Spring 4-26-2016

Roles, conflicts, and disclosures: American Sign Language/English interpreters' adherence to best practices in legal settings

Sonja W. Smith
Western Oregon University

Follow this and additional works at: https://digitalcommons.wou.edu/theses

Part of the Education Commons, and the Other Languages, Societies, and Cultures Commons

Recommended Citation

Roles, Conflicts, and Disclosures:

American Sign Language/English Interpreters' Adherence to Best Practices in Legal Settings

By

Sonja W. Smith

A thesis submitted to Western Oregon University

In partial fulfillment of the requirements for the degree of:
Master of Arts in Interpreting Studies
April 2016

Western Oregon
UNIVERSITY

WE, THE UNDERSIGNED MEMBERS OF THE GRADUATE FACULTY OF WESTERN OREGON UNIVERSITY HAVE EXAMINED THE ENCLOSED

☑ Thesis

☐ Field Study

☐ Professional Project

Titled:

Roles, Conflicts, and Disclosures: American Sign Language/English Interpreters' Adherence to Best Practices

Graduate Student: Sonja W. Smith

Candidate for the degree of : Master's of Arts in Interpreting Studies

and hereby certify that in our opinion it is worthy of acceptance as partial fulfillment of the requirements of this master's degree.

Committee Chair:

Signatures redacted for privacy

Name: _Amanda R. Smith_ Signature:
Date: _4|26|2016_

Committee Members:

Name: _Amber Farrelly_ Signature:
Date: _4|26|2016_

Name: _Amber Deets_ Signature:
Date:

Director of Graduate Programs:

Name: Dr. Linda Stonecipher   Signature:
Date:

ACKNOWLEDGEMENTS

This research would not have been possible without a great many people supporting my work, my goals, my ideas, and my mental health. To that end, I must thank my family, specifically my parents Thomas and Charlene Smith, for their support and encouragement throughout all of my academic endeavors and for instilling in me a belief that anything is possible. I am sure my father would be exceptionally proud of me, were he here to share in this achievement.

I would be remiss if I failed to express my gratitude to my cohort members in the 2014 Masters of Arts in Interpreting Studies program. Thank you for your support, your encouragement, the sounding board moments, and the laughter. You will always hold a special place in my heart.

To Amber Farrelly and Alena Newberry-Scott, thank you for your support, your ideas, your feedback, and your understanding while I processed some of my thoughts out loud.

To those who helped review and pilot my survey, thank you.

Finally, to my committee members, Amanda Smith, Amber Deets, and Amber Farrelly, Esq. thank you for your support throughout this entire process. I appreciate your insightful guidance while developing and analyzing this research.

TABLE OF CONTENTS

LIST OF FIGURES

ABSTRACT

Interpreting in legal settings is a complex task in which multifaceted factors such as the setting, individuals involved, roles of those participating individuals, expanded ethical considerations, and the language of the legal system require specialization from the interpreter practitioner (Berk-Seligson, 2002; Mathers, 2007; Russell, 2000; Simon, 1993). There are many texts, workshops, and resources that promote best practices; however, only one study has been done related to the demographics of the interpreters who do legal interpreting work and their use of proposed best practices in the legal setting (Roberson, Russell, & Shaw, 2011). This research is designed to collect information about who is currently doing the work of legal interpreting and discover what their daily practice entails. An online survey was designed and disseminated to current signed language interpreters working in legal settings to ascertain demographic information and the frequency of certain circumstances arising in the course of their work. Using a combination of quantitative and qualitative analysis, this research discusses the demographics of the practitioners, including education, training, and background, as well explores inconsistencies in the way best practices are applied in daily practice, specifically conflicts and disclosures, interpreter roles, and the definition of legal interpreting. The results of this study provide a glimpse of the legal interpreting specialization as it currently stands and potential implications for future practice and study.

CHAPTER 1: INTRODUCTION

Legal interpreting is one of the most highly specialized types of interpreting. Not only does it require the individual to possess bilingual and bicultural fluency, but it also requires the individual to understand an additional language and culture, that of the American legal system. Legal settings use their own language known as *legalese*, the formal and technical language of legal documents that is often hard to understand. Legalese is especially challenging to interpret due to the usage of terms of art, nominalized words, and words borrowed directly from Latin, Greek, and French (e.g., *voir dire, habeas corpus,* and *amicus curiae*). Because of the unique challenges faced by interpreters working in legal settings, it is vital to understand the characteristics and common practices of those interpreters.

After searching the literature, it became apparent that while there are a great many texts that deal with what the best practices of the interpreter working in legal settings *should* be, there is very little research about what the interpreter working in legal settings actually does. Additionally, there is little research regarding the characteristics and qualities of interpreters working in legal settings. Only one research study included in the review of literature focused on the current practices of signed language interpreters in legal settings (Roberson et al., 2011).

This research study is designed to explore who is performing interpreting work in legal settings, how they were trained, what their backgrounds are, and what they regularly do in relation to their work in legal settings—specifically in relation to the time spent serving different functions, conflicts and disclosures, obtaining language samples, and the

frequency of providing interpreting services alone. These topics have yet to be explored in the field of signed language interpreting. While the principal investigator is an American Sign Language/English interpreter who works in legal settings, the research was more broadly aimed. The originally intent of this study was to collect data from spoken and signed language interpreters to identify similarities and differences in background, training, and practice. However, due to the low response rate of spoken language interpreters, the aim of the research shifted to focus solely on signed language interpreters working in legal settings.

Research Questions

Who is providing interpreting services in legal settings? What kind of training, credentials, and education do they hold? Do they have similar approaches to their work? What kinds of settings comprise the majority of their work? Do interpreters follow the best practices of *voir dire* and being sworn? What kinds of conflicts arise for most interpreters working in legal settings? How often do interpreters disclose known conflicts? What percentage of a signed language interpreter's work in legal settings is in each of the proscribed roles—proceedings interpreter, interpreter for counsel, or investigative interpreter? Are there specific skills and competencies that are considered essential by practitioners? And finally, how do signed language interpreters working in legal settings define legal interpreting?

CHAPTER 2: REVIEW OF LITERATURE

The Importance of Legal Interpreting

Interpreting, in the broad sense, is a complicated task. When the task of interpreting is set within the legal system, the task is complicated by the setting, the individuals involved, the roles of the participants and interpreters, the expanded ethical considerations, and the language of the legal system (Berk-Seligson, 2002; Fournier, 1997; Mathers, 2007; Miller, 2001; Napier & Spencer, 2008; Russell, 2000; Simon, 1993). It is a task that requires mental acuity, concentration, and an understanding of legalese. Having the requisite skills to work in legal settings is critical due to the consequences of this type of setting. Civil settings can result in the loss of housing (e.g., eviction proceedings), assets (e.g., finances and probate), familial rights (e.g., custody, divorce, severance of parental rights), and more. Criminal settings can result in the loss of money (e.g., fines), liberty (e.g., incarceration), or life (e.g., the death penalty). Research shows that Deaf individuals have had largely negative experiences with the justice system. Berger (1996) found that more than 50 Deaf individuals had experienced sub-par interpreting in legal settings (as cited in Russell, 2000), and Miller (2004) found that 51% of the Deaf inmates in the Huntsville Unit Penitentiary in Huntsville, Texas could not elucidate the charges against them. Brunson (2007) interviewed 12 Deaf individuals who had experience within the United States legal system. These individuals had either been litigants, defendants, witnesses, or jurors. These 12 individuals all focused on the provision of accommodations (e.g., interpreting services) during their interviews. Very few of the interviewees had positive experiences. In particular, one

negative experience precluded the Deaf individual from being able to participate in jury deliberations, while another pleaded guilty to a charge he did not understand. The consequences of untrained or minimally trained interpreters attempting to provide services in legal settings can result in dropped charges, mistrials, acquittals and convictions, thereby perverting the purpose of the criminal justice system (Hayes & Hale, 2010; Napier & Spencer, 2008).

Legal Requirements around the Country

The statutory requirements for signed language interpreters in legal settings vary widely across the country. The Federal Court Interpreter Act of 1978 applies in all federal court settings and applies to both spoken and signed language interpreters. In Federal courts, interpreters in legal settings are divided into three distinct categories: certified interpreters, professionally qualified interpreters, and language skilled interpreters (Public Law 114-38, 2015). Federally certified interpreters are those individuals who have passed the Administrative Office certification examination. This test is only available for Spanish, Navajo, and Haitian Creole. Professionally qualified interpreters are those individuals who have at least one of the following qualifications:

- Passed the UNITED STATES Department of State conference or seminar interpreter test with one language that includes English

- Passed the United Nations interpreter test in a language pair that includes English

- Be a member in good standing of the Association Internationale des Interprètes de Conférence or the American Association of Language Specialists with one language being English

- Hold the *Specialist Certificate: Legal* from the Registry of Interpreters for the Deaf.

Lastly, the federal courts recognize language skilled/*ad hoc* interpreters. These individuals do not satisfy the other requirements but have demonstrated their interpretation skills to the satisfaction of the court (Administrative Office of the United States Courts, n.d.).

Federal court interpreter requirements are relatively clear and easy to understand; however, each state also has its own statutes related to the provision of interpretation services in legal settings. For example, in Maryland, "'certified interpreter' means an interpreter who is certified by. . . the Registry of Interpreters for the Deaf or the National Association of the Deaf" (Maryland Rules, 2015). The State of Maryland also has specific conduct requirements for court interpreters. Court interpreters must complete the state orientation workshop and cannot have a pending criminal charge or a conviction with a fine of more than $500 or more than six months in jail unless they have been pardoned or the conviction overturned or expunged. Maryland also defines what "proceeding" means. They define the proceeding as "any trial, hearing, argument on appeal, or other matter held in open court in an action and an event not conducted in open court that is in connection with an action" (Maryland Rules, 2015).

In Oregon, the importance of language access for non-English speakers has been codified to ensure the individual's right to understand the legal proceedings:

It is declared to be the policy of this state to secure the Constitutional rights and other rights of persons who are unable to readily understand or communicate in the English language because of a non-English-speaking cultural background or a

disability, and who as a result cannot be fully protected in administrative and

court proceedings unless qualified interpreters are available to provide assistance.

(Oregon Revised Statutes 45.273, 2013)

Due to this statute, signed language interpreters go through a rigorous eight-step process

to be an approved court interpreter that requires the individual hold the RID SC:L.

Additional steps include proof of residency, a criminal background check, an ethics

exam, documentation of at least 20 hours of observations in court, an ethics orientation,

and swearing the interpreter's oath in an Oregon state court (Court Language Access

Services, February 5, 2015).

Texas, on the other hand, has specifically codified who is eligible to interpret in

court in the Civil Practice and Remedies Code, the Government Code, and the

Administrative Code. Further, the Code of Criminal Procedure details the requirements

for interpreted statements (Art. 38.22), the right to an interpreter with counsel (Art.

38.31(a)), and the definition of a "qualified interpreter." (Art. 38.31(g)(2)).

The Civil Practices and Remedies Code states that any interpreter working in a

legal setting must hold either RID SC:L or Board of Evaluators of Interpreters Court

Interpreter Certification (Tex. Civ. Prac. & Rem. § 21.003). This code also explains the

placement of a signed language interpreter in court, privileged communication, jury

deliberations, oaths, and payment for services rendered. The Government Code states

that "A court shall appoint a certified court interpreter or a certified CART provider for

an individual who has a hearing impairment" (Tex. Gov't. Code § 57.002) which *requires*

courts to provide a certified interpreter. However, there is further clarification within the

Code of Criminal Procedure for how signed language interpreters affect the wheels of

justice. Article 38.22, section 3(d) of the Code of Criminal Procedure mandates that "if the accused is a deaf person, [a statement made while in custody] is not admissible against the accused unless the warning. . . is interpreted to the deaf person by an interpreter who is qualified and sworn" (Tex. Crim. Proc. § 38.31(g)(1)). As can be seen from these examples, each state has their own, very specific statutes that affect the practice of signed language interpreters working in legal settings.

Current Best Practices

The current best practices of signed language interpreters in legal settings have been promoted through written materials (Mathers, 2007; Russell, 2000; Stewart, Witter-Merrithew, & Cobb, 2009), legal interpreting conferences (e.g., Institute of Legal Interpreting, Iron Sharpens Iron, Registry of Interpreters for the Deaf National Conferences), and workshops held throughout the country. These best practices have evolved as practitioners discuss the work among themselves and with attorneys who are familiar with issues that Deaf individuals face in the justice system.

In 2009, the Mid-America Regional Interpreter Education (MARIE) Center published *Best Practices: American Sign Language and English Interpretation Within Legal Settings* (Stewart et al., 2009), a document developed through the collaboration of legal experts, interpreting experts, and legal interpreting experts. This document focuses on categories of the legal interpreting process, and then further breaks those categories into the best ways in which to achieve the over-arching goal of providing non-English speaking individuals access to the United States justice system.

Roles of interpreters in court. Signed language interpreters in the justice system have defined roles to which they adhere. These roles are typically identified as the

interpreter for counsel (commonly referred to as the table interpreter, or TI), the

proceedings interpreter (PI), and the investigative interpreter (II). These roles were

clearly and expertly described in prior literature (Mathers, 2007; Stewart et al., 2009);

however, Hale (2008) proposed five alternative roles of interpreters in legal settings that

focus on the tasks that each role is responsible for. Hale's work examines the actions of

the interpreter during their process, rather than focusing on who the interpreter is aligned

with as Mathers does. Each of these roles is responsible for a different aspect of the

criminal justice process.

The proceedings interpreter(s) are officers of the court and as such focus on

rendering the source language into the target language (i.e., English into American Sign

Language) for all communication taking place within the courtroom or legal setting. This

includes opening and closing arguments, statements and rulings rendered by the presiding

authority, direct examination and cross-examination by the attorneys, and anything else

that is happening and can be heard in the setting (Stewart et al., 2009). The right of the

non-English speaking individual to have this type of interpreting service provided is

derived from the United States Constitution—specifically due process (U.S. Const.

amend. VIII and XIV, § 1), the right to confront one's accusers (U.S. Const. amend. VI),

to understand the proceedings (U.S. Const. amend. VI.), access to counsel (U.S. Const.

amend. V), and to have a fair and speedy trial. (U.S. Const. amend. VI). The importance

of linguistic access cannot be overstated.

The interpreter for counsel is the linguistic and cultural expert for the Deaf

person's attorney (Mathers, 2007; Stewart et al., 2009). This interpreter provides insight

into the Deaf world and its impact on the defendant's understanding of the criminal justice system. The American Bar Association, which governs attorneys, states:

> The adversary and advocacy processes are so central to the operation of our justice system, many of the important procedural rights described in the Constitution are undermined by the inability of a party to communicate with counsel or understand the proceedings. (Wright & Gold, 1990)

Therefore, it is essential that an interpreter for counsel be appointed to non-English speaking persons. The interpreter for counsel is crucial to the defendant's ability to communicate with their attorney during the court and legal proceedings. This interpreter is should be assigned in the early stages of the case and is a vital member of the attorney's team. The interpreter for counsel is also responsible for monitoring the message of the proceedings interpreters and informing the attorney if there are any substantive errors in the message. Shaw (2003) found 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" (as cited in Roberson et al., 2011, p. 68).

The investigative interpreter is the interpreter who performs the interpretation work for law enforcement or any other organization responsible for investigating allegations of criminal behavior (Mathers, 2007 Stewart, Witter-Merrithew, & Cobb, 2009). They provide communication access to complaining witnesses, suspects, and other non-English speaking witnesses who may have an impact on the collection of evidence in the case. These interpreters then become witnesses to the case and may be called to authenticate their interpretations during a hearing or trial.

Interpreting modes. Signed language interpreters are accustomed to performing their work in simultaneous mode (Roberson et al., 2011). Most people expect to see a signed language interpreter rendering the message into the target language while continuing to receive more of the message from the source language. Because American Sign Language and English use two different modalities this is possible—and encouraged—in community interpreting. Russell (2000) researched the accuracy of interpretations rendered both simultaneously and consecutively: When interpreters are properly trained, consecutive interpreting increases the accuracy of the target language message by almost 10%. However, many signed language interpreters are not properly trained in the use of consecutive interpreting. The Federal Court Interpreter Act of 1978 strongly recommends consecutive interpreting be done for all non-English speaking witness testimony. It does allow for presiding authorities to determine whether to allow consecutive interpreting or not, but signed language interpreters do not only work in federal court. The majority of signed language interpretation takes place in state or local courts where the Federal Court Interpreter Act does not apply. Despite the evidence supporting the use of consecutive interpreting (Russell, 2000), there are very few states that statutorily require consecutive interpreting for any part of the proceedings. Therefore, the signed language interpreter is often called upon to perform simultaneous interpreting in legal settings without recourse. While consecutive interpreting has been fostered as best practice due to the increased accuracy, it is unknown how many individuals use consecutive interpreting in their work in legal settings, nor is it known how often signed language interpreters in court use consecutive interpreting.

Research has also shown that interpreters directly affect the court's perception of the non-English speaking individual (Berk-Seligson, 2002; Hale, 2008). Berk-Seligson (2002) discussed how the interpreter may have a direct impact on the court's impression of the non-English speaker in a variety of ways; she found that the speaker's dialect, delivery style, voice quality, verbal politeness, speech register, hedging, and grammatical case, directly influenced the mock jurors' impression of the witness (p. 146). None of these pragmatic features were from the witness themselves, but were rather understood through the interpretation rendered by the interpreter. However, the impact of the interpreting process is not limited to the linguistic features rendered in the target language. The mode of interpretation can also affect the impression jurors and officers of the court have of the witness.

Interpreters and Conflicts. Signed language interpreters are unique from interpreters who work with languages with a larger user base. Deafness is considered a low-incidence disability as it affects 1% of the population. In most communities, it is very common for interpreters to be intimately familiar with all aspects of a Deaf person's life. This causes contention when a Deaf person is embroiled in legal issues. It is imperative that interpreters in legal settings avoid even the appearance of impropriety so as not to give reason or suspicion of impartiality; however, when working within a small community it is often very difficult to find interpreters who are completely and totally unconnected to the situation. The justice system recognizes three distinct types of conflicts that can arise for officers of the court: the appearance of impropriety, ethical conflicts, and *per se* conflicts. The appearance of impropriety conflict is when an uninformed person may feel that something is inappropriate after a brief explanation of

the situation. An ethical conflict is when proceeding in the course of action will violate a tenet of the practitioner's code of ethics such as the RID Code of Professional Conduct or the Court Interpreters Ethical tenets. Lastly, a *per se* conflict is conflict that is clearly, in and of itself, a violation of statute or law. It is unknown which type of conflict signed language interpreters face most often. The MARIE center identifies two types of conflicts: appearance of impropriety conflicts (defined earlier) and rehearsal conflicts, which happen "when an interpreter prepares a witness privately prior to interpreting the witness' testimony" (Stewart et al., 2009, p. 28).

Background and Training

Despite much of the literature pointing to the necessity of formal, rigorous training before working as an interpreter in legal settings, there are not many formal institutions that offer programs geared toward legal interpreting. The National Center for State Courts has identified a total of 17 programs in the United States that offer legal interpreter training for spoken language interpreters ("Colleges/Universities That Offer Courses," n.d.). Of this 17, only one offers a degree in legal interpreting. For signed language interpreters, there are even fewer formal educational institutions offering legal interpreting training. There are a total of 172 programs within the United States that offer signed language interpreter training. Of these programs, 79 are at the associate level, 41 are at the bachelor level, four are graduate level, and 48 are certification programs offering no degree. The only formal program for training signed language interpreters for legal settings is a certificate program run by the University of Northern Colorado's Mid-America Region Interpreter Education (MARIE) Center. This program is a total of 15 credit hours broken into four semester long courses: Overview of Interpreting in the

American Legal System, Introduction to Civil Litigation, Introduction to Criminal Law, and Skills Development for Interpreting in the Legal Context. There are currently a few workshops available and approved for continuing education units by the Registry of Interpreters for the Deaf; however, there is no easy way to search the database for specialized legal training. To ascertain how many legal interpreting workshops are currently available, the RID search function was utilized (November 15, 2015). By using the search terms legal, court, law, courtroom, police, jury, *Miranda*, interrogation, and interview, 14 workshops were found. After eliminating duplication due to several key search terms being used in the same title, there are currently a total of 12 workshops related to signed language interpreting in legal settings that have been approved for continuing education units by RID. This approval is based on the presenter submitting a form including educational objectives and a curriculum vitae or resume to the RID. Other than trusting the discretion of the approval process and by doing independent research, there is no way to ascertain the quality of the presentation or the accuracy of the information. Further, there is currently no process for becoming a sponsor of Continuing Education Units (CEU) due to RID implementing a moratorium on approving new Continuing Maintenance Program sponsors so that the Certification Committee can review the approval process. Previously, CEU sponsors were required to fill out a questionnaire that was then reviewed by the Professional Development Committee (C. Taylor, personal communication, February 26, 2016). This allows for a wide variation in the quality of workshops provided related to interpreting in legal settings because the quality is entirely dependent on the individuals approving the CEU activities.

CHAPTER 3: METHODOLOGY

Purpose

The purpose of this research study was to examine the demographics of interpreters working in legal settings, both spoken and signed language interpreters. There is a lack of information regarding the skills, knowledge, training, background, and experience of interpreters working in legal settings. While there has been much interest in the development of legal interpreters, there is very little known about signed language interpreters in legal settings who do not hold the Registry of Interpreters for the Deaf Specialist Certificate: Legal. This study was designed to collect information about training, knowledge, skill, and experience of interpreters who work in legal settings, and then compare and contrast spoken language interpreters with signed language interpreters.

Participants

The targeted participants of this survey were individuals who work as interpreters in legal settings. This survey was designed to collect information such as training and demographic information from both spoken and signed language interpreters. The participants were working interpreters who provide interpreting services in legal settings. They were required to be at least 18 years of age to participate. Participants self-selected by clicking yes or no at the conclusion of the informed consent page, prior to beginning the survey.

Development of the Questionnaire

This survey was developed by the principal investigator with input from experts in the field of legal interpreting. During the development process, the principal investigator read much of the literature available on legal interpreting and determined that the demographic information of spoken and signed interpreters working in legal settings was minimal. This survey was designed to elicit information related to interpreters' identities and demographic information (e. g., age, education level, native language, and training as an interpreter in general settings and training as an interpreter in legal settings).

To collect the data, the survey was presented in three distinct sections. The first focused on demographic information such as age and education level. This section also included questions designed to collect information about non-language specific aspects of interpreter training and performance. The second section of the survey focused on current trends and practices of interpreters working in legal settings such as disclosures, conflicts, and the process of being sworn in. The third and final section focused on information specific to signed language interpreters working in legal settings such as how often they work with a Certified Deaf Interpreter in those settings.

Dissemination

The online questionnaire was distributed using interpreting organizations' email lists, starting with the Registry of Interpreters for the Deaf and the National Association of Judiciary Interpreters and Translators. The survey was also distributed through social media sites of the above named organizations. From the postings on social media, network sampling made the survey available to a wider audience of qualified individuals.

The participants were also encouraged to forward the survey to any individuals they felt were qualified to participate. During a second wave of dissemination, the survey was sent to state organizations of interpreters as well as individuals who manage various email lists to reach a larger audience. The survey was originally sent out in September of 2015 and remained open, collecting responses until November 15, 2015.

Data Analysis

When analyzing the data collected from the survey, the principal investigator imported the information from the survey program to an Excel spreadsheet. After eliminating the responses from the spoken language interpreters, the data was then analyzed using PivotTables for the quantitative data and grounded theory for the qualitative data. The qualitative data was then shared with committee members for review and increased validity of the themes and trends identified.

CHAPTER 4: RESULTS

The survey received a total of 84 responses during the collection time frame. Of those 84 responses, 68 identified themselves as signed language interpreters working in legal settings. Due to the low response rate of the spoken language interpreters in legal settings, the principal investigator made the difficult decision to exclude those responses from the data analysis process. The responses were deeply appreciated, but no meaningful conclusions or comparisons could have been drawn from such a small sample size.

The overall sample size and generalizability of this study is hard to quantify due to the lack of a central database of signed language interpreters who work in legal settings. The RID has a list of individuals that hold the SC:L which, at the closing of this survey, listed 305 individuals (November 2015). However, this does not account for the individuals who are working in legal settings who do not hold the SC:L and instead are qualified by other measures set by individual states or organizations. Using the RID database as a reference, the response rate for this survey is roughly 22%.

Demographics

Of the 68 signed language interpreters who responded, 72.2% were female, 25% male, 1.4% identified as non-binary, and 1.4% preferred not to answer (See Figure 1).
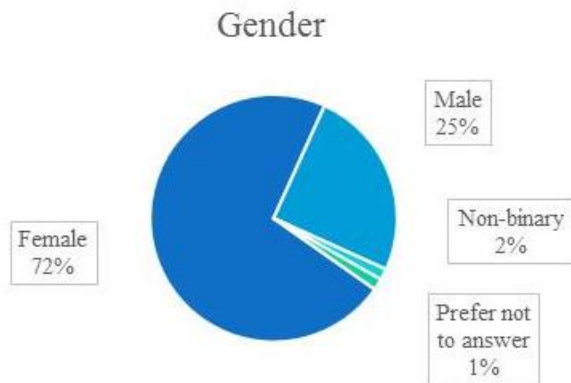
Gender

Figure 1. Gender identity

The age ranges of the respondents were of interest as well: 60.2% fell between 41 years and 55 years of age, with no one under the age of 30 reporting. No respondents abstained from identifying their age range. Seventy-five percent of the respondents reported having either a Bachelor's or Master's degree, 16% had either a GED or high school diploma, while 5% held an associate's degree, and only 2% reported holding a doctoral degree. However, of the individuals who hold a post-secondary degree, 28 out of 57 (49%) individuals have a degree that relates directly to signed language interpreting. Of the individuals who responded as having a post-secondary degree, 79% were female, 17.5% were male, and 3.5% answered either "non-binary" or "prefer not to answer."

One question asked the participants to identify where they perform their work. A map of the United States was included in the survey. This map showed six different regions demarked by color (See Figure 2). Region 1 (blue) included the following states: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, the District of Columbia, Vermont, Virginia, and West Virginia. Region 2 (red) included Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. Region 3 (green) included: Illinois, Indiana,

Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Region 4
(orange) included Arizona, Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.
Region 5 (yellow) includes Colorado, Kansas, Montana, Nebraska, North Dakota, South
Dakota, Utah, and Wyoming. Finally, region 6 (purple) included Alaska, California,
Hawai'i, Idaho, Oregon, Nevada, and Washington.
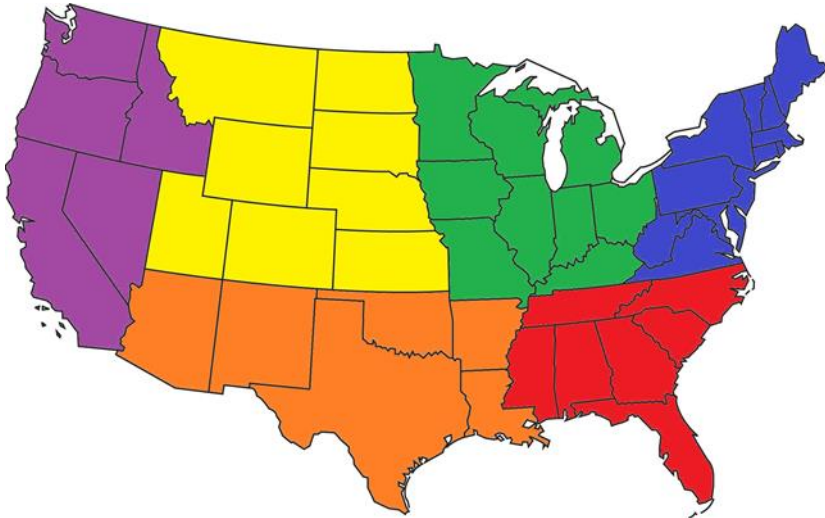
Figure 2. Regions of the United States

Most individuals listed only one region as the region they work in; however, five people
identified two regions, and two people identified all six regions. The location of the
respondents was relatively evenly represented. Regions 1, 3, and 4 all had 12
respondents; region 6 had the most respondents with 16; region 2 had 5 respondents, and
region 5 had 4 respondents. Of the five individuals who identified working in two
regions, two said they work in regions 3 and 4, one said regions 1 and 6, one said regions
4 and 6, and one said regions 4 and 5. Again, there were two individuals who identified
as working in all 6 regions; however, this may be where they are qualified to work, not
where they provide interpreting services in legal settings.

There were three questions relating to the way in which the respondents acquired their proficiency in American Sign Language. One question asked if the individual identifies as a Child of Deaf Adults (CODA)—18.2% of respondents responded yes. Another question asked if the individual acquired their signed language prior to the age of 18—37.5% of respondents responded yes, which includes the 18% who responded that they are CODAs. Lastly, 86.8% responded that they are non-native signers (See Figure 3). Interestingly, some of the individuals who identified as CODAs did not identify as native signers, which explains the discrepancy between the percentages of CODAs and non-native signers.
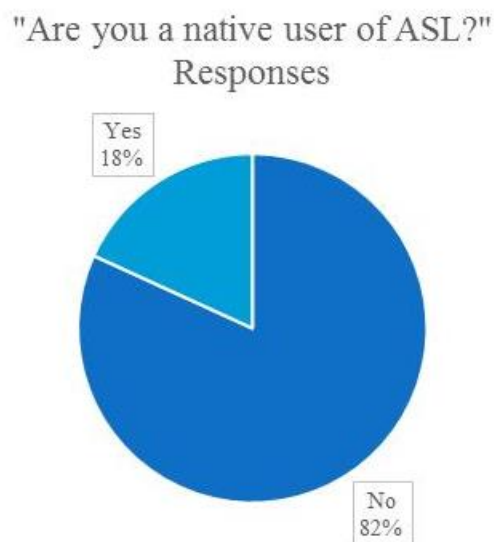
Figure 3. Native users of American Sign Language

A series of questions was designed to elicit information about how much general interpreting experience the respondents had. Of those who responded, 69.1% had 20 or more years of experience, 16.1% had 11 to 15 years of experience, 11.7% had 16 to 20 years of experience, while only 2.9% had less than 10 years of experience, and no one

had less than 6 years of experience (See Figure 4). This experience is only related to general signed language interpreting experience, not specifically legal interpreting.

Years of Experience
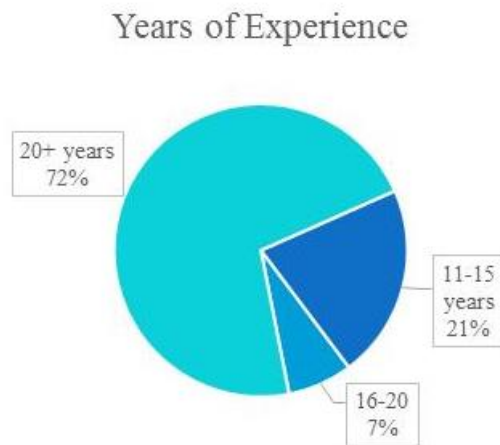
Figure 4. Years of general interpreting experience

Certifications

Two different types of general interpreting certifications were included in the survey: national certification (RID CI/CT, RID NIC, or another RID certification) and alternative certification (Board of Evaluators of Interpreters [BEI], National Association of the Deaf [NAD], or other certifications accepted as proof of the minimum skills required to perform effective interpreting work). Sixty-two out of 68 respondents identified themselves as holding a national certification, 3 responded that they do not have national certification without explication, and 3 individuals explained what other certifications they hold (BEI Court, BEI, or NAD V).

Participants were also asked questions related to what type of certifications they hold for interpreting in legal settings: the Specialist Certificate: Legal (RID SC:L) or an alternate certification (BEI Court, NAD, etc.). Fifty respondents indicated that they hold the RID SC:L; 10 reported holding the BEI Court certification; 6 responded with the term "state certification"; one responded with "AOPC Credential" (Administrative Office of

Pennsylvania Courts Credential); and one responded with "CLIP-R" (Conditional Legal Interpreting Permit-Relay).

Training

A series of questions were focused on the type and amount of training individuals possessed before becoming a signed language interpreter in general settings. After ascertaining this information for general settings, more questions were asked specifically related to interpreting in legal settings. Of interest to the principal investigator were the types of training the individual had (formal classes, workshops, trainings, mentoring, self-study, or none) as well as how many hours were devoted to training before beginning to work in the field. The hours of training were broken down into the following ranges: 0-25 hours, 26-50 hours, 51-75 hours, 76-100 hours, 101-125 hours, 126-150 hours, and 151+ hours.

The first question analyzed was "How many hours of training did you have prior to interpreting in general settings?" Thirty-six respondents had over 151 hours of training prior to working as a signed language interpreter in general settings. At the opposite end of the spectrum, the next largest group (16 respondents) had 0-25 hours of training (See Figure 5). There were five individuals who did not respond in hour amounts; however, the investigator included their answers with the statistics that most closely matched their write in response. If an individual explained that they had a degree in interpreting, then they were included in the 151+ hours of training category. If they responded "immersion" or "Mother Father Deaf" they were included in the 0-25 category. While both those answers are valid ways individuals enter into the interpreting

profession, there is typically less organization, planning, and intent when using those

methods, thus the decision to include them in the 0-25 category.

Years of Experience and Hours of Training

Figure 5. General interpreting experience compared to the training received prior to interpreting in general settings

Of the responses provided for the types of training individuals received prior to working

in general settings, many chose multiple options, suggesting that most individuals adopt a

multifaceted approach to developing the requisite skills to be a signed language

interpreter. Five individuals indicated that they had no sort of training prior to

interpreting in general settings. There were an additional four responses that included "I

did not have interpreter training" with other options. Ten individuals identified only

formal classes as their training type, five individuals identified only workshops in their

development, and one person mentioned only mentoring. All other respondents

mentioned at least two or more ways in which they developed their skills. The majority

of individuals (16) responded with a combination of formal classes, mentoring,

workshops, and self-study as their training background. However, when considering the

variety of answers provided by the respondents, it is important to note that 46 people said they had workshops as a part of their training; 44 people said they had formal classes somewhere in their training background; 31 mentioned mentoring; and 30 identified self-study as a part of their development.

Legal Training

Similar to the questions asked of interpreting in general settings, the participants were asked questions about the amount and type of training they had prior to interpreting in legal settings (See Figure 6). Eighteen individuals reported having 76-100 hours of training; 16 reported 151+ hours of training; 14 reported 0-25 hours of training; 9 people reported having 51-75 hours of training; 6 reported 126-150 hours of training; and 4 people reported having 26-50 hours of legal training prior to interpreting in legal settings. There was one write-in answer that did not specify the amount of training but rather the type of training that the individual did (e.g., mentorship). As the profession becomes more standardized in relation to training and background, the interpreters with fewer years of experience in legal interpreting were expected to have had more formal training than the interpreters with more years of experience; however, seven of the 16 individuals who reported more than 151 hours of training were interpreters who have been working in legal settings for over 20 years. Conversely, five of the 14 interpreters who reported having 25 hours of training or less were interpreters who have 6 to 10 years of experience working in legal settings.

Amount of Legal Training as Compared to Legal Experience

Figure 6. Legal training prior to working in legal settings compared to years of experience

Five interpreters reported having no training prior to interpreting in general settings; five people also reported having no training prior to interpreting in legal settings. Twenty-eight individuals reported having taken formal classes (including an individual who identified the state orientation and training) prior to interpreting in legal settings, while the overwhelming majority, 56 individuals, reported attending workshops either independently or in conjunction with other approaches to training.

Interpreter Role Identification

Participants were asked to identify the amount of time spent working in three different roles: the investigative interpreter, the interpreter for counsel, and the proceedings interpreter. Using a Likert scale, the participants responded in 10% increments, 0-10, 10-20, 20-30, and so on. Eighty-nine percent of interpreters working in an investigative capacity only work in that role 0-20% of the time. One individual responded that they work as an investigative interpreter 90-100% of the time, but the

responses indicate that signed language interpreters very rarely specialize in interpreting

for the investigative bodies such as law enforcement or departments for child and adult

protection services. Comparatively, individuals functioning in the role of proceedings

interpreter are more evenly balanced. Out of 68 participants, 15 work as the proceedings

interpreter 0-10% of the time, while a different 15 work as the proceedings interpreter

80% or more of the time (See Figure 7). The other deciles had between 2 and 9 responses

each.
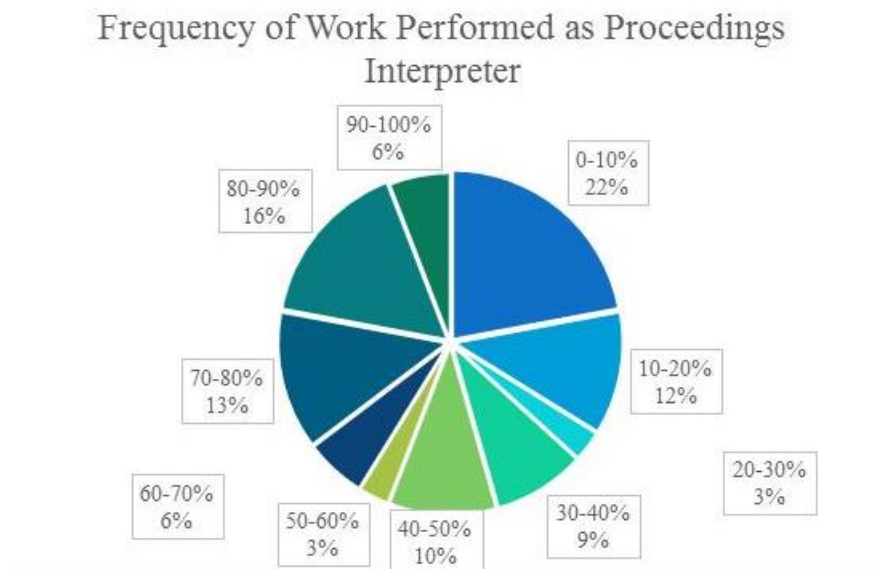
Figure 7. Frequency of work performed as the proceedings interpreter

     The role of interpreter for counsel had similar responses as the investigative

interpreter role with 45 individuals indicating they work as the interpreter for counsel 0-

20% of the time. However, three individuals indicated that they work as the interpreter

for counsel 90-100% of the time, so presumably there is slightly more specialization in

this role (See Figure 8).

Frequency of Work Performed as Interpreter for Counsel

- 10-20% 32%
- 20-30% 10%
- 30-40% 3%
- 40-50% 7%
- 50-60% 3%
- 60-70% 5%
- 70-80% 2%
- 90-100% 4%
- 0-10% 34%
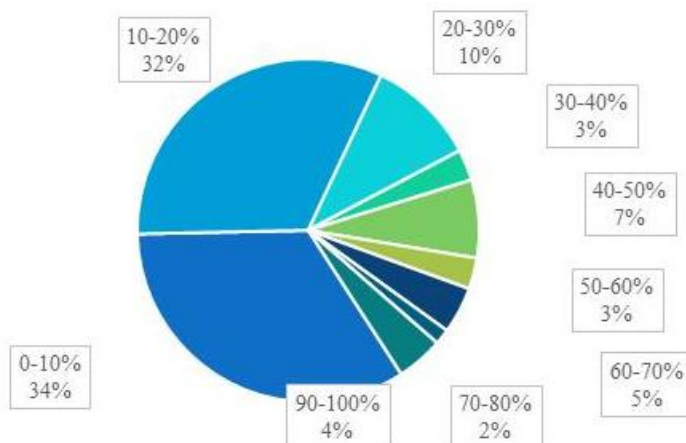
Figure 8. Frequency of work done as the interpreter for counsel

Conflicts and Disclosures

The participants were asked three questions related to conflicts and disclosures in this survey. The first question was "How often does an interpreting conflict arise?" The participants were then asked to identify the decile that best represented their practice. As indicated in Figure 9, out of 68 respondents, 56% said that a conflict occurs 0-10% of the time. The next largest group of respondents, 18 people (26%), said that a conflict occurs 10-20% of the time. The rest of the deciles had five or fewer participants respond affirmatively, with no one having conflicts arise more than 60% of the time. The second question asked of the participants was "Of the percentage above, how often do you disclose the conflict to the court?" Thirty-three responses indicated that disclosures were made 90-100% of the time, 9 indicated 80% or more, but 13 people indicated that they disclose 0-10% of the time. The responses not in the three deciles mentioned were evenly distributed between 10-80% (see Figure 10).

Frequency of Conflicts Arising in Legal
Interpreting Settings
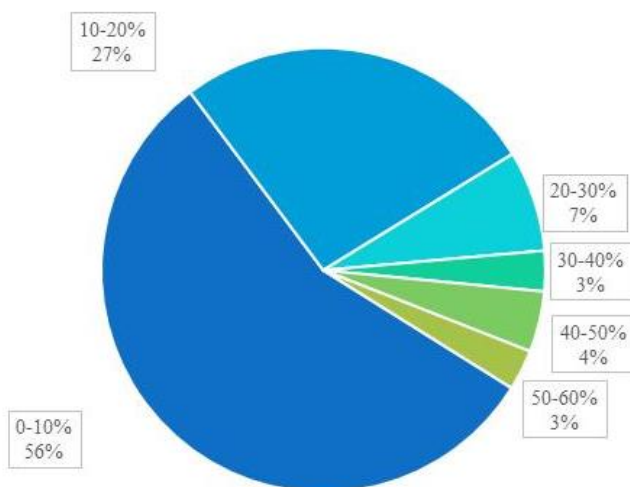
Figure 9. Frequency of conflicts

Frequency of Disclosures when a Conflict
Arises
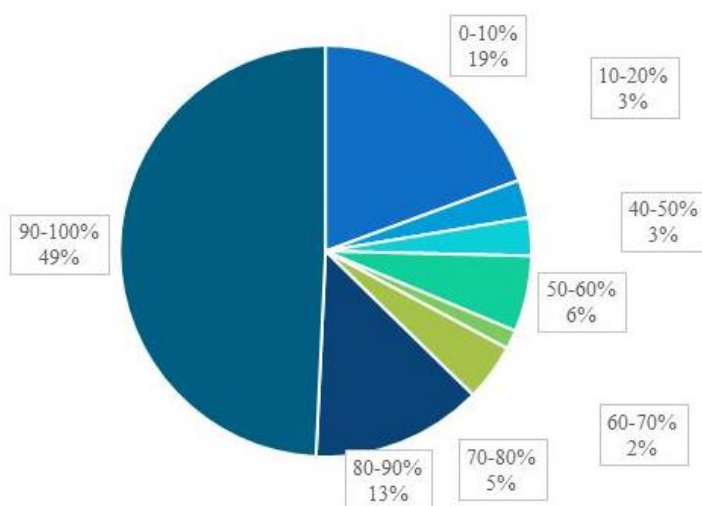
Figure 10. Frequency of disclosing a known conflict

The third question asked of the participants was "What type of conflict is MOST common?" This question yielded interesting responses. Two individuals left this question blank. Of the remaining 66 respondents, 23 identified the appearance of

impropriety as the most common type of conflict; 17 identified *per se* conflicts as most common in their practice; and 15 said ethical conflicts were the most common. Note that 11 individuals said that they did not know what type of conflict was most common. Either these individuals do not know which type of conflict is most common in their practice, or perhaps, these individuals do not know how each type of conflict is defined.

Interpreting Modalities

Two questions in this survey focused on the modality of the interpretation—how often the participants explained consecutive interpreting to their consumers, and whether or not the respondents used note-taking strategies as part of their practice. Forty-four percent of the respondents indicated that they explain the consecutive interpreting process to their consumers 0-20% of the time (See Figure 11). Considering the minimal use of consecutive interpreting in community interpreting, it is interesting that the differences between consecutive and simultaneous interpreting are explained so infrequently. However, 15% did respond that they explain the consecutive interpreting process 40-50% of the time. No one responded that they explain the difference in modalities more than 70% of the time.
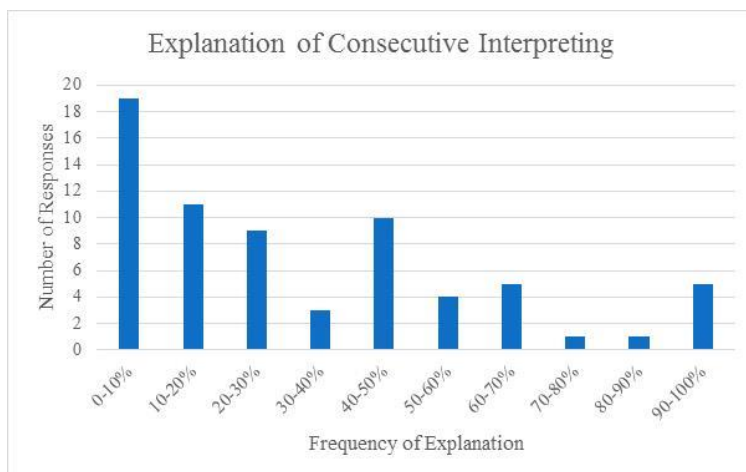
Figure 11. Frequency of explaining consecutive interpreting to consumers

The second question related to consecutive interpreting was "Do you use note taking techniques while working consecutively?" Instead of a percentage-based Likert scale, this question asked the respondents to use a Likert scale of 1-5 with 1 representing never, and 5 representing always. Of the 68 individuals who responded, 21 respondents (31%) said that they never use note-taking strategies;, 14 respondents (21%) said that they always use note taking strategies, while 34 respondents (49%) identified using strategies, but did not *always* use them.

Language Samples

There were two questions included in the survey related to obtaining a language sample from the Deaf consumer. One question asked the participants to identify how often they obtain a language sample from the Deaf consumer using a Likert scale to indicate frequency. The second question was open-ended asking how the participants obtained the language sample. Fifteen respondents reported obtaining a language sample 90-100% of the time, 14 reported obtaining a language sample 0-10% of the time, and 11 reported obtaining a language sample 40-50% of the time. The next largest decile identified was 80-90% with 7 individuals responding that they obtain a language sample this frequently.

Frequency of Obtaining a Language Sample

0-10% — 21%
10-20% — 4%
20-30% — 6%
30-40% — 2%
40-50% — 16%
50-60% — 3%
60-70% — 7%
70-80% — 9%
80-90% — 10%
90-100% — 22%
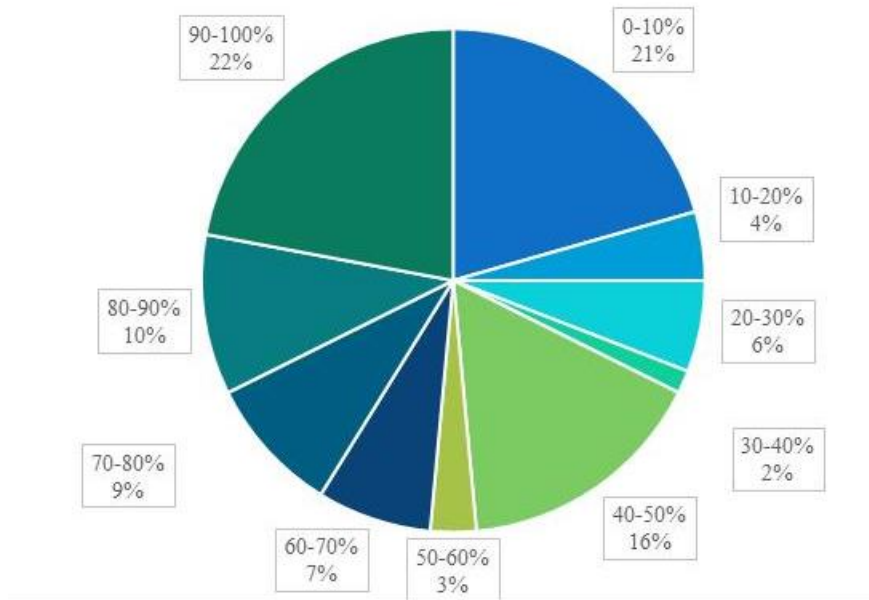
Figure 12. Frequency of obtaining a language sample from the Deaf consumer

The open-ended question elicited responses in regard to participants' processes of obtaining a language sample. The principal investigator used grounded theory to identify trends and themes in the responses provided by the participants. These themes and trends were then discussed with members of the thesis committee for validity. Sixty-one individuals responded to this question, while seven abstained. Of this 61, 26 individuals indicated that they obtained a language sample by having basic, introductory conversations with the Deaf consumer. The responses included in this category ranged from very simple, "Conversation," to more complex, "engage the consumer in a short list of questions meant to yield narrative responses." Twenty individuals responded that they meet with the consumer prior to court. Twelve of these individuals said that their meeting took place prior to court, but did not indicate whether that was immediately prior to proceedings or if it was at a separate time. Eight individuals clearly stated that they

meet with the Deaf consumer at an arranged time prior to the assignment. Out of the 61 responses, 16 emphasized the fact that they obtain a language sample in the presence of another individual. Fifteen of these 16 indicated that individual was the Deaf consumer's attorney, and one of the 15 included the bailiff as a witness to the communication as an alternative to the attorney. One individual did not include the consumer's attorney as the witness, but rather the interpreter for counsel was the witness to the respondent's communication with the Deaf consumer. Thirteen individuals included the process of obtaining permission from the court to familiarize themselves with the language used by the Deaf consumer. Three of this 13 also commented that obtaining a language sample is not "allowed very often" or it "only happens in a very small percentage of situations." Seven respondents said that they "establish communication" prior to interpreting, but most did not elaborate on what that meant to them, or how they establish communication. Interestingly, seven individuals responded that they depend largely on the previous interpreters' reports, the interpreter coordinator's reports, or some sort of preparatory work done by someone else to determine the language most easily understood by the consumer. Four individuals indicated that they typically have had prior contact with the Deaf consumer and are already familiar with their language use. Finally, two individuals responded that their Certified Deaf Interpreter (CDI)/Deaf interpreter (DI) will obtain a language sample while the hearing interpreter observes and/or keeps the attorney apprised of the content of the communication between the CDI/DI and the Deaf consumer.

Skills and Competencies

      Another open-ended question asked of the participants was "What are the most important skills/competencies of the legal interpreter?" This question was also coded using grounded theory to establish themes and trends within the responses collected. This question received answers from 64 out of 68 participants. From the 64 responses collected, more than half (34) of the responses emphasized the need to understand courtroom protocol, and 31 identified the ability to understand legalese as an essential skill or competency. Only 25 respondents mentioned the need for bilingual competency as an essential skill, followed closely by 24 individuals denoting the importance of personal characteristics such as intelligence, humility, and integrity. Thirteen respondents mentioned ethical decision making as an essential competency. This number was calculated by including comments or remarks that referenced specific ethical behaviors delineated in the RID Code of Professional Conduct. However, professionalism (Tenet 3.0 in the RID Code of Professional Conduct) was separated out for individual coding due to the fact that a high number of individuals (12) indicated that this was an essential skill or competency. There were three categories that had fewer than 10 inclusions in the open-ended responses—teamwork (9), working with CDIs (8), and bicultural competency (6). Two responses specifically referenced the need to be able to defend their decisions during the interpretation.

Defining Legal Interpreting

      By far the most difficult question to code, the question asking participants to define "legal interpreting," elicited the broadest range of responses. As an open-ended question, this was expected, but it was even more complex than anticipated. Not only

was this question difficult in terms of applying grounded theory, it was also seemingly difficult for the respondents to answer, as indicated by 11 participants who abstained from answering this question. Another seven individuals responded in a way that disallowed the inclusion of their answers in the coding process. For example, if a participant referenced a list provided in the survey or responded "interpreting in legal settings" as their definition of legal interpreting, their answer was excluded from the statistical analysis. Many of the answers included multiple parameters and have been included in several categories. For a full list of the coding done on this question, see Appendix B.

Of the 50 responses coded, 34 respondents (68%) defined legal interpreting as something that happens in front of a judge or in the presence of attorneys. Many of the responses included specific settings that they consider to be indicative of what defines legal interpreting such as depositions, custody hearings, and evidentiary hearings. Included in this category were those responses that emphasized the interpretation being put on the record or being in front of a judge. Twenty-three respondents defined legal interpreting through a predictive model, meaning that legal interpreting is defined by what the interpretation may be used for in the future. Of these 23 responses, 13 used the term "legal implication" or "legal ramifications" to define legal interpreting. The remaining 10 used language that indicated the interpretation would be used later in court. Twelve individuals defined legal interpreting in terms of signatures and contracts. If the Deaf or hearing individual was required to sign a document or swear to their understanding, then the respondent defined it as legal interpreting. Ten individuals included continuing court-mandated services in their definition of legal interpretation

(e.g., correctional settings, court-mandated counseling, probation or parole), while one individual intentionally excluded court-mandated services from their definition of legal interpreting stating that "although they are part of the legal system, I think good community certified interpreters can serve these areas well." Another 10 individuals specifically mentioned law enforcement interpreting in their definitions of legal interpreting. There were nine individuals who mentioned untraditional legal settings (e.g., medical, educational [Individual Education Plan meetings]) for inclusion in their definition of legal interpreting based on the binding consequences or the possibility that information derived from the meeting(s) can be used later in court.

Description of Legal Settings

Participants were asked about the type of legal settings in which they interpret. The survey allowed for multiple answers, as well as a write-in answer if the participants felt so inclined. There were no write-in answers. The setting most identified by the participants was pre-trial hearings, with 86% of respondents reporting that they provide interpreting services in this setting. Also in the 80% decile were magistrations/arraignments and quasi-legal settings (this includes situations such as child protective services, or administrative hearings). Attorney-client conferences were identified by 79% of the participants, and pleas were identified by 77% of the participants. On the other end of the spectrum, Justice of the Peace courts were only identified by 61% of the participants. Each setting listed in this survey had at least 61% of respondents indicate they provide interpreting services in that setting.

Working as a Team

The participants were asked to respond to two questions regarding the frequency in which they provide interpreting services in legal settings alone (See Figure 13). The first question asked simply, "How often do you work alone?" The second question asked how often the participant worked with a Certified Deaf Interpreter (CDI) team. The first question clearly had three deciles with the most responses. Sixteen respondents said that they work alone 0-10% of the time, 10 respondents said that they work alone 40-50% of the time, and 22 respondents said they work alone 70% of the time or more. One individual did not respond. It should be noted that 33 respondents (49%) responded that they work alone 50% of the time or more. The next question, "How often do you work with a CDI team?" had the opposite trend. Of the 66 responses to this question, 53 individuals (80%) said that they work with a CDI team less than half of the time.
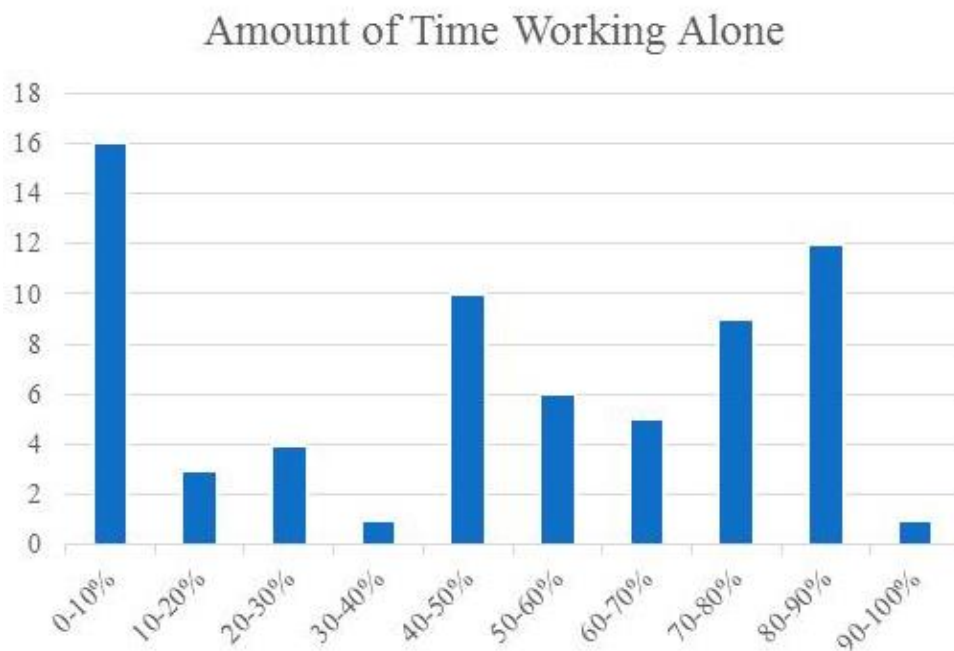
Figure 13. Time spent working alone in legal settings

CHAPTER 5: DISCUSSION AND CONCLUSION

Originally, this research was designed to elicit information about the characteristics and common practices of spoken and signed language interpreters working in legal settings. After gathering the data, the intention was to compare and contrast the practices of both types of interpreters. Due to the low response rate of spoken language interpreters, this aspect of the research was excluded from final analysis because the sample size was too small to be able to make any comparisons or generalizations. The original research questions still stand, however. After collecting data from an estimated 22% of signed language interpreters working in legal settings across the country, it is clear that there is still more research to be done related to this specialization. This section will address the demographics of the signed language interpreters working in legal settings, including training and education levels, the roles in which they work, conflicts and disclosures, essential skills and competencies as identified by practitioners, and the exact definition of legal interpreting.

Before discussing the implications of the data collected during this study, it is important to note that this research failed to reach certain populations of interpreters. This survey was disseminated through RID, NAJIT, and state organizations of interpreters, spoken and signed. However, throughout the country, only 16 spoken language interpreters responded. Perhaps spoken language interpreters felt that this survey was solely for signed language interpreters because the principal investigator is a signed language interpreter. Another possible reason spoken language interpreters did not respond could be that they did not receive the survey even though it was sent out

through NAJIT. Another population that was largely missing from the respondents was the individuals who perform signed language interpreting in legal settings without holding the RID SC:L. Fifty of the 68 respondents hold RID SC:L certification. However, it is apparent that the number of SC:L holders in the United States are not sufficient to provide interpretation services in every setting that requires a qualified legal interpreter. The unanswered question is who is doing the work that SC:L holders are not? Perhaps the people who are providing interpreting services in legal settings but do not hold the SC:L felt that this study did not apply to them and did not participate.

At the beginning of the survey, participants were asked to self-disclose information about their age, gender, location, education, language acquisition and experience levels to provide a general understanding about the individuals who work as interpreters in legal settings. Of the 68 respondents, 72% identified as female, and 25% as male, with two individuals providing a different answer. Comparatively, the male membership of RID is 9%, according to the annual report of 2015 (Registry of Interpreters for the Deaf, Inc., 2016); this higher percentage of male interpreters working in legal settings is worthy of notice.

The participants were also asked to identify the highest level of education they have achieved (See Figure 14). In general, 75% of the respondents have either a Bachelor's degree or a Master's degree, 16% have a GED or high school diploma, 5% have an Associate's degree, and 2% have a Doctoral degree. While it is interesting to note the amount of education the participants have achieved, it is even more fascinating when viewed with gender as an additional filter. Women were largely more highly educated than men. Of the men, 29% hold a Bachelor's degree, and 11% hold a Master's

degree, making a total of 40% holding a 4-year degree or higher. However, of the

women, 40% hold a bachelor's degree, 44% hold a master's degree, and 4% hold a

doctoral degree. This means that 88% of female interpreters working in legal settings

hold a 4-year degree or higher compared to 40% of men working in legal settings. The

two respondents who answered "prefer not to answer" and "non-binary" were not

included in the statistical analysis of education by gender, but both of those individuals

hold master's degrees.
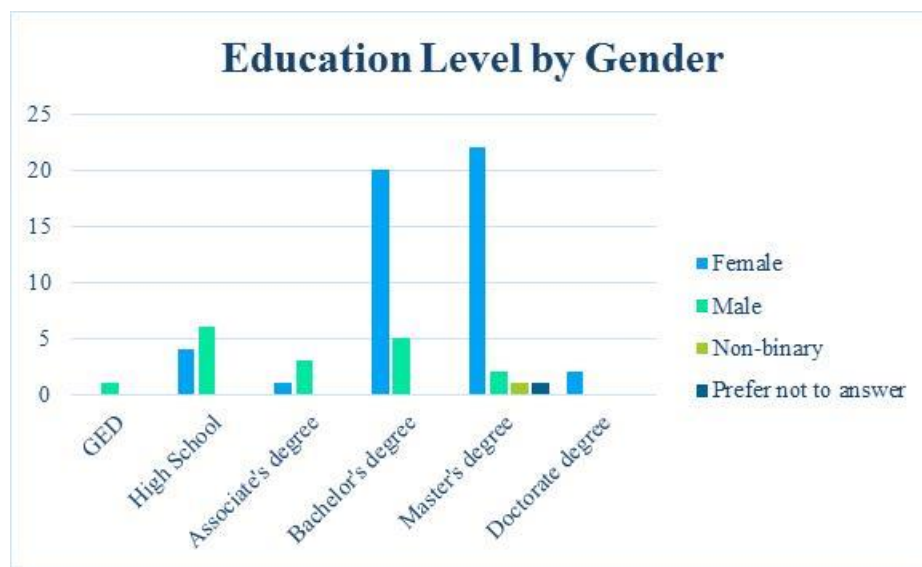
Figure 14. Education level by gender

The educational backgrounds of the respondents cannot be compared to the larger

population of RID because that information is not collected by the member services

department of the organization (RID Member Services, personal communication, April 4,

2016). The age of the interpreters working in legal settings was of interest in that 60.2%

of the respondents were between the ages of 41 and 55, and not one respondent was

under the age of 30 years old. The age range of the participants parallels the years of

experience in general settings. Of the 68 respondents, 80% reported having more than 15

years of experience interpreting in general settings, with 69% reporting more than 20 years of experience, while only 2% reported having fewer than 10 years of experience interpreting in general settings. This means that generally, the interpreters working in legal settings are the more experienced interpreters working in the field. The data aligns with best practices, which recommend that only the most skilled and experienced interpreters work in legal settings (Berk-Seligson, 2002; Gonzalez et al., 1991; Mathers, 2007; Russell, 2000; Simon, 1993). Despite there being significant experience amongst the respondents, the training backgrounds are divergent. At one end of the spectrum, 16 individuals (23%) had 0-25 hours of training while at the other end of the spectrum, 35 individuals (52%) had more than 150 hours of training prior to interpreting in general settings. One individual declined to answer this question, so the percentages above are based on 67 respondents, instead of the aggregate 68. Those two categories had the most responses. When comparing these numbers to the years of experience, it is important to remember that for individuals with more than 20 years of experience, there was no education requirement to sit for any national exam. It is also important to note that many individuals who entered the field more than 20 years ago did so through a more organic process than formal education. It is impossible to know from this research whether respondents obtained their post-secondary education pre or post certification.

There were two questions in this survey designed to elicit responses related to language acquisition, specifically asking whether English (the language of the court) was the respondent's native language or if American Sign Language was the respondent's native language. In the first question, 87% said that English was their native language. In the second question, 82% said that American Sign Language was NOT their native

language (See Figure 15). In the first question, one individual identified two languages as their native languages.

Native Language: English
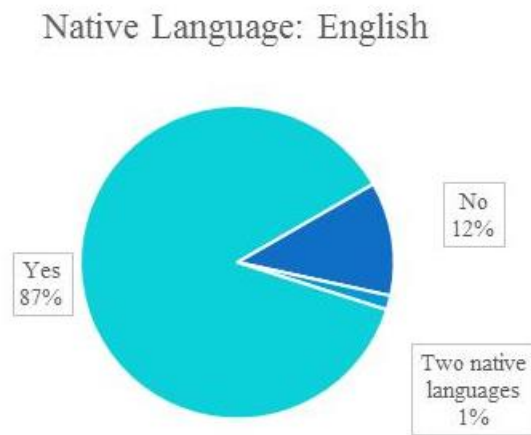
Figure 15. Responses to "Is the language of the courts your native language?"

In the second question, two individuals did not respond; however, there were more individuals who claimed to be heritage signers than in response to the first question, even accounting for the individual who claimed two native languages. Although, the wording was carefully crafted in a way to include domestic and international interpreters who may be working in courts that do not use English as their official language, the divergent responses could indicate a slight possibility that individuals responding to the survey were confused by the wording of the questions.

Native Language: ASL
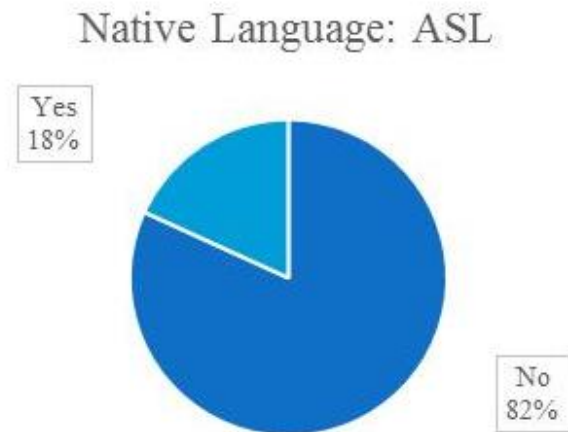
Figure 16. Responses to the question "Are you a heritage user of American Sign Language?"

It is also possible that some respondents were unsure of what qualifies as "heritage signer." This term is newer to the field than the term "CODA" (Child of a Deaf Adult) or "Mother-Father Deaf." Another possibility is that individuals consider themselves to be native users of both. A final possibility is the way American Sign Language/English interpreters identify their language(s) is inconsistent as to lead to inconsistent responses. It is difficult to determine what caused the conflicting results stemming from these two questions. From this research into the demographics and characteristics of practitioners, an image of the signed language interpreter working in legal settings has emerged: the signed language interpreter working in legal settings is typically highly educated, experienced, female, over the age of 40, and a non-native user of American Sign Language.

The roles of the signed language interpreter in legal settings delineate the responsibilities of the interpreters involved. This separation of responsibilities ensures Deaf participants have both access to counsel and access to the language of the proceedings. In the survey, participants were asked how often they perform each of the

interpreter roles: proceedings interpreter, interpreter for counsel, or investigative interpreter. Both the investigative interpreter and the interpreter for counsel roles showed little specialization by practitioners. The investigative interpreter role had 46 individuals (67%) respond that they work in this role 0-10% of the time. The interpreter for counsel role had 45 individuals (66%) respond that they work in this role 0-20% of the time. The proceedings interpreter role had more equal distribution with 15 individuals (22%) responding they work in this role 0-10%, but another 15 individuals (22%) responded that they work as the proceedings interpreter 80% or more of the time. Plea agreements are typically handled by the interpreter for counsel and are the only time the interpreter for counsel can interpret the proceedings (Mathers, 2007). It is unclear whether the respondents classified their work interpreting for plea agreements as working as the interpreter for counsel or as the proceedings interpreter. The reason this is intriguing is that 87% of criminal cases in the United States are adjudicated through plea agreements (Harlow, 2000). It would stand to reason that a significant amount of the work performed by signed language interpreters in criminal settings would be related to those pleas. Because a significant number of cases are handled this way, it is unclear why respondents identified a low amount of time spent working as the interpreter for counsel. One possibility is that individuals do not classify interpreting for a plea agreement to be working as the interpreter for counsel. Perhaps those interpreters do not ever interpret between the hearing defense attorney and his/her client, instead solely maintaining their role as proceedings interpreter. Another possibility is that interpreters are not aware that interpreting a plea agreement, including the required waivers as the attorney explains it to their client, instantaneously shifts their role from proceedings interpreter to interpreter for

counsel. Included in this possibility is the fact that the interpreter may then go on to interpret the plea in front of the judge without ever knowing that they are collapsing the roles of interpreter for counsel and proceedings interpreter. This is important because without knowing they are working as the interpreter for counsel the interpreter may accept an assignment later and find they are actually conflicted out (Registry of Interpreters for the Deaf, Inc., 2007).   Another possibility, perhaps the interpreter assumes that because the court is the hiring entity, they are automatically the proceedings interpreter, which is incorrect.

 Also of importance to note in this research is the response to the questions related to conflicts and disclosures. There were three questions asked in this vein. One question asked about the frequency of conflicts occurring, another asked which type of conflict was most common, and the last question asked how often the participant disclosed a conflict when it arose. The first question about the frequency of conflicts was relatively straightforward. The majority of the respondents indicated that conflicts occur 20% of the time or less, and no one indicated that conflicts occur more than 60% of the time. This information makes sense. If conflicts were to occur more frequently, the interpreter may be hard pressed to continue working in legal settings.

The data collected by the other two questions are more concerning. When asked to identify which type of conflict was most common, the "appearance of impropriety" response was highest with 23 responses, but the other categories had enough responses that no clear conclusion about which type of conflict is most common can be drawn from the data. Eleven individuals responded that they "don't know" which type of conflict is most common. It is possible that the individuals do not know which type of conflict

occurs most frequently. It is also possible that the individuals who responded this way are unsure of the meaning of each type of conflict listed.

The most troubling data collected from this series of questions are the responses to the question "of the percentage above, how often do you disclose the conflict to the court?" This question referenced the question immediately prior which asked how often conflicts occur. As previously discussed, the frequency of conflicts is 60% or less; however, the question about disclosures asked how often the conflicts that had already been identified were disclosed to the court. While many respondents (41) answered that they disclose 80% or more of time, 13 respondents (19%) said they disclose a known conflict 0-10% of the time.
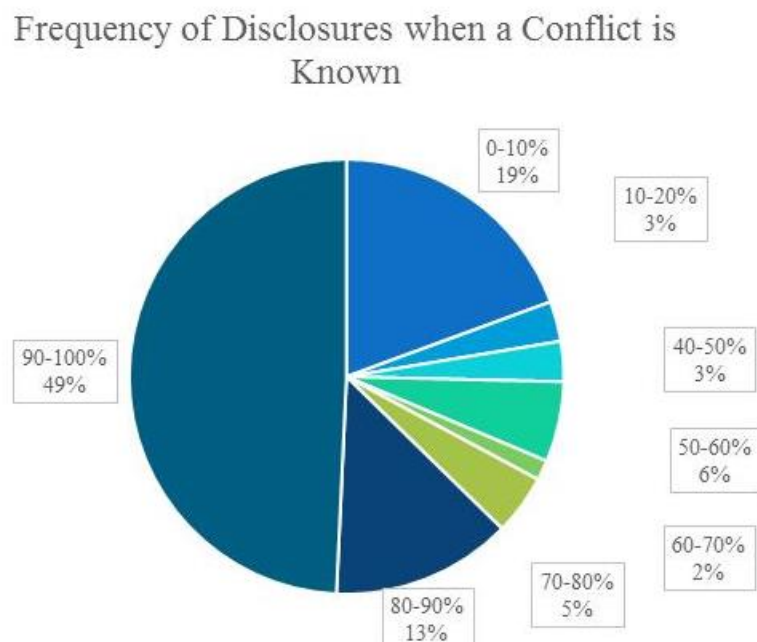

Figure 17. Frequency of disclosing a known conflict

The implications of this are disquieting. While there is a possibility that the respondents misunderstood the question and responded to the question without considering the percentage they responded to previously. This is highly unlikely. The other possibility is

that 19% of signed language interpreters who work in legal settings disclose known conflicts only 0-10% of the time. This is disappointing. From the data, it is apparent that the majority of signed language interpreters in legal settings adhere to best practices by disclosing conflicts; however, almost 1/5 of the respondents indicated that they disclose a known conflict 10% of the time or less.

This study asked participants to identify essential skills and competencies of interpreters working in legal settings in an open-ended question. When coding the data from this question, it became apparent that the largest focus of the participants was the need for interpreters to understand legal procedure and legalese. The third most often mentioned skill was linguistic competencies in both languages. From this research, it cannot be determined if the participants presupposed linguistic fluency as a skill or competency, or if they ranked it as being of lesser value than the understanding of procedure and terminology. What is of interest is that although linguistic competency was mentioned by 46% of respondents, cultural competency was mentioned by only 10% of the respondents. This could mean that the respondents include culture in their definition of linguistic competency, or it could mean that the cultural competency aspect is seen as less essential to interpreting in legal settings. If the former is true, the percentage of cultural competency responses would increase exponentially, but if the latter is true, there needs to be intensive training on how to utilize a bilingual-bicultural interpretation in legal settings.

Finally, the responses to the open ended question "how do you define legal interpreting?" were of great interest to the principal investigator. This question was the most difficult to apply the principles of open coding and grounded theory. The answers

seemed to be contradictory, and many answers were coded as non-responsive. Many of

the responses mentioned several themes within one response. These answers were coded

with multiple themes to try to most accurately capture the data collected. When

developing the themes for this section, the most notable trend was that many individuals

based their definition on an unknowable outcome—whether or not the interpreting

assignment can have legal implications, ramifications, or consequences. Specifically,

46% of the responses mentioned the unknowable future as a defining feature of legal

interpreting. This "predictive determination" may work for some settings such as

interviews, interrogations, and attorney/client meetings, but were it to be applied to all

settings it could constrict the provision of interpreting services to only individuals who

hold legal certification or who are qualified to interpret in legal settings based on their

state's requirements. Using predictive determination, Individual Education Plan (IEP)

meetings would require an interpreter qualified to work in legal settings (12% of

respondents specifically mentioned IEP meetings and/or education), as would medical

appointments involving patient consent (6% of respondents specifically mentioned

interpreting in medical settings as being legal due to consent forms). This concern about

predictive determination is supported by the participants who responded "everything is

legal," or "anything can be legal." While this may be technically true, it does not aid the

profession or outside hiring entities in determining when a qualified legal interpreter is

required. While this was the most intriguing piece of the data, it was not the most

common answer. The most common theme mentioned in the responses was that of

location and/or personnel determining whether the interpreted event was a legal setting.

Sixty-eight percent of the responses mentioned the physical courtroom, being in front of a

judge, or interpreting for attorneys, indicating that their definition is intrinsically linked to

the location the interpreting is occurring as well as the people involved in the interpreted

interaction. Signatures and contracts were mentioned by 24% of respondents as a

deciding factor of the legal nature of an interpreted event, while law enforcement

involvement and court-mandated services or probation were each mentioned by 22% of

the respondents. One individual quoted Mathers's (2007) definition instead of

spontaneously expressing their definition of legal interpreting, another said that they

define legal interpreting as "interpreting in legal settings." With answers as divergent as

these, it is important to note that even signed language interpreters in legal settings do not

have a common definition of legal interpreting. There are commonalities, but the data

shows that practitioners do not have a standard definition of legal interpreting used by all.

Conclusion

As stated previously, legal interpreting is one of the most highly specialized

settings in which signed language interpreters provide interpretation services.

Interpreters working in legal settings must not only have the skill to be able to interpret

accurately, but must also understand how the interpreter fits in the larger justice system.

It is not enough for the interpreter to faithfully render the message from American Sign

Language to English or from English to American Sign Language. There are more issues

involved. Interpreters working in legal settings are called to interpret in both criminal

and civil settings. While civil judgments may have long lasting effects on participants'

lives (e.g., custody decisions, divorce proceedings, monetary judgements), criminal

settings may have more dire results such as the loss of liberty or even a loss of life to the

Deaf defendant(s). Therefore, it is critical that interpreters in these settings remember the consequences of their work.

This research has highlighted that more explicit training is needed for signed language interpreters working in legal settings. Specifically, training is required for roles, conflicts, and disclosures. It would also be advantageous to develop a consistent definition of legal interpreting with examples of the types of settings that fall within this field with the understanding that each state varies slightly based on local and state statute.

This research has only begun the process of determining who is working as a signed language interpreter in legal settings and what their current practices are. In the future, more research could be done on the gender disparity—why are female interpreters in legal settings more highly educated than male interpreters, or why the number of male interpreters working in legal settings is higher than male interpreters working in general settings. Another avenue of research to consider is why there are more non-native American Sign Language users working in legal settings than native users of American Sign Language. It would behoove the profession to investigate the perception of best practices from legal practitioners, such as attorneys and judges, specifically whether or not they align with legal standards. It would also be of interest to investigate further the discrepancy between conflicts occurring and disclosures happening: do interpreters not disclose because they do not know there is a conflict, or do they not disclose because they have determined (independently) that the conflict is inconsequential?

References

28 U.S. Code §1827. Retrieved Nov 16, 2015 from https://www.law.cornell.edu/uscode/
text/28/1827

Administrative Office of the United States Courts. (n.d.). *Interpreter categories*.
Retrieved November 1, 2015, from http://www.uscourts.gov/services-
forms/federal-court-interpreters/interpreter-categories

Berk-Seligson, S. (2002). *The bilingual courtroom: Court interpreters in the judicial
process: With a new chapter*. Chicago, IL: University of Chicago Press.

Brunson, J. L. (2007). Your case will now be heard: Sign language interpreters as
problematic accommodations in legal interactions. *Journal of Deaf Studies and
Deaf Education, 13*(1), 77-91. doi:10.1093/deafed/enm032

Colleges/universities that offer courses. (n.d.). Retrieved November 20, 2015, from
http://www.ncsc.org/~/media/Files/PDF/Education%20and%20Careers/State%20I
nterpreter%20Certification%202/Interpreter_Colleges_Universities.ashx

Court Language Access Services. (2015, February 5). *American Sign Language Oregon
certified court interpreter process*. Portland, OR: Oregon Judicial Department.
Retrieved from http://courts.oregon.gov/OJD/docs/osca/cpsd/interpreterservices/
prospectiveaslinterpreterpacket.pdf

Fournier, C. (1997). Courtroom interpretation for the deaf in France. *Meia, 42*(3), 533-
545.

Gonzalez, R., Vasquez, V., & Mikkelson, H. (1991). *Fundamentals of court
interpretation: Theory, policy and practice*. Durham, NC: Carolina Academic
Press.

Hale, S. (2008). Controversies over the role of the court interpreter. In C. V. Garcés & A.

    Martin (Eds.), *Crossing borders in community interpreting: Definitions and*

    dilemmas (pp. 99-121). Amsterdam, The Netherlands: John Benjamins Pub.

Harlow, C. W. (2000, November). Defense counsel in criminal cases. Retrieved March

    15, 2016, from http://www.bjs.gov/content/pub/pdf/dccc.pdf

Hayes, A., & Hale, S. (2010). Appeals on incompetent interpreting. *Journal of Judicial*

    Administration, 20(2), 119-130. Retrieved from http://alejandrahayes.com/wp-

    content/uploads/2015/02/j08_v020_JJA_pt02_hayes_hale.pdf

Legal interpreter training program. (n.d.). Retrieved November 21, 2015, from

    http://www.unco.edu/marie/legal_interpreting.html

Maryland Code Annotated §1-333 (2015). Retrieved from http://mdcourts.gov/

    interpreter/pdfs/rule1-333.pdf

Mathers, C. M. (2007). *Sign language interpreters in court: Understanding best*

    practices. Bloomington, IN: AuthorHouse.

Miller, K. R. (2004). Linguistic diversity in a Deaf prison population: Implications for

    due process. *Journal of Deaf Studies and Deaf Education, 9*(1), 112-119.

    doi:10.1093/deafed/enh007

Napier, J., & Spencer, D. (2008). Guilty or not guilty? An investigation of deaf jurors'

    access to court proceedings via sign language interpreters. In D. Russell & S. B.

    Hale (Eds.), *Interpreting in legal settings* (pp. 72-121). Washington, D.C.:

    Gallaudet University Press.

National Center for State Courts. (n.d.). Colleges/universities that offer courses.

    Retrieved November 21, 2015, from https://www.ncsc.org/Education-and-

    Careers/State-Interpreter-Certification.aspx

Oregon Revised Statute §45.273 (2013). Retrieved from http://www.oregonlaws.org/

    ors/45.273

Registry of Interpreters for the Deaf, Inc. (n.d.). *Find an RID member*. Retrieved

    November 15, 2015, from https://myaccount.rid.org/Public/Search/Member.aspx.

Registry of Interpreters for the Deaf workshop search page. (n.d.). Retrieved November

    21, 2015, from https://myaccount.rid.org/Public/Search/Workshop.aspx

Registry of Interpreters for the Deaf, Inc. (2007). *Interpreting in legal settings*. [Standard

    practice paper]. Retrieved July 14, 2015, from http://rid.org/about-

    interpreting/standard-practice-papers/

Registry of Interpreters for the Deaf, Inc. (2016, February 22). *2015 annual report*.

    Retrieved from http://rid.org/2015-annual-report/

Roberson, L., Russell, D., & Shaw, R. (2011). American Sign Language/English

    interpreting in legal settings: Current practices in North America. *Journal of

    Interpretation, 21*(1), 6th ser. Retrieved July 15, 2015, from

    http://digitalcommons.unf.edu/joi/vol21/iss1/6/

Russell, D. L. (2000). *Interpreting in legal contexts: Consecutive and simultaneous

    interpretation* (Unpublished doctoral dissertation). The University of Calgary,

    Calgary.

Shaw, R. (2003). Monitoring interpretations: Analysis, discretion, and collaboration.

    In *Iron sharpens iron: Conference of legal sign language interpreters*. Atlanta,

    GA.

Simon, J. (1993). The use of interpreters for the deaf and the legal community's

    obligation to comply with the A.D.A. *Journal of Law and Health, 8*,154-199.

    Retrieved from http://engagedscholarship.csuohio.edu/jlh/vol8/iss1/9/.

Stewart, K., Witter-Merrithew, A., & Cobb, M. (2009). *Best practices: American Sign

    Language and English interpretation within legal settings*. Boston, MA: National

    Consortium of Interpreter Education Centers. Retrieved from

    http://www.interpretereducation.org/wp-content/uploads/2011/06/

    LegalBestPractices_NCIEC2009.pdf

Texas Criminal Procedure §38.31. (n.d.). *Texas Code of Criminal Procedure Art. 38.31.
    [733a] Interpreters for deaf persons*. Retrieved from http://codes.findlaw.com/tx/
    code-of-criminal-procedure/crim-ptx-crim-pro-art-38-
    31.html#sthash.Uo9ixSmF.dpuf

Texas Government Code, § 57.002.a (2013). Title 2. Judicial Branch; subtitled. Judicial
    Personnel and Officials; Chapter 57. Court Interpreters. Retrieved from
    http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.57.htm

Texas Civil Practices & Remedies Ch. 21, sub chapter A.

Wright, C. A., & Gold, V. J. (1990). *Federal practice and procedure: Chapter 7.
    Witnesses, rule 604. Interpreters*. West Publishing Company. Retrieved from
    http://apps.americanbar.org/domviol/trainings/Interpreter/Binder-
    Materials/Tab7/HandoutsWrightandMillerStandardsforInterpPerform.rtf

APPENDIX A: INFORMED CONSENT

Western Oregon
UNIVERSITY

7/8/15

TO: Sonja Smith

RE: Project Title: Current Trends and Practices of Interpreters in Legal Settings
        IRB #: 808
        Study approval period: 7/8/15-7/8/16

Dear Sonja,

On 7/8/15, the WOU Institutional Review Board (IRB) approved the above project for the period indicated above. It was the determination of the IRB that your study qualified for exempt review based on the federal requirements for exempt category #2. This category is restricted to research with no risk of injury to participants that involves the use of educational tests, surveys, interviews, questionnaires or observation protocol that you submitted with your application packet.

It is your responsibility to report promptly to the WOU IRB any adverse events or unanticipated problems involving risks to subjects or others. Additionally, you must contact the WOU IRB prior to implementing any changes in your study which may have bearing on the rights and welfare of the research participants including change in design, population targeted, and/or consent process. Protocol modifications must be approved by the IRB prior to implementation. Finally, should your study exceed the study approval period noted above, your protocol must be reapproved. Please contact the IRB chair to facilitate this process.

We appreciate your dedication to the ethical conduct of human subject research at Western Oregon University and your continued commitment to human subject research protections. If you have any questions, please feel free to contact myself or any other member of the WOU IRB.

Good luck in your research activities.

Sincerely,

W. Jeffrey Armstrong, Ph.D.
Chair, WOU Institutional Review Board

Vice President for Academic Affairs

345 Monmouth Ave. N. • Monmouth, OR 97361 • 503.838.8271 • 503.838.8116 (fax) • wou.edu

APPENDIX B: ONLINE SURVEY DISSEMINATED TO PARTICIPANTS

Characteristics and Common Practices of Interpreters in Legal Settings

Dear Colleague,

I am a master's degree student at Western Oregon University in the Interpreting Studies program under the supervision of Elisa Maroney. I am conducting a research study seeking to understand the characteristics of spoken and signed language interpreters who work in legal settings.

I am inviting your participation, which will involve taking an online survey that can be accessed directly through this link: https://goo.gl/jIcrqq. Participation in the survey will serve as your consent. The survey will take between 15 and 30 minutes to complete.

Your participation in this study is voluntary. There is no penalty if you choose not to participate or to withdraw from the study at any time. If you choose to withdraw from the study, all data collected from you will be destroyed through the deletion of files. You must be 18 or older to participate in this study.

There are no foreseeable risks or discomforts to your participation, other than your investment of time to complete the survey.

There are several identified benefits to performing this research. By collecting the data, the researcher seeks to understand the characteristics and current practices of interpreters in legal settings. Knowing the training, skills, background, and even gaps in the aforementioned areas, of interpreters in legal settings will aid in the development of best practices and future trainings. This data will also allow interpreters to remediate any identified gaps in current trends and practices. Another benefit is identification and comparison of best practices of spoken language interpreters and signed language interpreters working in legal settings.

The online survey is anonymous unless you choose to provide your email address for potential selection to participate in a follow up interview. Should you choose to submit your contact information, your responses will not be anonymous, but they will be confidential. I will remove any personal identifiers after coding is completed in order to maintain your confidentiality. The results of this study will be used in my master's thesis, and may be used in reports, presentations, or publications but your name will not be known, nor used.

If you have any questions concerning the research study, please contact Sonja Smith by phone at 512.736.3407 or via email at: smiths@mail.wou.edu or my graduate advisor Elisa Maroney at maronee@wou.edu. This study has been approved by the Western Oregon University IRB. If you have any questions about your rights as a subject/participant in this research, or if you feel you have been placed at risk, you can contact the Chair of the Institutional Review Board at (503) 838-9200 or irb@wou.edu.

Thank you,
Sonja Smith
Graduate Student, Interpreting Studies
Western Oregon University

Are you ready to take this survey?

❍ Yes. I confirm that I am over the age of 18. I consent to participating in this survey and understand that it is completely voluntary. I may withdraw at any time without penalty. I also understand that this survey is designed to gather information about interpreters working in legal settings and by clicking this button, I affirm that I am an interpreter who works in legal settings.

❍ No. I am not interested in taking this survey.

Interpreters in Legal Settings Research

Gender

❍ Male   ❍ Non-binary

❍ Female   ❍ Prefer not to answer

Age

❍ 18-25   ❍ 36-40   ❍ 51-55   ❍ 66+

❍ 26-30   ❍ 41-45   ❍ 56-60

❍ 31-35   ❍ 46-50   ❍ 61-65

Highest level of schooling completed

❍ Did not complete   ❍ High School   ❍ Master's degree
   high school   ❍ Associate's degree   ❍ Doctorate degree

❍ GED   ❍ Bachelor's degree

How many years have you been interpreting professionally?

❍ 0-2   ❍ 6-10   ❍ 16-20

❍ 3-5   ❍ 11-15   ❍ 20+

Map of the United States, divided into regions
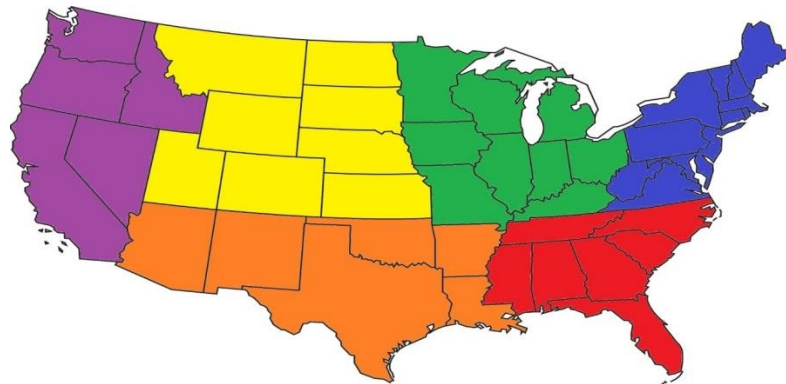
In what area of the country do you work (see map)? (Check all that apply.)

❍ Red   ❍ Orange   ❍ Blue

❍ Green   ❍ Yellow   ❍ Purple

If you do not work in the United States, in what country do you work?

What languages do you use during interpretation? (Please list 2 or more languages.)

Is your native language the same language used in the courts where you work?
❍ Yes   ❍ No
❍ Other:

How much interpreter training did you have prior to interpreting in general settings?
❍ 0-25 hours   ❍ 76-100 hours   ❍ 151+ hours
❍ 26-50 hours   ❍ 101-125 hours   ❍ Other:
❍ 51-75 hours   ❍ 126-150 hours

What kind of interpreter training did you have prior to interpreting in general settings? (Check all that apply.)
❍ Formal classes   ❍ Self-study
❍ Workshops   ❍ I did not have interpreter training.
❍ Mentoring   ❍ Other:

Do you have a degree specific to translating/interpreting?
❍ Yes   ❍ No
❍ If yes, what type(s) of degree do you have?

If not, do you have a degree in a related field (e.g. linguistics, or a specific language)?
❍ Yes   ❍ No
❍ If yes, what type(s) of degree do you have?

Are you nationally certified?
❍ Yes   ❍ No
❍ Other:

Do you hold an alternate type of certification such as a state certification or quality assurance credential?
❍ Yes   ❍ No
❍ Other:
❍ If yes, what alternative certification or credential do you have?

How long have you been interpreting in legal settings?

❍ 0-2 years   ❍ 11-15 years
❍ 2-5 years   ❍ 16-20 years
❍ 6-10 years   ❍ 21+ years

Are you certified to interpret in legal settings?

❍ Yes   ❍ Certification is unavailable for me.
❍ No   ❍ Other:

Does your state (region, province, etc.) have specific statutory requirements for interpreters in legal settings?

❍ Yes   ❍ I don't know.
❍ No   ❍ Other:

If your state (region, province, etc.) does have statutory requirements for interpreters in legal settings, what are they?

How much legal interpreter training did you have prior to interpreting in legal settings?

❍ 0-25 hours   ❍ 76-100 hours   ❍ 151+ hours
❍ 26-50 hours   ❍ 101-125 hours   ❍ Other:
❍ 51-75 hours   ❍ 126-150 hours

What kind of legal interpreter training did you have prior to interpreting in legal settings?
(Check all that apply.)

❍ Formal classes   ❍ Mentoring
❍ Workshops   ❍ Self-Study
❍ I had no legal interpreter training prior to interpreting in legal settings.
❍ Other:

Are you qualified to interpret in federal court?

❍ Yes   ❍ No
❍ I don't know.

What qualifies you to be able to interpret in federal court?

Are you qualified to interpret in your state's courts?

❍ Yes   ❍ No
❍ I don't know.

What qualifies you to be able to interpret in state court?

In what types of legal settings do you typically interpret? (Check all that apply)

- ○ Pleas
- ○ Pre-trial hearings
- ○ Magistration/Arraignment
- ○ Witness interviews
- ○ Interrogations/Interviews
- ○ Divorce proceedings
- ○ Custody proceedings
- ○ Municipal Courts
- ○ Misdemeanor trials
- ○ Felony trials
- ○ Jury Selection/ Voir Dire
- ○ Justice of the Peace Courts
- ○ Attorney-Client conferences
- ○ Probation meetings
- ○ Correctional settings
- ○ Mental health
- ○ Other civil proceedings
- ○ Juvenile settings
- ○ Quasi-legal settings (such as child protective services, mediations, arbitrations, or administrative hearings)
- ○ Other:

To what professional interpreting organizations do you belong?

How many hours a week do you typically interpret in legal settings?

- ○ 0-5 hours
- ○ 6-15 hours
- ○ 16-25 hours
- ○ 26-35 hours
- ○ 36-40 hours
- ○ 41+ hours

How did you become an interpreter in legal settings?

How do you define legal interpreting?

What are the most important skills/competencies of the legal interpreter?

Best Practices for Interpreting in Legal Settings

How often do you work in an investigative setting?

Each radio button represents a range of 10%. If you select 5, it means that you have selected 40-50% of the time as your answer.

	1	2	3	4	5	6	7	8	9	10	
0-10%	○	○	○	○	○	○	○	○	○	○	90-100%

How often do you work as the interpreter for counsel?

Each radio button represents a range of 10%. If you select 5, it means that you have selected 40-50% of the time as your answer.

	1	2	3	4	5	6	7	8	9	10	
0-10%	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯	90-100%

How often do you work as the proceedings interpreter?

Each radio button represents a range of 10%. If you select 5, it means that you have selected 40-50% of the time as your answer.

	1	2	3	4	5	6	7	8	9	10	
0-10%	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯	90-100%

How often do you work alone?

Each radio button represents a range of 10%. If you select 5, it means that you have selected 40-50% of the time as your answer.

	1	2	3	4	5	6	7	8	9	10	
0-10%	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯	90-100%

Are you permanently sworn in for your state courts?

◯ Yes   ◯ No

If you are not permanently sworn in, how often are you sworn in prior to interpreting on the record?

Each radio button represents a range of 10%. If you select 5, it means that you have selected 40-50% of the time as your answer.

	1	2	3	4	5	6	7	8	9	10	
0-10%	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯	90-100%

How often do you undergo a qualification process before being sworn in?

Each radio button represents a range of 10%. If you select 5, it means that you have selected 40-50% of the time as your answer.

	1	2	3	4	5	6	7	8	9	10	
0-10%	◯	◯	◯	◯	◯	◯	◯	◯	◯	◯	90-100%

How often does an interpreting conflict arise?

Each radio button represents a range of 10%. If you select 5, it means that you have selected 40-50% of the time as your answer.

	1	2	3	4	5	6	7	8	9	10	
0-10%	○	○	○	○	○	○	○	○	○	○	90-100%

Of the percentage above, how often do you disclose the conflict to the court?

Each radio button represents a range of 10%. If you select 5, it means that you have selected 40-50% of the time as your answer.

	1	2	3	4	5	6	7	8	9	10	
0-10%	○	○	○	○	○	○	○	○	○	○	90-100%

Which type of conflict is MOST common?
- ○ Appearance of impropriety conflicts
- ○ Per se conflicts
- ○ Ethical conflicts
- ○ I don't know

How often do you obtain a language sample of the non-English speaking consumer prior to interpreting?

Each radio button represents a range of 10%. If you select 5, it means that you have selected 40-50% of the time as your answer.

	1	2	3	4	5	6	7	8	9	10	
0-10%	○	○	○	○	○	○	○	○	○	○	90-100%

How do you obtain a language sample from the non-English speaking consumer?

How often do you explain the difference between consecutive and simultaneous interpreting to your consumer(s)?

Consumers can mean either English speaking or non-English speaking consumers. Each radio button represents a range of 10%. If you select 5, it means that you have selected 40-50% of the time as your answer.

	1	2	3	4	5	6	7	8	9	10	
0-10%	○	○	○	○	○	○	○	○	○	○	90-100%

Do you use note taking techniques while working consecutively?

	1	2	3	4	5	
Never	○	○	○	○	○	Always

Are you a signed language interpreter?
- ○ Yes
- ○ No

Questions specific to signed language interpreters in legal settings

Are you a heritage or native user of your signed language?
❍ Yes
❍ No

If you are a non-native speaker of your signed language, did you acquire your signed language prior to the age of 18?
❍ Yes
❍ No

Do you hold the Registry of Interpreters for the Deaf Specialist Certificate: Legal (RID SC:L)?
❍ Yes
❍ No
❍ I have passed the written portion, but have yet to pass the performance portion.
❍ I held RID SC:L, but it has since lapsed.
❍ Other:

If you do not hold the RID SC:L, why not?

Do you hold an alternative certification or credential for legal interpreting?
❍ Yes
❍ No
❍ Other:

If yes, what alternative certification(s) do you hold?

How often do you work with a Certified Deaf Interpreter (CDI) in legal settings?
(CDIs, please disregard.)

	1	2	3	4	5	6	7	8	9	10	
0-10%	❍	❍	❍	❍	❍	❍	❍	❍	❍	❍	90-100%

Are you interested in being contacted for follow up questions, should they be determined necessary?
❍ Yes
❍ No

Please submit your contact information here: Name/Email address/Phone Number (Please indicate if this is a voice, text, or VP number)/Preferred contact method: Email/Phone

APPENDIX C: OPEN CODING FOR QUALITATIVE DATA

How do you define legal interpreting?
Court and legal topic related matters[1]
Any assignment that could have repercussions and result in litigation. Subjects include education, medical and contracts. [2, 3, 6, 8]
Any setting in which the law and legal system is at play... from interaction with law enforcement, discussion with attorneys to more formal interaction with the criminal justice system such as court, corrections, etc.[1, 4, 5]
Interpreting in situations that have legal ramifications or contracts/agreements. [2, 3]
Self explanatory

All situations related to the judicial process. This includes courtroom, jury duty, mediation, client attorney meetings, court referred programming, [1]
Any setting that has legal impact/ramifications. [2]
Interpreting that is in or can lead to court settings. [1, 2]
The process of interpreting between ASL and English speakers engaged in interactions within the legal context and/or in interactions that include implications of a legal nature. [1, 2]
Very broad definition legal proceedings, in courthouse contacts with ombudsman, and other court personnel, filling out paperwork in a courthouse contacts with law enforcement Employment training sessions and meetings associated with health benefits, pension. Etc banks with contract for mortgages and alike Atty/client, depositions Tooooooo long of an answer for a survey◆◆ [1, 9]
Interpreting in specific situations that involve criminal matters, civil disagreements, depositions.. matters that involve an individuals rights and liberties guaranteed by the US Constitution. Legal interpreting requires specific knowledge of state and federal law and one must be able to work with CDI's in a hearing/Deaf interpreting team [1]
The art or process of determining the intended meaning of a written document, such as a constitution, statute, contract, deed, or will. (http://legal-dictionary.thefreedictionary.com/interpretation)

To produce meaning/message clearly understandable in the target language (ascertaining the sense and meaning of the subject-matter).
That which is in front of a Judge or is put on record to be used in court later. [1]
Broadly speaking it's anything with legal implications because any situation can become legal. A regular doctor's exam can lead to reports of abuse, for example. In real life, though, it's usually confined to court, court ordered services, things with the police, and things with lawyers. [1, 2, 4, 8, 9]
Anyting with legal implications. [2]
Anything from your list above
Highly specialized work in legal settings (including depostions, et al.) that require knowledge and training specific to the justice system. [1]
Any matter which uses, creates or alters a record of the Deaf party interacting with legal/governmental structures, including but not limited to: Law Enforcement Corrections Municipal, County, State and Federal courts/clerks (civil/criminal) Evidentiary Assessments and Depositions Parole and Probation [1, 4, 5, 7]
Interpreting in settings related to criminal and civil law. [1]
~~Any of the above scenarios you laid out in your survey.~~ Any setting that could have future legal consequences. [2]
One who holds a generalist certification along with the state approved hours to be considered qualified to perform duties within the defined scope of legal interpreters. Alternatively, holding an SC:L definitely qualifies one to uphold their oath by ensuring accurate communication is occurring. This includes quasi-legal settings that may not have an attorney present, in court or on record; however, have legal implications throughout the content and occurs within a setting that is considered relevant to the due process of the person for whom our services have been requested. One example among numerous, would be a probation appointment while not in the presence of an attorney, it is a direct result of the defendant's due process [1, 2, 5]

Any situation that could effect a person's freedom, finances, or property (or children, in the case of CPS)[7]
If its documented/binding, it's legal [3]
Anything that could become legal in nature or is legal in nature. [1, 2]
legal situations are those that occur in court, involve attorneys for the purpose of representation, situations where a legal document is established and/or signed, and situations where a legal determination is made (social security hearings). [1, 3, 7]

anything that can lead to legal ramifications [2]
Any matters that affect legal matters from an IEP meetings to court room settings. Anything that involves contracts, agreements, job related issues, etc. [1, 2, 3, 6]
Any setting that is in court or could potentially end up in the courts. [1, 2]
Interpreting in a Legal Setting. (short and sweet)
Any assignment that can be used in Court. IEP Depositions Detainment Interviews Interrogations [1, 4, 6]
Generally, legal interpreting can be loosely defined to mean just about anything (i.e. buying a house and entering into a real estate contract). I define legal interpreting as any part of a formal legal process, including the forensic phase of investigation and carrying through to services provided in correctional settings. [1, 3, 5, 9]
I know some people have a broad definition that would include something like purchasing a house (contract law). I believe that is technically correct, but when I say I'm a legal interpreter, I generally mean that I work in court and in forensic settings. [1, 3]
Any setting that has legal ramifications [2]
Interpreting in settings that have potential or real risks of contractual, judicial, or other legally binding outcomes, [1, 2, 3]
ANYTHING can become a legal situation. It is not limited to court or an attorney. [2]

Court room proceedings, probation, client/lawyer, police interrogations, juvenile proceedings, traffic [1, 4, 5]

Anything court related whether local, county, state or federal. [1]
Any interpreting in a legal or quasi-legal setting that impacts a non English speaking person. This includes courts, police interviews, administrative hearing such as social security and medicare and many other settings.[1]
Interpreting for a Deaf person and hearing parties by means of ASL or other sign modes in a courtroom, in conference with an attorney, with a probation officer, with a police officer, in a deposition, with a case manager for Children Protective Services, and other possible settings. [1, 3, 4]

events involving legal practitioners or members of the justice system who are there in their professional capacity - lawyers, police/investigatory personnel, judges etc [1, 4]
Any of the above listed items

my legal interpreting is specific to the courtroom. But technically legal interpreting involves anything with a legal implication (contracts, waivers, release forms, etc.) would be included. [1, 2, 3]
Anything that is, or could eventually result in a legal proceeding. [1, 2]
Any assignment that can or does involve civil or criminal action. [1, 2]
The best definition I can give is what Carla Mathers states in her book (2006): "Legal interpreting entails a wide range of situations in which the deaf person…comes into contact with an enforceable set of rules governing civil conduct in this country."
Everything is legal. IEPs. Medical (consent forms, Advanced Directives, etc.) even in mental health. [3, 6, 8, 9]
Interpreting in any setting that takes place in traditional "legal" settings, such as court, police stations, or with traditional legal participants - lawyers, police. It also includes any setting with legal consequences, such as child protective visits and investigations, school IEPs (esp. if contentious), and probation appointments. It can also include court mandated services, such as mental health counseling, or abuser education classes. [1, 2, 4, 5, 6]
Any interaction that potentially has legal ramifications. [2]
Interpreting within a situation that has legal implications. [2]

Any situation that has legal ramifications. [2]

Any meeting that a person signs a document stating that they have understood whatever just happened and that they take responsibility. That can vary from an IEP, pre-trial conference, entering into a contract with a mobile phone company etc. [1, 3, 6]
I define it as I would any other interpreting job.
Working in front of a judge, in a deposition, attorney meetings, polygraphs, probation administrative hearings [1, 5]
Court, depositions, jail/prison/probation-related interviews and hearings, workman's comp, police/hospital interviews related to a (possible) crime, mediations and arbitrations, mental health related to psychological evaluations/conservatorships/guardianships, court-related investigations, etc. I don't include court-ordered programs in this definition, such as DV classes, parenting classes, community service programs, alcohol school, etc. Although they are part of the legal system, I think good community certified interpreters can serve these areas well. [1, 4, 5]
Legal interpreting is often interpreted differently by hiring agencies and the agency paying for the service. I consider an assignment legal in nature if any determination will be considered that could alter/change a client current status. This could be trying to resolve a traffic ticket, writing of a will, court orders, CPS/APS visit or interaction, child custody issue, divorce, marriage, an arrest, probation/parole meetings, jury duty and a number of other situations involving determination of rights, freedoms, financial burdens. [1, 5]

Legend
1- Legal interpreting is done in a courtroom or in front of a judge
2- Legal interpreting is determined by the future consequences of the assignment.
3- Legal interpreting is determined by contracts and/or signatures.
4- Legal interpreting is done with law enforcement
5- Legal interpreting is done in court mandated services or probation/parole.
6- Legal interpreting is done in educational settings (Individual Education Plan meetings)
7- Legal interpreting is related to anything that alters the status of the Deaf consumer.
8- Legal interpreting is done in medical settings.
9- Legal interpreting has a broad definition.

Strikethrough   Any answers that did not define legal interpreting or used the same language to describe legal interpreting.

Highlight   no response

APPENDIX D: OPEN CODING OF QUALITATIVE DATA

What are the most important skills/competencies of the legal interpreter?
Intelligence, decorum and confidentiality [4, 5, 6]
Knowledge of the nomenclature, bilingual, professional and respectful. [2, 3, 4, 6]
Understanding the system and context in which you are working; e.g. understanding what it means to be serving as an officer of the court when working in a courtroom vis-a-vis being an interpreter at an intake for a county jail. [1]
Understanding legal systems, terminology and ramifications the system poses on individuals involved. [1, 2]
Be well rounded & adhere to Ethics [4, 5]
Strong language variation, strong voicing competency. [3]
Knowledge, ability to team, and lack of ego-focus on message! [4, 7]
Knowledge of the role and responsibilities of the court interpreter, which are very different from community interpreting. [6]
1. high degree of competence in the languages used in the interpreting process including direct work experience with a wide range of consumers with varying degrees of linguistic competence 2. legal system knowledge including protocol 3. legal knowledge including its unique jargon and its application in context 4. knowledge and application of best practices in legal interpreting 5. high degree of competence in working within interpreting teams, including those with Deaf interpreters 6. deep appreciation and application of ethical reasoning, particularly as it relates to what constitutes conflicts of interest [1, 2, 3, 5, 7, 8]
Linguistic competencies, thorough legal education on proceedings etc, smart, ethically competent, ability to monitor your and others work, understanding of working in a system, POV from the courts view, ability to work in teams, high competency is identifying situations that require a Deaf Interpreter. [1, 3, 4, 5, 7, 8]
Consecutive interpreting skills High levels of accuracy Knowledge of Code of Conduct and state/federal laws and which supersedes which Flexibility Being able to respond to difficult complex questions about interpreting in open court and on the record [4, 5, 10]

Cultural and linguistic expertise in ASL, English and legal terminology
Flexibility to linguistically match the needs of various deaf consumers
Ability to advocate for and team with CDIs [2, 3, 4, 8, 9]

Proficient and fluent skills in ASL/English on the interpreting continuum, a wide breadth of knowledge of real world experience (and being well read), knowledge and practice of court protocol, extensive vocabulary in legal terminology/understanding of the law as it relates to the interpreter and constitution, corrections for the record, team interpreting and the ability to incorporate and appropriate cultural meanings. [1, 2, 3, 4, 7, 9, 11]

Integrity - to conflict themselves out if necessary
Honesty - if they cannot handle the content or stress
Skills - you cannot interpret what you do not understand
Knowledge of how the court system works - again, you cannot interpret what you do not understand. [1, 4]

Language competency in the languages interpreted between
Knowledge of protocol and terminology
Impartiality
Ability to recognize and avoid perceived conflicts of interest
Assertiveness
Calm [1, 3, 4, 5]

The ability to explain and defend your decisions. Ability to work closely with a court rather than the interpreter coming in as an advocate of the deaf person which is what we still so often see. [11]

Knowing the legal system, the vocabulary and how to interpret it into ASL, excellent receptive skills, knowing when to call in support. [1, 2, 3]

Neutrality under pressure, recognizing that the Court is the client, not the Deaf participants, and to be able to interrupt a judge to sidebar when necessary. [4, 5]

Language, register, professionalism, knowledge of law [1, 3, 6]

Familiarity with legal terminology and courtroom protocol [1, 2]

1) Ability to put up with other legal interpreters
2) Discernment of when to include a qualified C/DI
3) Respect for boundaries, and clear understanding of one's role as never allied with the Deaf party
4) Demeanor and professionalism with legal personnel [4, 8]

Analysis and understanding of the English used in legal settings, analysis and use of ASL used in legal settings, competence working with a CDI, appropriate register, and understanding of lines of questioning [2, 3, 8]

Language competency (English/ASL) Knowledge of the judicial system Professionalism Ethics and decision making Accuracy & Neutrality [1, 3, 4, 5, 6]
Mastery of both languages, knowledge of the legal system and terminology. [1, 2, 3]
knowledge of courtroom decorum and core principles and vocabulary used within the court setting along with the given that one meets the state and/or constitutional standards for working in the legal environ [1, 2]
Languages. Understanding both the English, and being able to interpret into the language most readily understood but the consumer. And understanding the signing and voicing into equivalent English. [3]
understanding legal jargon + court proceedings + utmost professionalism [1, 2, 6]
Knowing your skill limits and when you need a team, when you need a CDI, when you are NOT the terp for the job. [7, 8]
i think it's important for interpreters, in general, to understand how many situations have legal implications prior to placing themselves in the job. for legal terps, they need to remember that more than court is a legal environment.
legal terminology, procedures, culture of legal world, the legal system, [1, 2, 9]
bilingual and protocols [1, 3]
language competency understanding of the system in which they work flexibility and good team work [1, 3, 4, 7]
Fluency in two languages and knowledge of legal terminology and procedures. [1, 2, 3]
Professionalism, Knowledge and training within the legal system (understanding the legal process), interpreting skills, and willingness to always improve. [1, 4, 6]
Understanding legal terminology well enough to interpret it [2]
Flexibility, logical analysis akin to an attorney's critical thinking skills, teaming, and knowing how and when to ask for help. [4, 7]
Flexibility and willingness to stand up and admit in open court when you've made errors that need to be corrected. Ability to work WELL in teams (Deaf and hearing teams). Speaking skills in addressing the court and court staff on matters related to interpreting. All of this presupposes a high level of language fluency in ASL, English, and competency in legal vocabulary. [2, 3, 4, 7, 11]

Knowing what you don't know and being able to get what you need in the moment. [4]
Years of life experience - not someone out of high school Years of interpreting experience - certified at least 10 years Well educated [4]

Understand the legal language and process [1, 2]

Language depth both English and target language. [2]
Knowing when to ask for a CDI. Understanding legal language and protocol. Presenting yourself as a professional through grooming and clothing. Continued studies in legal issues. [1, 2, 6, 8]
Knowledge of and fluency in American Sign Language and other modes of signed communication; knowledge of legal terminology and courtroom procedures and protocol; understanding of the role of the interpreter in various settings; ability to match the register and language level of the D/deaf or hard of hearing client(s); adherence to the RID Code of Professional Conduct, especially by maintaining confidentiality. Maturity, integrity and professionalism are also key. [1, 2, 3, 4, 5, 6]

critical thinking!! understanding of legal terminology, legal processes, ow the system works, where interpreters slot into the legal fabric, asserting whats needed from the interpreting side, ability to offer succinct explanations of interpreting decisions (teaming, consecutive, DI's etc) [1, 2, 8, 11]
Confidence, knowledge of legal concepts, terms, and procedure, understanding how to prepare, and what to do when things aren't working. [1, 2, 4]
Knowing your strengths, weaknesses, limitations, and filters. [4]
knowing the system, knowing the terminology, knowing protocol and how to navigate the interpersonal interactions. [1, 2]
Professionslism, linguistic & cultural competency, well established boundaries. [3, 6, 9]
Professionalism, willingness to put self last and effective communication first, understanding procedure, able to work within and as part of a system rather than being the "Lone Ranger" interpreter. [1, 6]
extensive knowledge of legal system and processes strong ethics

excellent interpreting skills
strong boundaries
deep understanding of legal terminology
knowledge of and ability to apply correct protocol
hearing/Deaf cultural competency
strong English skills/ability to be articulate
flexibility
quick thinker
team player [1, 2, 3, 4, 5, 9]

To not only know about the legal terminology and the court etiquette but to also know and understand why the person is in court. [2]

A total commitment to accuracy in both languages, and a willingness to ask for clarification, repetition, or to slow the process down. Know when to use a team, and how to work with a team. Understand legal use of language and the meanings behind them. [2, 3, 7]

Assuming general interpreting skills are present (i.e. do you understand ASL?) the specific processes and language/lingo used in legal settings is needed. [1, 2, 3]

knowing the lingo/content of legal assignments and the procedures that accompany it. [1, 2]

knowledge and language of the court system and procedures, Nationally Certified, experience [1, 2, 4]

Comprehension of legal terminology [2]

A strong understanding of the law as it relates to the subject being interpreted and the ability to communicate the message clearly to the consumers without interjecting personal opinion or bias, especially as it relates to people with minimal language skills. [1]

Navigating the court system.
Comprehension of legal jargon.
Comprehension of legal system and processes.
Ability to manipulate the target language.
Cultural mediation. [1, 2, 3, 9]

-Understanding of the legal system
-Strong Consecutive Interpreting Skills
-Vast English vocabulary
-Vast second language vocabulary
-Ability to understand the MEANING of an utterance, not just the signs
-An ability to discern between the interpreter and the advocate role
-Ongoing legal training
-Ongoing professional and personal development [1, 3, 5, 10]

Knowing legal terminology, regional signs for the terminology, understanding the court processes, roles and conflicts, being comfortable interacting addressing court administration and most specifically judges using their language. <u>Being able to defend your decisions</u>. [1, 2, 11]

English/ASL competence, understanding/following court protocol, ethics, knowing how to work with court personnel and interpreter teams effectively. Ethics includes not only an interpreter's ethics on confidentiality, accuracy, assessing your capabilities in a situation, but also business ethics. [1, 2, 3, 5, 7]

Team working well together
Use of consecutive interpreting as needed
Knowledge of the legal system in my state
Use of appropriate legal terminology when working within the legal system [1, 2, 7, 10]

There is a lot of nasty stuff that is signed and said in the court system. You have to be able to push everything to the side and just interpret.

Legend
  1- Knowledge of legal protocol
  2- Knowledge of legalese
  3- Linguistic competency in both source and target languages
  4- Personal characteristics
  5- Ethical decision making
  6- Professionalism
  7- Ability to effectively work in teams
  8- Advocate or work with Certified Deaf Interpreters appropriately
  9- Cultural competency
  10- Consecutive interpreting
  11- Ability to defend your actions/admit to errors