DEAF PERSON STILL USES AMERICAN SIGN LANGUAGE OR SOME VARIATION THEREOF, THEN MAYBE YOU DON'T NEED A CDI FOR THE TABLE WORK SINCE THAT IS RELATIVELY LOW-STRESS AND IT HAPPENS IN A PRIVATE ROOM OUTSIDE OF THE DEPOSITION ROOM.

BUT IT JUST DEPENDS.

I KNOW THAT A NUMBER OF FRIENDS OF MINE, WHO ARE CDIS HAVE FUNCTIONED AS TABLE INTERPRETERS.

ALL RIGHT, SO AGAIN, THERE ARE LOTS OF DIFFERENT WAYS TO DO IT.

OFTEN AS WITH MUCH OF WHAT WE DO, THE PROBLEM IS SIGHT LINES.

THE PROBLEM IS FIGURING OUT WHERE NOT ONLY YOU CAN BE IN A SMALL ROOM, BUT ALSO WHERE THE REPORTER IS GOING TO BE AND WHERE THE CAMERAS ARE GOING TO BE AND ALL OF THAT. SO I WANT TO TALK JUST A LITTLE BIT NOW ABOUT THE PROCESS OF WHAT HAPPENS IN THE DEPOSITION AND I THINK THAT IS IMPORTANT FOR INTERPRETERS, BECAUSE YOU CAN USE -- ONCE YOU UNDERSTAND THE PROCESS, YOU CAN USE THIS INFORMATION TO PREDICT.

IF YOU UNDERSTAND THE DISCOURSE STYLE OF THE ATTORNEYS AND WHY THEY ARE DOING WHAT THEY ARE DOING, THAT HELPS YOU IN ACCURATELY INTERPRETING AND PREDICTING WHAT IS COMING NEXT. SO IN THE BEGINNING OF A DEPOSITION, THE REPORTER STARTS AND THE REPORTER WILL SWEAR THE DEPONENT.

IF THERE IS AN INTERPRETER PRESENT, THEY WILL SWEAR THE INTERPRETER FIRST.

AT THAT TIME, IF THE INTERPRETER HAS DISCLOSURES, THAT IS WHEN THEY SHOULD BE PUT ON THE RECORD.

YOU MIGHT HEAR ATTORNEYS TALKING ABOUT THE "USUAL STIPULATIONS." THEY ARE REFERRING TO THE ABILITY TO OBJECT WITHOUT HAVING TO FOLLOW THE FORMAL RULES OF EVIDENCE AT TRIAL.

AND THAT IS REALLY -- IT'S RATHER OLD-FASHIONED, BECAUSE THE RULES OF EVIDENCE HAVE BEEN CHANGED TO DICTATE HOW OBJECTIONS ARE HANDLED DURING DEPOSITIONS. SO YOU DON'T NEED TO AGREE THAT IF YOU DON'T MAKE AN OBJECTION IMMEDIATELY, YOU CAN'T BRING IT UP LATER AT TRIAL.

BECAUSE THE RULES OF EVIDENCE ALREADY SAY THAT YOU CAN.

ANOTHER STIPULATION IS -- AND YOU WILL HEAR THEM SAY WHAT ABOUT READING IN SIGN? AND WHAT READING AND SIGNING MEANS IS ONCE THE TRANSCRIPT IS PREPARED, IT IS SENT TO THE ATTORNEY TO THE DEPONENT AND THE DEPONENT HAS THE OPPORTUNITY TO READ IT, TO MAKE SURE THAT THE COURT REPORTER DIDN'T MAKE

ATTORNEY'S FALLBACK POSITION TO, SO THAT THE WITNESS CAN'T LATER SAY OH, I DIDN'T REALLY MEAN THAT, BECAUSE I WAS ON MEDICATION.

OR I DIDN'T REALLY UNDERSTAND THAT QUESTION, SO I JUST ANSWERED IT THE BEST I COULD. SO THOSE ARE THE "COMMITMENTS." AND WITNESSES ARE ALSO PREPARED BY THEIR ATTORNEYS, TOO, AS TO HOW TO ANSWER QUESTIONS.

IN PARTICULAR THEY ARE TOLD NOT TO VOLUNTEER INFORMATION.

TO ANSWER JUST THE QUESTIONS THAT HAVE BEEN ASKED.

AND THE SAME KINDS OF COMMITMENTS -- DON'T ANSWER A QUESTION YOU DON'T UNDERSTAND OR YOU CAN'T HEAR OR ANYTHING LIKE THAT. SO THEN TO THE BULK OF THE DEPOSITION, THERE ARE THESE VARIOUS QUESTIONING STYLES.

THAT GO THROUGH EACH

BECAUSE IT LOOKS FISHY, GIVEN THAT THE DEPOSITION HAPPENS SO CLOSE IN TIME TO THE EVENTS AND TRIAL IS MUCH LATER, THAT THEY COULDN'T REMEMBER AT THE DEPOSITION, BUT SOMEHOW MIRACULOUSLY HAVE REMEMBERED LATER. SO KNOWING THE DISCOURSE HELPS YOU AS AN INTERPRETER BECAUSE YOU CAN ANTICIPATE THE TYPE OF INTERPRETATION AND WHEN A TOPIC IS OPENING AND WHEN IT'S IN THE MIDDLE AND GETTING FLUSHED OUT OR WHEN WE'RE MOVING TO ANOTHER TOPIC.

ANY QUESTIONS ABOUT THE KIND OF STRUCTURE OF THE DEPOSITION, WHAT HAPPENS BEFORE WE GO INTO TALKING ABOUT THE ROLES OF THE DEPOSITION INTERPRETER?

THE DEPOSITION INTERPRETER AGAIN IS A PROCEEDINGS INTERPRETER AND THAT IS BECAUSE THE FUNCTION THAT YOU ARE INTERPRETING IS WITNESS TESTIMONY.

AND THE DEPOSITION WAS ON VIDEO.

AND IT WAS A CLASS-ACTION CASE. SO THE PLAINTIFFS WERE FROM ALL OVER THE COUNTRY.

AND THE INTERPRETERS WERE FROM WASHINGTON, D.C.. SO WHEN A PLAINTIFF CAME IN, IT WAS LIKELY THEY WOULD BE USE SOMETHING EITHER SIGNS OR REFERRING TO TOWNS AND CITIES THAT THE INTERPRETER WAS NOT

I'M GOING TO GIVE YOU A SCENARIO, AND IN THE CHAT BOX WE'RE GOING TO TALK ABOUT WHAT WE WOULD THINK ABOUT THIS SCENARIO AND WHAT ARE THE POSSIBLE OPTIONS FOR THE INTERPRETER? AND TRY TO MAKE THIS JUST A TAD BIT MORE INTERACTIVE.

BUT ALSO FOLKS HAVE SOME REALLY GOOD SUGGESTIONS TO MAKE SURE IF BORROWING IS DONE, IT'S PUT ON THE RECORD AND THAT EVERYONE HAS AGREED TO IT AND KNOWS THAT IT'S HAPPENING.

I THINK IT ALSO DEPENDS ON EXACTLY WHAT THEY WANT TO TALK TO THE WITNESS ABOUT.

YOU SEE, ATTORNEYS, ONCE A DEPOSITION IS STARTED, ATTORNEYS ARE NOT PERMITTED TO TALK TO A WITNESS ABOUT THEIR TESTIMONY.

SAME THING IN COURT.

ONCE A WITNESS IS SWORN, ATTORNEYS ARE NOT ABLE TO TALK TO THE WITNESS ABOUT THEIR TESTIMONY.

NOW I NOTED IN THE SCENARIO THAT THIS WAS PRIOR TO COURT.

BUT I THINK AS AN INTERPRETER, ONCE YOU EXPLAIN THE DIFFICULTY AND THE DILEMMA, I WOULD ALSO FIND OUT EXACTLY WHAT THEY WANT TO TALK TO THE WITNESS ABOUT.

IF IT'S GOING TO BE ABOUT THEIR TESTIMONY FOR THE DAY, THEN I WOULD LET THE ATTORNEY KNOW THAT IS NOT PROPER.

BUT IF THEY WANT TO RECEIVE A STIPULATION FROM OPPOSING COUNSEL, THEN PUT IT ON THE RECORD.

YOU AS THE INTERPRETER SHOULD MAKE THAT PARTICULAR RECORD, NOT DEPEND UPON THE ATTORNEY TO DO IT.

RIGHT. SO AT THAT MOMENT, YOU ARE IN A REALLY BAD PLACE, BUT I THINK THAT YOU ARE ALSO WORKING WITHIN THE SYSTEM, AND YOU DON'T WANT TO CAUSE THEM TO HAVE TO CANCEL THE DEPOSITION OR RESCHEDULE THE DEPOSITION, BECAUSE IT'S VERY, VERY COSTLY TO DO A DEPOSITION.

AND IN PART IT'S BECAUSE THE INTERPRETER DIDN'T PREPARE WELL ENOUGH BY FINDING OUT WHETHER OR NOT THERE WOULD BE A TABLE INTERPRETER THERE. SO GOOD DISCUSSION.

THAT WASN'T AS DIFFICULT AS I THOUGHT IT MIGHT BE. SO I'M GOING TO GIVE YOU A HARDER ONE.

AND I WILL READ THIS A NUMBER OF TIMES.

AND IN LISTENING TO IT, THINK ABOUT THE ROLE AND FUNCTION OF INTERPRETERS. SO TWO INTERPRETERS HAVE BEEN HIRED BY A DEAF PLAINTIFF, BY THE PLAINTIFF'S ATTORNEY FOR IN-OFFICE PREPARATION FOR THE DEPOSITION. SO THEY HAD AN ALL-DAY SESSION, THE LAWYERS HIRED TWO INTERPRETERS TO INTERPRET THE PREP FOR THEIR DEPONENT.

AND THEN DURING THE ACTUAL DEPOSITION, ONLY ONE TABLE INTERPRETER WAS PRESENT TO MONITOR.

YOU DIDN'T NEED TWO.



NOW THE FOLLOWING WEEK THERE IS A DEFENSE WITNESS, THE OTHER SIDE, WHO IS HEARING, AND THEY ARE GIVING THEIR TESTIMONY, AND THE PLAINTIFF, WHO IS DEAF, WANTS TO ATTEND. SO NEXT WEEK WE HAVE ANOTHER DEPOSITION.

IT'S A HEARING WITNESS, BUT THE PLAINTIFF IS DEAF AND THE PLAINTIFF WANTS TO ATTEND. SO IT'S AN ALL-DAY DEPOSITION, SO THE PLAINTIFF WANTS THE TWO LAW OFFICE TABLE INTERPRETERS WHO HAD INTERPRETED FOR THEIR PREPARATION, WANTS THOSE TWO INTERPRETERS TO ATTEND THE DEPOSITION OF THE HEARING WITNESS AND INTERPRET FOR THE DEAF PLAINTIFF. WHAT ARE YOUR THOUGHTS?

ASK IF THE WITNESS THERE FOR THE DEAF SIDE OF THE CASE?

NO, IT'S THE OTHER SIDE.

BEFORE WE GO AHEAD, I WILL REPEAT THE SCENARIO ONE MORE TIME, BUT I ALSO HAVE A NUMBER OF COMMENTS THAT I WANT TO GET TO THEM.

THE SCENARIO IS THAT TWO LAW OFFICE INTERPRETERS, SO THEY ARE TABLE INTERPRETERS, INTERPRETED FOR AN ALL-DAY PREPARATION SESSION FOR THE PLAINTIFF'S DEPOSITION.

THE PLAINTIFF IS DEAF.

THEY DID THAT IN THE LAW OFFICE. THEN DURING THE PLAINTIFF'S

NO, THEY WOULD BE THERE AS AN OBSERVER ONLY.

THEY CAN TALK TO THEIR ATTORNEY ON BREAKS, BUT THEY DON'T HAVE ANY ROLE IN SPEAKING DURING THE DEPOSITION.

GAIL SAYS IF THE INTERPRETERS ARE HIRED BY THE DEAF DEFENDANTS THEY ARE WORKING AS TABLE INTERPRETERS FOR THE COMPLAINANT, SO THEY ARE NOT PROCEEDINGS INTERPRETERS.

THEY ARE NOT HIRED -- LET'S SEE, IF THE INTERPRETERS ARE HIRED BY DEAF COMPLAINANTS, YES, THEY ARE WORKING AS TABLE INTERPRETERS.

YES. SO THEY ARE NOT PROCEEDINGS INTERPRETERS, CORRECT.

AGAIN I'M NOT GOING TO READ THEM ALL.

I'M GOING TO PICK OUT SOME QUESTIONS OR COMMENTS THAT HAVE POINTS THAT WE HAVEN'T DISCUSSED YET.

AND LIZ HAS TALKED ABOUT IT BEING -- OR IT SEEMS THAT THESE INTERPRETERS WOULD BE MORE LIKE AN ADA ACCOMMODATION, NOT ACTUAL TIS.

AND I TEND TO AGREE WITH THAT AS WELL.

THEY ARE NOT SWORN DURING THE DEPOSITION.

AND THEY DO NO RECORD INTERPRETING.

THEY ARE SIMPLY THERE TO LET AN AUDIENCE MEMBER SEE WHAT IS HAPPENING IN THE DEPOSITION.

AND MARGARET SAYS I WOULD THINK THAT YOU FUNCTION AS A TI AND MAINTAIN THAT ROLE DURING THE DEPOSITION OF THE HEARING WITNESS AND THEN BE ABLE TO RETURN AS THE TABLE INTERPRETER FOR THAT SIDE.

THAT IS EXACTLY WHAT HAPPENED HERE.

RIGHT.

AND SERGIO SAYS IF THIS WAS A SPOKEN LANGUAGE INTERPRETATION, THE TABLE INTERPRETERS CAN WHISPER AND THERE ARE NO PROBLEMS,.

THEREFORE NO PROBLEMS AND IT COULD BE DONE WITHOUT HAVING IT ON THE RECORD.

RIGHT.

RIGHT.

THE RECIPIENT OF THE INTERPRETATION IS THE DEAF AUDIENCE MEMBER, PLAINTIFF FOR LACK OF A BETTER TERM, RIGHT.

NOT THE REPORTER DID NOT RECEIVE THE INTERPRETATION IN ORDER TO CREATE A TRANSCRIPT OF THE RECORD.

AND LARRY ASKED WHAT IF THE DEAF DEFENDANT WANTS THE SAME INTERPRETERS IN COURT? THE ONLY PLACE THAT THOSE INTERPRETERS CAN FUNCTION IN COURT WOULD BE AS THE TABLE INTERPRETERS.

BETHANY ASKED WOULDN'T IT BE THE RESPONSIBILITY OF THE COURT TO PROVIDE ACCESS TO AN OBSERVER?

WHY IS THE ATTORNEY HIRING INTERPRETERS?

IN COURT, THE COURT WOULD HAVE THE OBLIGATION TO PROVIDE ACCESS TO AUDIENCE MEMBERS. A DEPOSITION IS NOT IN COURT AND IS PART OF PRE-TRIAL DISCOVERY PROCESS AND THE ATTORNEYS PAY FOR ALL THE COSTS.

AND THE COSTS INCLUDE COURT REPORTERS' FEES AND COST OF THE CREATING THE TRANSCRIPT AND VIDEOGRAPHERS.

THAT IS HOW COURT HAS ALWAYS BEEN.

IT WOULD BE IMPRACTICAL AND IMPOSSIBLE AND EXTREMELY EXPENSIVE FOR COURTS TO PAY FOR ALL THE DISCOVERY THAT LITIGANTS IN AMERICA GO THROUGH EACH YEAR.

OKAY.

WE HAVE ALREADY TALKED ABOUT THE MONITOR, BUT J (72.0246.340) JETT1 0 0 1 7FTE1) 20A8 52050) (1)3 (E) 0 (A54

I HAVE SEEN SOME ATTORNEYS WHO WANT THE DISCUSSIONS BETWEEN THE PROCEEDINGS INTERPRETERS AND TABLE INTERPRETERS ON THE RECORD.

YOU SHOULD BE ABLE TO MAKE PUBLIC OR TRANSPARENT THOSE DISCUSSIONS THAT YOU HAVE WITH THE PROCEEDINGS AND TABLE INTERPRETERS AND SHARING SIGNS IS A COMPLETELY PROPER THING TO DO IS SHARE SIGNS.

QUESTIONS ABOUT THE MONITOR OR THE TABLE INTERPRETER AT ALL? AND THEIR ROLE AND FUNCTION IN A DEPOSITION AS THESE ARE THE REGULAR COURT PROCEEDINGS?

SO THE FINAL AREA THAT I WANT TO TALK ABOUT IS HOW YOU PREPARE FOR A DEPOSITION.

AND I HAVE ALREADY TALKED IN SOME DETAIL ABOUT THE OBLIGATION TO CONTACT THE ATTORNEY AHEAD OF TIME, FIND OUT HOW THEY HAVE BEEN COMMUNICATING WITH THE CLIENT.

TO FIND OUT WHAT THEY INTEND TO DO, WHAT THEY INTEND TO DO DURING THE DEPOSITION? AND NOT THE FINAL THING, BUT I THINK ONE OF THE KEY POINTS THAT YOU CAN MAKE, TO CONVINCE AN ATTORNEY TO HIRE THEIR OWN INTERPRETER IS TO TALK ABOUT THAT CONTEMPORANEOUS OBJECTION RULE AND IF YOU RECALL, THAT IS WHICH AN ERROR IS MADE BY THE PROCEEDINGS INTERPRETER, THE ATTORNEY HAS TO OBJECT IMMEDIATELY OR THEY DO NOT PRESERVE THAT ISSUE FOR REVIEW, FOR APPEAL. SO THAT IS REALLY IMPORTANT.

I SEE THAT JENNA IS ASKING FOR AN EXAMPLE OF LANGUAGE THAT IS USED WHEN A TABLE INTERPRETER SEES AN ERROR?

LANGUAGE FOR THE RECORD OR I ASSUME THAT YOU MEAN LANGUAGE FO

AND I SAW A COUPLE OF OTHER QUESTIONS AND I'M GOING TO GO AHEAD AND SEE IF I CAN RESPOND TO THOSE.

VERONICA HAS ASKED WHETHER OR NOT THE TABLE INTERPRETERS OR PROCEEDINGS INTERPRETERS WATCHED THE VIDEO TRANSCRIPT AFTERWARDS AND IF THEY FIND ERRORS THEN, HOW DO THEY RECTIFY THEM? I HAVE NEVER SHARED A VIDEO DEPOSITION WITH AN INTERPRETER AND I KNOW THAT WHEN INTERPRETERS ARE DEPOSED TO TESTIFY ABOUT THAT WORK AND THAT WORK HAS BEEN VIDEOTAPED, I ALWAYS TELL THEM TO CONTACT THE PROSECUTOR WHO TYPICALLY HAS THE VIDEO IN THEIR POSSESSION AND MAKE AN APPOINTMENT TO GO VIEW IT TO MAKE SURE, IF THERE ARE ERRORS THAT THEY CAN BE DISCUSSED IN TERMS OF DECISIONS BEHIND THEM. SO THAT THE PROSECUTOR WANTS TO KNOW EXACTLY WHERE THE ERRORS WERE AND WHY THEY WERE MADE? I HAVEN'T SEEN THAT IN THE CIVIL CONTEXT.

I HAVE ONLY SEEN IT IN THE CRIMINAL CONTEXT.

MARGARET IS ASKING ABOUT THE RULES OF EVIDENCE CHANGING?

CAN AN ATTORNEY HIRE AN INTERPRETER LATER AND OBJECT BASED ON



THEN THIS IS DOCUMENTARY PREPARATION, IF YOU HAVE TIME, YOU WILL HAVE THE COMPLAINT AHEAD OF TIME.

YOU MAY ALSO WANT TO REVIEW THE ANSWER.

OR ANY ANSWERS TO INTERROGATORIES OR EXHIBITS, IF THE ATTORNEY IS GOING TO BE USING EXHIBITS, YOU WANT TO SEE THEM.

PARTICULARLY IF IT'S NOT JUST PAPER EXHIBITS.

YOU MAY ALSO WANT TO HAVE A CONVERSATION WITH THE COURT REPORTER, BECAUSE YOU MAY NEED TO REMIND HIM OR HER THAT YOU NEED TO BE SWORN.

YOU MAY HAVE BROUGHT A COPY OF THE OATH WITH YOU.

AND I LET THE REPORTER KNOW WHEN I HAVE DISCLOSURES TO MAKE, THAT I WILL BE MAKING THEM AND WHEN I WILL BE MAKING THEM.

AND SOMETIMES IT'S HELPFUL TO TALK TO THE REPORTER OR ASK THE REPORTER HOW THEY ARE GOING TO INDICATE WHEN THE INTERPRETER IS TALKING IN THE TRANSCRIPT? BECAUSE THEY NEED TO IDENTIFY WHEN THE INTERPRETER IS TALKING, VERSUS WHEN THE ATTORNEYS OR THE WITNESS IS TALKING.

BUT ESSENTIALLY PREPARATION FOR A DEPOSITION IS JUST LIKE YOU WOULD BE PREPARING FOR ANY WITNESS TESTIMONY.

IT JUST IS A LITTLE BIT DIFFERENT BECAUSE IT'S IN A LAW OFFICE.

IT'S IN A PRE-TRIAL STAGE, AND THERE IS NO JUDGE THERE.

NOW I'M JUST GOING TO TAKE ANY MORE LAST QUESTIONS THAT ANYONE MAY HAVE.

AND I'M READING JOY'S COMMENTS AND SAYS FOR CLARIFICATION, IF AN ERROR IS NOTICED BY THE TABLE INTERPRETER, DOES THE ATTORNEY MAKE A COMMENT FOR THE RECORD? OR IS THE TI SWORN IN AND MAKES A COMMENT? IT'S A VERY GOOD QUESTION.

IF YOU ARE EVER SWORN IN AS A TABLE INTERPRETER, IT WOULD BE AS A WITNESS, NOT AS AN INTERPRETER.

AND IT WOULD BE AT THE TIME MOST LIKELY THAT THIS HAPPENS -- WELL, IT COULD BE AT THE BEGINNING, TOO.

BUT WE DON'T WANT TO LET THE ATTORNEY MAKE THAT RECORD, BECAUSE THE TABLE INTERPRETER IS THE EXPERT.

THEY ARE THE ONES -- HANG ON ONE SECOND -- SORRY, I WAS LOSING MY VOICE.



YOU ARE THE EXPERT AND THE ONE WHO KNOWS HOW TO TALK ABOUT OUR FIELD. SO WE WANT TO MAKE SURE THAT THE RECORD IS VERY CLEAR. SO I DON'T WANT THE ATTORNEY TRYING TO EXPLAIN THE ERROR.

I WANT TO DO THAT AS THE TABLE INTERPRETER MYSELF.

NOW I HAVE HAD -- EXCUSE ME -- I HAVE HAD ONE DEPOSITION WHERE I AS AN INTERPRETER WAS SWORN.

AND IT WAS VERY STRANGE PROCEEDING BECAUSE THEY SWORE ME AS AN INTERPRETER AND I MADE A RECORD THAT I WOULD BE HAPPY TO TAKE A WITNESS OATH, BUT SINCE I WAS NOT INTERPRETING ANY OF THE PROCEEDINGS AND SIMPLY MONITORING, I DID NOT THINK IT APPROPRIATE TO TAKE A WITNESS OATH.

AND THEY SAID, ESSENTIALLY, WE DON'T CARE. SO I TOOK THE OATH, AND THEN MONITORED.

BUT I WOULD SUGGEST THAT YOU CAN TAKE A WITNESS OATH TO TELL THE TRUTH AS TO WHAT YOU ARE MONITORING AND ANY ERRORS THAT YOU IDENTIFY.

AND I GUESS PROBABLY FOR CONSISTENCY, IT SHOULD BE DONE AT THE BEGINNING, BUT IF IT DOESN'T, IT WOULD BE AT THIS MOMENT, AS YOU MENTIONED.

NATALIE MENTIONED THAT COPIES OF INTERROGATORIES ARE HELPFUL TO GET AHEAD OF TIME.

I FEEL IT'S ONE STEP FURTHER BECAUSE YOU HAVE THE CHOICE BETWEEN INTERROGATORIES AND ANSWERS TO INTERROGATORIES.

AND ANSWERS TO INTERROGATORIES REPLICATE THE QUESTION AND THE RESPONSE. SO IF YOU DO HAVE A CHANCE TO REVIEW THE FILE, IT CAN BE VERY HELPFUL TO SEE BOTH THE QUESTIONS AND THE RESPONSES. SO IF YOU ARE LOOKING -- YOU ARE TALKING TO AN ATTORNEY, ASK TO SEE ANSWERS TO INTERROGATORIES, AND THAT WILL AUTOMATICALLY GET YOU THE QUESTIONS.

SUZANNE ASKED DOES WHETHER THIS SLIDE PREPARATION APPLY TO BOTH PROCEEDINGS INTERPRETERS AND TABLE INTERPRETERS?

THIS SLIDE, EXCEPT FOR THE LAST BULLET APPLIES TO PROCEEDINGS INTERPRETERS.

RIGHT. SO THE FINAL SLIDE IS YOU MEET WITH THE OTHER INTERPRETERS, MEANING THE TABLE INTERPRETERS.

CHRISTINE ASKED ME TO REPEAT WHAT I SAID ABOUT KNOWING THE DEPONENT'S ROLE.

SURE.

I WANT TO KNOW IF THEY ARE THE PLAINTIFF? THE DEFENDANT? OR A WITNESS? A NON-PARTY WITNESS? AND I WANT TO KNOW -- I MEAN I SHOULD KNOW THIS, BUT I WANT TO KNOW WHICH SIDE THEY SUPPORT?

TYPICALLY, YOU ARE GOING TO BE THE DEFENDING ATTORNEY, IT WILL BE THEIR CLIENT OR THEIR WITNESS BEING DEPOSED BY THE OTHER SIDE. SO THE DEPOSITION IS NOTICED BY THE ATTORNEY WHO IS AGAINST THE WITNESS FOR LACK OF A BETTER WAY TO SAY IT.

JESSICA HAS ASKED HOW LONG ARE DEPOSITIONS? THAT DEPENDS.

IN FEDERAL COURT WE'RE LIMITED TO SEVEN HOURS, BUT FREQUENTLY WHERE INTERPRETERS ARE USED THE ATTORNEY WILL FILE A MOTION ASKING FOR MORE TIME, SAYING THAT THE PROCESS OF INTERPRETATION ARTIFICIALLY EXTENDS THE TIME. SO CERTAINLY IN OUR FEDERAL CASE, WITH THE DEAF PLAINTIFFS IN THE CLASS-ACTION, EACH WOULD CHOOSE FOR TWO 7-HOUR DAYS.

AND SERGIO ASKED WHETHER OR NOT DEBRIEFING IS ALLOWED DURING THE BREAK BETWEEN A TABLE INTERPRETER AND A PROCEEDINGS INTERPRETER? AND CERTAINLY, YOU CAN -- AS LONG AS YOU HAVE STIPULATION WITH RESPECT TO THE DEBRIEF ON THE RECORD AND AGAIN, SOME ATTORNEYS ARE GOING TO WANT YOU TO DO THE DEBRIEF ON THE RECORD.

I DID A DEPOSITION -- THE ONE I SHOWED YOU THE PICTURE OF WITH THE TWO TABLE INTERPRETERS AND IN THE BEGINNING, WE DIDN'T THINK WE PARTICULARLY NEEDED TO MEET OR TALK, BUT AS THE DEPOSITION WENT ON, IT BECAME VERY DIFFICULT TO INTERPRET.

AND SO WE DECIDED THAT WE DID ASK FOR A SHORT MEETING AND WE GOT IT ON THE RECORD, AND ASKED THEM IF THEY WANTED TO BE PRESENT, THE ATTORNEYS AND THEY DIDN'T.

THEN WE TOOK THAT CONVERSATION INTO ANOTHER ROOM, SO WE WEREN'T STANDING IN FRONT OF A DEAF PERSON HAVING CONVERSATION.

AND JENNA HAS SUGGESTED THAT ATTORNEYS OFTEN TRY TO HIRE ONE INTERPRETER FOR A DEPOSITION SINCE THEY SAY IT WILL BE SHORT AND WANTS TO KNOW IF WE CAN CONFIRM ALL ASSIGNMENTS ON THE RECORD REGARDLESS OF THE LENGTH OF DEPOSITION.

PERSONALLY I WOULD WORK AS A TEAM IN A DEPOSITION.

I TRY ALWAYS TO WORK AS A TEAM IN TRIAL BECAUSE OF WITNESS TESTIMONY AS WELL.

I DON'T ALWAYS GET WHAT I WANT, AND THAT IS JUST BECAUSE OF THE COURTS WHERE I WORK.

BUT YES, A TEAM IS REQUIRED FOR DEPOSITIONS.

I'M READING BRENDA'S COMMENTS.

I'M NOT GOING TO REPEAT IT, BECAUSE YOU CAN READ IT, BUT I WILL SUGGEST THAT THAT EXPERIENCE WOULD PROBABLY CHANGE DRAMATICALLY, IF YOU WERE USING CONSECUTIVE INTERPRETATION.

MARGARET HAS AS

DEPOSITION DISCOURSE -- VERY LITTLE CROSS-EXAMINATION WILL HAPPEN IN A DEPOSITION. SO AN INTERPRETATION PERSPECTIVE THAT MEANS ON DIRECT THE MAJORITY OF WHAT YOU WILL BE DOING IS ASL TO ENGLISH INTERPRETATION.

WHEREAS WE KNOW IN CROSS-EXAMINATION, OUR FOCUS IS ON ENGLISH TO ASL, BECAUSE THE CRITICAL INFORMATION IS IN THE QUESTIONS AND THE RESPONSES ARE SHORT AND DIRECTED, THEY ARE LEADING QUESTIONS, SO THE ANSWERS AR

AGAIN, OUR HEARSAY RULES APPLY.

THE IME CANNOT TESTIFY BECAUSE THE IME DOESN'T HAVE PERSONAL KNOWLEDGE WHAT THE DEAF PERSON SAID.

IN ORDER TO GET THE TESTIMONY IN, IF THE ATTORNEYS ARE FOLLOWING THE RULES OF EVIDENCE, THEY WOULD NEED TO CALL THE INTERPRETER FROM THE IME IN ORDER FOR THE DOCTOR TO GIVE AN OPINION.

RACHEL HAS TYPED IN AND SAID THAT THE IME IS USUALLY PAID FOR BY THE INSURANCE COMPANY, WHO ALSO PAYS FOR THE INTERPRETER. SO THAT IS A GOOD EXAMPLE OF US USING OUR COLLECTIVE KNOWLEDGE TO UNDERSTAND A LITTLE BIT MORE OF THAT CONSULTATIVE AREA OF LAW.

I KNOW WE HAVE FIVE MINUTES LEFT AND CARRIE HAS SOME CLOSING REMARKS TO GIVE TO YOU. SO I WILL JUST SHOW YOU THINOW3TJ1 0 0 1IET92(CITBTD)PRO 0 1 RW.-2\$ 79530.71 TM)3(AAN3TJ1 0 0 1T)OR)TTIO 0 1 0

THERE IS THE LINK TO ACCESS THE WEBINAR TONIGHT AND YOU WILL SEE THE LINK FOR THE SURVEY THERE AT THE BOTTOM OF THE PAGE. A GROUP SIGN-IN PAGE WAS ATTACHED TO THE EMAIL.

IF YOU WATCHED AS A GROUP, PLEASE HAVE EVERYONE SIGN-IN AND SEND THE FORM TO ME.

I ENCOURAGE EVERYONE TO COMPLETE THE SURVEY EVEN IF YOU USE THE SIGN-IN SHEET.

THERE IS A LIST SERVE THAT WILL BE OPENED FOR TWO WEEKS.

I WILL SEND OUT AN EMAIL TOMORROW OR ELSE MONDAY ON THE WEBINAR INTEREST LIST.

IF YOU WANT TO JOIN OUR WEBINAR INTEREST LIST, PLEASE VISIT THE MARIE WEBSITE AND I THINK THAT IS ALL.

IF YOU SIGNED UP FOR OUR WEBINAR INTEREST, YOU WILL GET MORE PROMOTIONS ON FUTURE WEBINARS.

THANK YOU VERY MUCH.

HAVE A GOOD DAY.