

Legal Interpreting Skill Development:
Improving Message Coherence When Interpreting

A: ME-WITH FRIEND NAME J-ON-WRIST. SPELL J-A-M-E-S, LAST NAME, B-A-R-N-E-S.

I was with my friend, James Barnes.

Q: Where were you going?

NIGHT ACCIDENT HAPPEN, J-ON-WRIST, YOU-TWO, GO-to WHERE?

A: WE-TWO, PLAN GO-to PLAY CARDS THERE (referent to left) DEAF C-L-U-B, SAME-as EVERY-FRIDAY.

We were going to play cards at the local social club for deaf people - just like every Friday night.

Q. Where is the social club located?

DEAF C-L-U-B, ESTABLISH-AREA, WHERE?

A. TOWN-there (index finger move upward) NORTHWEST, CLOSE AREA I-16, THAT AREA DEAF C-L-U-B.

It is located in the northwest part of town, near I-16.

Q. Did you take your normal route?

NIGHT ACCIDENT HAPPEN, YOU-Two GO-to DEAF C-L-U-B, DRIVE-there ROAD WHICH...SAME-as UP-TIL-NOW OR DIFFERENT, WHICH?

A.SAME-as UP-TIL-NOW , SAME.

Yes, we took the normal route.

3. Think about how you will show the transitions from one cluster of questions to another. Give attention to the level of transition which occurs. Is the new line of questioning totally unrelated or a logical next step in unfolding the story? Indicating the difference between these two transitions is an important part of the interpretation process. What ASL discourse markers will you use?

For example, in Text A below, notice how questions 2-3 are related to education, questions 3-9 are related to work, and question 10 shifts to family. A transition between each of these clusters would need to be created, as well as with other clusters you identify in your analysis.

4. Working with a peer, review your findings - discuss what questions you clustered together and why and where you indicated the need for transition.

5. Continuing to work with a peer, role-play the interpretation of the questions. One of you can read the question, while the other interprets and then you can alternate. If a third peer is available to work with you, that individual can observe and provide feedback and then all three roles rotate until all three of the peers have had an opportunity.

6. If possible, record your interpretations for review and discussion within a peer group or with a mentor. Re-do the interpretations based on feedback as appropriate.

7. Repeat this activity with the second text below and with other Trail Transcripts available in the Toolkit. Repeat this activity frequently until your awareness and attention to relationships and transitions is solidly established.

8. Whenever possible, observe seasoned legal interpreters and give attention to the strategies they use to create message coherence. Maintain a journal of strategies and practice application during your own skill development practice.

TEXT A. Attorney Questions in DUI Case
Client -Attorney Interview
(Client responses not included)

1. Mr. Wells, these warrants show that you were driving while impaired and also driving while your license was revoked. I want to hear what happened but before that can you tell me a little bit about yourself and your background please?
2. Did you graduate?
3. OK. Do you have any education beyond that?
4. OK. What kind of work do you do?
5. How long have you been there?
6. Do you have any good friends or supervisor who might be willing to come to court and speak up for you if it came to that?
7. OK, do you know his last name?
8. OK. Does he know about the trouble you are in?
9. OK. Would it cause a problem if you told him about the fact that you got these charges and had previously had a DUI?
10. Good, good. Tell me about your family.
11. How old is he?
12. Does he live with you?
13. And do you support him?
14. I am sorry to ask you all these personal questions, but I never know when I might find something that will help.
15. OK. Now you're currently married to your second wife, is that right?
16. And how long have you been married to her?
17. Does she know about this, this charge?
18. How is she reacting to the fact that you were charged with this offense?

19. OK. Is she upset because you are in trouble, or is she concerned about the drinking? Or both?
20. OK. How long have you been drinking heavily enough to get in this kind of trouble?
21. So that would be since you were about 31, is that right?
22. Ok, that is what the warrant says. Why don't you tell me what happened on this evening?
23. Um...the offense we are talking about is the one you have to go to court on next month—the second offense. Then, we will go back and talk about the first offense.
24. Well, that is what I want to do is try to help you ...to figure out a way, first of all, if we can, to get you out of this. And, if we can't get you out of this, we can't avoid a conviction on these charges, then to minimize the impact on you.

52. Do you know if the interpreter worked for the police or was an independent interpreter?
53. And, did the interpreter tell you that you were entitled to an independent witness or a member of your family to come down and see the test?
54. OK, well, that may be something we can work with. Because there are some requirements about informing you of which witnesses can be present if they can get to the breathalyzer room quickly enough to witness the breathalyzer test.
55. We may have some trouble because they had to put you in a holding cell for a while, but it would be worth looking at whatever records they had down at the jail, and talking to any deputies who saw what happened, and we may be able to use that to block admission of the breathalyzer result.
56. I don't know. There are two problems. First, you can be convicted of driving while impaired without the results of breathalyzer, if the judge believes beyond a reasonable doubt that you were impaired based on testimony of people who saw you. And, it may be enough if the police officer testifies that he saw you driving erratically and that you were fumbling, and you had a strong odor of alcohol about you...and any other observations he made about you either out on the road or down at the law enforcement center.
57. So that even if we're able to keep the breathalyzer reading out of evidence, you still could be convicted. So, one of the things that would be helpful to do is talk to the police officer and see what he is going to say, and

MR. DUSEK: YOUR HONOR, I HAVE HAD MARKED AS COURT'S EXHIBIT 59 AN AUDIOTAPE. AND I'VE HAD MARKED AS COURT'S EXHIBIT 59-A A TRANSCRIPT THAT IS FORTY

ALL RIGHT. MR. DUSEK.

BY MR. DUSEK:

Q: MR. REDDEN, DID YOU JUST GET AN OPPORTUNITY TO READ OR LISTEN TO THE TAPE THAT WAS PLAYED?

Q: WAS THAT A TRUE AND ACCURATE RENDITION OF THAT PORTION OF THE INTERVIEW?

Q: AND THE TRANSCRIPT THAT WE WENT ALONG, WAS THAT ACCURATE AS HUMANLY POSSIBLE?

MR. DUSEK: THANK YOU, SIR.

THE COURT: ALL RIGHT. CROSS-EXAMINATION.

CROSS-EXAMINATION BY MR. FELDMAN:

Q: HOW MANY HOURS DID YOU SPEND SPEAKING WITH MR. WESTERFIELD?

Q: HOW MANY DIFFERENT TIMES DID MR. WESTERFIELD ASK YOU FOR COUNSEL?

Q: DID YOU HAVE A HEATER GOING IN THAT ROOM, SIR?

Q: DID YOU HAVE A HEATER GOING IN THE ROOM THAT YOU WERE SPEAKING TO MR. WESTERFIELD?

Q: AND DID MR. WESTERFIELD INDICATE THAT HE WAS ALWAYS HOT?

Q: AND HE ACTUALLY COMPLAINED ABOUT HOW HOT IT WAS, ISN'T THAT RIGHT?

Q: YOU ALSO TOLD US EARLIER YOU ARE FROM -- YOU WERE A POLICE OFFICER IN WYOMING, SIR?

Q: WHICH CITY OR TOWN?

Q: WHERE'S THAT?

Q: AS PART OF THE PROCESS OF YOUR -- YOU'RE CALLED AN INTERROGATION SPECIALIST, IS THAT CORRECT, SIR?

Q: AND WHAT'S AN INTERROGATION?

Q: AND WHAT'S THE DIFFERENCE BETWEEN THAT AND AN INTERVIEW?

Q: DID YOU CONSTRUE YOUR COMMUNICATION WITH MR. WESTERFIELD AS ACCUSATORY?

Q: PRIOR TO YOUR -- DO YOU RECALL WHAT TIME YOU STARTED TO SPEAK TO MR. WESTERFIELD?

Q: SO, YOU WERE AWARE THAT HE HAD BEEN WITH LAW ENFORCEMENT ESSENTIALLY ALMOST CONTINUOUSLY WITHOUT A BREAK SINCE ABOUT TEN TO 9:00 THAT MORNING?

Q: BEFORE YOU WERE ENGAGED IN THE PROCESS OF COMMUNICATING WITH MR. WESTERFIELD, HAD YOU BEEN BRIEFED BY OTHER OFFICERS?

Q: SO, YOU HAD AT LEAST THE INFORMATION THAT MR. WESTERFIELD HAD BEEN PREVIOUSLY WITH LAW ENFORCEMENT THAT DAY.

Q: AND YOU NEEDED THAT INFORMATION ANYWAY FOR YOU TO PERFORM YOUR JOB, IS THAT RIGHT?

Q: SO, IT WAS IMPORTANT FOR YOU TO FAMILIARIZE YOURSELF WITH WHAT HAD HAPPENED PREVIOUSLY.

Q: AS PART OF YOUR TECHNIQUE, YOU TRY AND MAKE THE SUBJECT COMFORTABLE, IS THAT RIGHT?

Q: AND AMONG THE WAYS IN WHICH YOU MAKE THE SUBJECT COMFORTABLE IS TO ENGAGE IN KIND OF CONVERSATIONAL TONE SUBJECTS, IS THAT RIGHT?

Q: AND IN THIS CASE YOU TRIED TO ESTABLISH A RAPPORT WITH MR. WESTERFIELD, ISN'T THAT RIGHT?

Q: YOU ASKED HIM, FOR INSTANCE, WHAT HIS JOB WAS.

Q: HE TOLD YOU HE WAS --

Q: SIR, YOU SAID ON TAPE THAT YOU HAD TROUBLE REMEMBERING YESTERDAY. WAS THAT PART OF THE PROCESS OF ESTABLISHING RAPPORT?

Q: WAS IT TRUE?

Q: I'M SORRY. JUST AS PART OF YOUR TRAINING AS AN INTERROGATION SPECIALIST, ARE YOU PERMITTED TO OR AS PART OF YOUR TRAINING TO PERMIT YOU TO LIE TO PEOPLE THAT YOU'RE TALKING TO?

Q: KIND OF LIKE A SALESMAN?

Q: EXCEPT IN YOUR SPECIFIC INSTANCE YOU'VE INDICATED YOU WOULD GO SO FAR AS TO NOT TELL THE TRUTH TO ESTABLISH THAT RAPPORT.

Q: WELL, SOMETIMES I HAVE TROUBLE REMEMBERING YESTERDAY. YOU JUST TOLD ME THAT WASN'T A TRUE STATEMENT, RIGHT?

Q: AND YOU DID MAKE THAT STATEMENT TO MR. WESTERFIELD.

Q: AND YOU MADE THAT IN THE CONTEXT OF TRYING TO ESTABLISH A RAPPORT.

Q: ALL RIGHT. ON THE TAPE WE HEAR THE NAME JACKIE. WHO WAS THAT?

Q: WE HEARD THE NAME NEAL. WHO WAS THAT?

Q: AND WE HEARD THE NAME LISA. WHO WAS THAT?

Q: DID YOU PROVIDE MR. WESTERFIELD ANY FOOD?

Q: COULD YOU TELL WHETHER OR NOT -- YOU HAD NOT MET MR. WESTERFIELD PRIOR TO THAT DATE, IS THAT RIGHT, SIR?

Q: DID YOU -- THEN YOU'RE NOT ABLE TO FORM AN OPINION AS TO HOW FATIGUED HE MIGHT HAVE BEEN, IS THAT RIGHT?

Q: WHAT DID HE TELL YOU?

Q: AND DID YOU ASK HIM WHEN HE HAD LAST EATEN?

Q: WHAT DID HE TELL YOU?

Q: DID YOU ASK HIM WHO OR -- ON THE TAPE WE HEAR A MENTION TO DAVE AND DEBBIE. DID YOU ASK HIM -- I'M SORRY. DO YOU KNOW WHO DAVE AND DEBBIE ARE?

MR. FELDMAN: NO FURTHER QUESTIONS AT THIS TIME.

THE COURT: ALL RIGHT.

MR. DUSEK, ANYTHING FURTHER?

MR. DUSEK: NO, THANK YOU.

THE COURT: ALL RIGHT.

IS MR. REDDEN TO BE SUBJECT TO RECALL?

MR. FELDMAN: PLEASE.

THE COURT: YES?

MR. FELDMAN: PLEASE.

THE COURT: ALL RIGHT.

MR. REDDEN, YOUR TIME WITH US IS DONE. PLEASE REMEMBER THE ADMONITION NOT TO DISCUSS THE CASE WITH ANYONE UNLESS IT'S PURSUANT TO THE ONGOING INVESTIGATION. ALL RIGHT?

THE COURT: LADIES AND