PREFACE

Access is important in all aspects of one's life. And I am reluctant to attempt to rationalize the importance of one milieu in which interpreting occurs over another. Rather, I would like to point out the unique characteristics of interpreting in legal settings. The threat of most legal interactions is loss—loss of freedom, loss of property, loss of justice, or loss of life—are all potential outcomes of many legal interactions. Unfortunately, legal systems are not designed for those who do not speak the dominant language. The language of legal systems and members of the legal profession is often foreign to even those who grew up with direct access to the dominant language. It is not easy to gain access to this language in our everyday lives. These factors intersect in such a way that linguistic minorities are severely disadvantaged in legal events. Training for interpreters to provide access to legal settings, therefore, is paramount.

So, how can we teach interpreters to work effectively in legal encounters? Most interpreters and interpreting students learn about legal work through workshops and through trial and error. These workshops, which are extremely useful, rely on hands-on activities to hone a particular skill. The trial-and-error approach, which is far more detrimental to the process and all of the consumers, does not provide any checks and balances on the interpretation provided. To date, there has been no publication that provides a collection of work that focuses on best practices for teaching how to interpret in legal settings.

This collection focuses on issues and considerations of any person training others to interpret in a legal setting. It represents the work

of scholars, practitioners, and deaf and nondeaf persons from the United Kingdom, Canada, and the United States. Provided here are the perspectives of different authors who are diversely located, both geographically and professionally, within the field of legal interpreting. It is intended for interpreter educators who teach future legal interpreters. It includes research-driven, experience-driven, and theoretical discussions on how to teach and assess legal interpreting. The topics covered in this volume include teaming in a courtroom, presenting to future legal interpreters, discourses used by deaf lawyers, designing assessment tools for legal settings, working with deaf jurors, working with police in Europe, training legal interpreters using role-space, interpreters as expert witnesses, and working as a monitor interpreter. The authors provide ways of teaching interpreting that are based in research, situated within lived experiences, and are theoretical in nature. The contributors are recognized leaders in the field of interpreting, interpreter training, and research. And when the collection is taken as a whole, a picture is provided of the current state of legal interpreting. Each contribution ends with a set of reflective questions and/or exercises for readers to use within their own practice of teaching. While not every issue facing legal interpreters is addressed in this volume, it does provide a discussion of some of the key topics.

THE CONTRIBUTIONS

The papers collected here fall into three broad categories: applied, best practices, and research. Produced from scholars and practitioners from the United States, Canada, and the United Kingdom, these contributions address the relevant issues still facing those wishing to train legal interpreters.

Applied

Jeremy L. Brunson and Gino S. Gouby begin the volume with a discussion of how educators can expose would-be interpreters to legal interpreting. Rather than focusing on the "how-to" of the work,

they draw on the literature to explore the various issues that are relevant in this type of work. Touching on topics such as deaf interpreters (DIs), accuracy, role, trust, and assessment, to name a few, they also lay out some of the gaps in the current literature.

Being monitored is a critical part of legal interpreting. And in her chapter, Risa Shaw explains not only the importance of this role but also how it can be done successfully. She points out how the success of the interpretation requires a skilled monitor interpreter and collaboration among the attorneys, clients, and interpreters. The interpreter performing monitoring duties must be trained and adept at analyzing interpretations, describing their analysis, and discussing the potential implications of errors they detect in the proceedings' interpretation.

The authors of the next chapter, Christopher Tester and Natalie Atlas, discuss a framework for constructing successful arguments to maximize the potential for successful outcomes in any instance when an interpreter must advocate for whatever it is that will make the proceeding more effective for all stakeholders. The logic and language used by attorneys, specifically the IRAC (Issue, Rule, Application, Conclusion) approach, will frame the presentation of information and enable practitioners to recognize their own knowledge gaps. Along with the framework and research, the authors include examples of different ways to approach utilizing IRAC in order to provide interpreters with some language to "try on" so that they might gain the necessary confidence to address the court with a request and have it granted.

Best Practices

Carla M. Mathers's contribution posits the function and implication of the interpreter as an expert witness. A series of legal events that involved the Registry of Interpreters for the Deaf's (RID) then-Acting Executive Director Anna Witter-Merithew culminated in a letter from the National Association of the Deaf demanding that no staff or board member of the RID be allowed to provide expert testimony. The author does not opine on the merits or practicali-

ty of that directive; rather she discusses the Federal Rules of Civil Procedure that govern the use, payment, and requirements for expert witnesses in civil matters. Mathers also explores the logistics of expert witness work, including hiring, payment, report writing, subpoenas, disclosure obligations, and challenges faced by experts within the so-called soft sciences. Further explanation is provided about a far more common experience that legal interpreters have—being subpoenaed to testify regarding prior interpreting work. Mathers's goal is to assist interpreters, interpreting students, and educators in understanding the contours of the interpreter taking the stand to testify in a legal matter.

To date, little thought has been given to the fact that perhaps the innate skills of the bilingual interpreter are not enough to guarantee a viable pass rate among practitioners on assessment tools. In contrast to other professional fields, for example, nursing, medicine, accounting, or the law, the professional in this setting was expected to demonstrate abilities in ancillary aspects of the work they would be performing, in most cases as a requisite to even the administration of the exam. Therefore, Scott Robert Loos focuses on the assessment of interpreters. He poses a valid question, "How do we assess cultural literacy?" The concept of testing cultural literacy and the proper mastery of linguistic concepts in order to perform as a liaison in an intense and high-level forum has been neglected over the past 40 years, and even today is still being overlooked. Here, the author posits a more formalized curriculum to be required for professional admission into the field of interpreting, considering the challenges of the forum in which the individual must perform.

Research

Christopher Stone and Gene Mirus begin the section on research by exploring data from interviews with deaf lawyers and identifying the invisible work that deaf lawyers engage in when wishing to discuss the law with fellow experts. By better understanding how deaf American Sign Language (ASL) users with legal knowledge engage in legal discourse, then we are better able to understand how inter-

preters can craft an interpretation that suits the needs of deaf ASL users in general, and in so doing provide access to justice.

In the United States, it is illegal to prevent a person from serving as a juror based solely on their deafness. It is seen as a violation of the Americans With Disabilities Act. But little is known about how interpreters work in this setting. The collaboration between Jemina Napier and her collegueas has yielded insight into court judges and deaf people who serve on juries in the United States (Hale et al., 2017; Spencer et al., 2017) and deaf jury participation in jury deliberations in mock trials (Hale et al., 2014). These interdisciplinary studies conducted by sign language and spoken language interpreter researchers with legal scholars have also produced interdisciplinary curricula development. The authors provide evidence-based best practices in the training of legal interpreters to work with deaf jurors.

Jérôme Devaux and Robert G. Lee draw upon both empirical studies (e.g., Devaux, 2017) and theoretical approaches (e.g., Llewellyn-Jones & Lee, 2014) to outline the necessary components that aspiring legal interpreters need to be taught. They successfully argue that an awareness of these paralinguistic factors and being able to understand and articulate how the role-space is enacted by interpreters are key to successful interpreting.

In the following chapter, LeWana Clark reports in part from a larger study on nondeaf court interpreters that took place in 2017. A collective case study bounded by speaker identification was used to explore the relationship between two teaming models (the Rotate Model and Remain Model) and the type of discourse (monologic and dialogic). Only the presence, or absence, of the speaker identification marker was analyzed, not the interpreted content of the utterance. The author focuses solely on the dialogic/two-way discourse of a trial as the English-speaking witness testifies. The United States' Constitution provides the right for defendants to confront witnesses against them. This study questions the effects of long-held courtroom teaming practices such as the Rotate Model. This topic requires critical consideration for court interpreters because a larger question remains: If the interpretation from spoken

English into ASL lacks an unambiguous speaker identification marker for each turn-at-talk, is the deaf defendant's Sixth Amendment Constitutional right to confront witnesses compromised?

The next chapter is by Jemina Napier and colleagues who have been involved with a long-term project, *Justisigns*. The *Justisigns* project was an action research project funded by the European Commission Lifelong Learning program, and conducted by a consortium of hearing and deaf researchers across Europe who brought their own experiences as users and practitioners (Leeson et al., 2017). It represents a groundbreaking initiative that focused on providing qualified and qualifying sign language interpreters' new competencies in interpreting within police settings. The remit of the project was to develop training courses to be made available to sign language interpreters, legal professionals, and deaf sign language users in Ireland, Belgium, Switzerland, and the United Kingdom. In this chapter, the authors provide an overview of some of the key themes that emerged from the data, with respect to the barriers faced in providing access to justice, and will describe the development of three key training courses: (1) a professional development workshop for deaf interpreters (DIs); (2) a masterclass for deaf people, interpreters, and police officers together; and (3) a curriculum for credit-based courses for police officers and interpreters.

Debra Russell concludes this volume with an approach to providing sign language interpreters with the foundational skills necessary for legal discourse and courtroom experiences. Partnering with the professional association representing sign language interpreters, the Association of Sign Language Interpreters of Alberta (ASLIA), Russell recognized the need to enhance the capacity of interpreters to work in courts in Canada. They designed and delivered two major learning programs, and then the model was replicated with spoken language interpreters.

The contributions were chosen because of the nuanced ways in which they deal with pressing topics in the field of interpreting: power, privilege, and oppression. Each contribution in this volume can be understood as an interrogation of the various ways in which power, privilege, and oppression manifest within legal interpreting,

and therefore must be contemplated in the training of legal interpreters. These contributions show how we are dealing with audism while interpreting for jurors and attorneys. They also show how we are participating in power when we are gatekeeping in interpreter education, or how our testimony as expert witnesses is an exercise of one's own power and privilege. And that using community building to develop training *with* rather than *for* interpreters is a way to combat power dynamics. Upon reading this volume, we are encouraged to step outside ourselves to see the taken-for-granted practices that are not universal when we attempt to develop an assessment that includes cultural sensitivity.

This collection is the first step in working through not only what the curricula for training legal interpreters are, but also provides insight into what legal interpreting scholars, practitioners, and consumers find the most relevant for legal interpreters to understand.

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