



Distance Opportunities for
Interpreter Training Center

Legal Interpreter Training Program

Study Guide

INTR 482 & INTR 582:
Criminal Law

Fall 2009

University of Northern Colorado - Distance Opportunities for Interpreter Training Center

Copyright © 2009 by the University of Northern Colorado – DO IT Center.

All rights reserved. No part of this publication may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the UNC-DO IT Center.

Any interpreter participating in a UNC-DO IT Center program must understand that the University of Northern Colorado and individual faculty members are not responsible for the interpreter's success or failure in achieving completion of the Program.

The University, its employees, and private individuals who work with the DO IT Center Programs declare that they do not discriminate on the basis of race, color, national origin, creed, gender, sexual orientation, or disability.

DO IT Center
UNC @ Lowry Campus
1059 Alton Way, Box 7
Denver, CO 80230
1-866-885-6087

<http://www.undo.edu/doiit>

INTR 482: Criminal Law

This is a (4) four credit hour course that will introduce the student to statutory and common law, including criminal law theory, construction interpretation of criminal statutes, and explore the various aspects of criminal procedure. Students will visit courtrooms to analyze criminal court procedure and the implications of legal language use and criminal procedure for the interpreting process. Students will also review and analyze a variety of legal forms and documents associated with criminal procedure for the purpose of identifying the purpose/function of the forms and documents, the structure of legal language used in the forms or documents, and interpretation issues/considerations.

INTR 482: Criminal Law is the third in a series of four (4) courses associated with the Legal Interpreter Training Program (LITP).

Table of Contents

| | |
|---|----|
| Course Overview..... | 1 |
| Purpose..... | 1 |
| Impact | 1 |
| Objectives | 2 |
| Plagiarism Policy | 2 |
| Required Materials..... | 3 |
| Textbooks | 3 |
| Readings (in eReserves) | 3 |
| Media..... | 3 |
| Course Preview | 4 |
| Lesson Preview | 5 |
| Course Roadmap..... | 8 |
| Lesson 1 - Establishing the Context of Criminal Law | 8 |
| Lesson 2 - Characteristics of Legal Language..... | 8 |
| Lesson 3 - The Anatomy of a Trial..... | 9 |
| Lesson 4 - Special Considerations: Interpreting for Deaf Individuals with Minimal Language Competence | 9 |
| Lesson 5 - Forms and Documents Associated with Criminal Procedure | 10 |
| Lesson 6 - Criminal Procedure: Evidence..... | 10 |
| Lesson 7 - Special Considerations: Cultural Mediation and Interpreting in the Legal Setting | 10 |
| Lesson 8 - Criminal Procedure: The Prosecution Perspective | 11 |
| Lesson 9 - Criminal Procedure: The Defense Perspective | 11 |
| Lesson 10 – Ethical Issues | 12 |
| Assignments..... | 13 |
| Course Summary | 16 |

Course Overview

Purpose

The purpose of this course is to consider criminal law and procedure specifically, and the implications of criminal procedure and legal language for the interpreting process. The expanded exploration of criminal law and procedure that will occur in this course will provide you with further awareness and understanding of the complexities and nuances of the criminal court system and the legal language and procedures used within the system. The knowledge gained from this course will enable you to define and apply the role and responsibilities of a court interpreter in a more effective and ethical manner. As well, the examination of court procedure and legal language will provide a foundation for the skills development coursework that will begin next semester.

Impact

This course provides a more thorough exploration of criminal law and procedure and will further solidify your ability to explain, and better carry out, the role and responsibility of an interpreter working in the criminal court system. An understanding of the nature, sources and limits of criminal law, the anatomy of a criminal trial, the various aspects of criminal procedure, the characteristics of legal language, the type of documents and forms used within the criminal court system, and the implications of all of these for the interpreting process will better prepare you to work effectively and ethically within the criminal justice system.

Objectives

By the end of this course, you will be able to:

- Demonstrate an understanding of the criminal justice system and the foundation upon which it is based.
- Track a criminal court matter through the preparation and trial process and define the role and responsibility of the legal interpreter in each stage of the process.
- Discuss the role and responsibility of an interpreter in the criminal justice system.
- Identify the procedures associated with criminal court proceedings.
- Discuss the characteristics of legal language and the implications of the structure and form of legal language for the interpreting process.
- Identify and discuss the purpose and function of various documents and forms used within the criminal justice system.
- Analyze various forms and documents used within the criminal justice system to isolate and identify interpreting issues and considerations.

Plagiarism Policy

Policy on Plagiarism: *Plagiarism is the act of appropriating the written, artistic, or musical composition of another, or portions thereof; or the ideas, language, or symbols of same and passing them off as the product of one's own mind. Plagiarism includes not only the exact duplication of another's work but also the lifting of a substantial or essential portion thereof* (UNC definition). Regarding written work in particular, direct quotations, statements which are a result of paraphrasing or summarizing the work of another, and other information which is not considered common knowledge must be cited or acknowledged, usually in the form of a footnote. Quotation marks or a proper form of indentation shall be used to indicate all direct quotes. Regarding class projects, you are not to use *as your entire presentation* the completed works of faculty members, fully imported websites, or any other body of work in which you are not the author. Of course, with proper referencing, you can import portions of such works and websites to enhance and illustrate your presentation, and you can provide references to these other works for students who have an interest in pursuing a topic further. For further information, go to the following website:

http://www.unco.edu/dos/honor_code/defining_plagiarism.html

Required Materials

You will be using a variety of materials for this course:

Textbooks

- Dressler, Joshua. (2007). *Cases and Materials on Criminal Law*. (4th edition) St. Paul, MN: Thomson/West. ISBN: 9780314177193

Media

- DVDs:
 - Lecture 1 - *Interpreting in the Legal Setting Involving Minimally Linguistically Competent Deaf Individuals* by Sharon Neumann Solow, M.A., MCSC, SC:L
 - Lecture 2 - *Cultural Considerations* by Theresa Smith, Ph.D., MCSC, SC:L and Ellie Savidge, M.A., CDI

The following computer CD (not DVD) may be borrowed from the UNC Library; this will play in Windows Media or RealPlayer: (<http://www.unco.edu/library/services/distance.htm>).

This is not listed in the Roadmap, but is intended as a supplement for this course; watch at your leisure sometime during the semester.

- *Interpreting in the American Legal System: INTR 482 Panel Discussion*. DO IT Center © 2003.

Readings (in eReserves)

- Reading #1: Charrow, V.R., Crandall, J.A., & Charrow, R. P. (1982). Characteristics and function of legal language. In *Sublanguage: Studies of language in restricted semantic domains* (Chapt. 6) (R. Kittredge & John Lehrberger, Eds.), pp. 175-189. New York City, NY: Walter de Gruyter Publishers.
- Reading #2: Ridington, Robin. (1990). The problem with discourse: Cultures in conflict.” In *Little Bit Know Something*, pp. 186-205. University of Iowa Press.

NOTE: Any additional readings and/or resources for this course will be available in the online course.

Course Preview

This course contains ten (10) lessons distributed over a semester. Each lesson contains activities designed to engage you in the review, reflection, and application of your new learning. There are a variety of these activities throughout the class—ten (10) are worth points towards your grade. To assist you further with the application of your learning, there are three (3) assignments—a fourth (4) if you are taking this class for graduate credit.

The primary differences between an **activity** and an **assignment** are the amount of time required for completion, and the point value assigned to each. The activities are designed to provide you with immediate review and reflection of the course material towards the goal of fostering discussion with peers. The assignments are designed to provide you with an opportunity to explore specific elements of the course material in more depth through research, critical analysis, and synthesis.

The organization of the course will engage you alternately in review of course notes (contained in the Blackboard course materials), assigned readings from the course textbook, supplemental readings of online articles or articles sent to you as part of the course materials, viewing of videotaped lectures (all presented in ASL), and guided online discussions.

As previously mentioned, the online discussions are an integral part of your learning process. Your ability to have meaningful participation in the online discussions is contingent on being current with the readings and other course activities. The course Roadmap, available after the Lesson Preview section of this Study Guide, provides you with a tool for guiding your progress through the course. It includes timelines and due dates associated with each lesson's activities and assignments.

Lesson Preview

Lesson 1: Establishing the Context of Criminal Law

In order to orient you to *Cases and Materials on Criminal Law* (J. Dressler, 2007), the textbook being used in this course, you are encouraged to read the Preface(s) on pp. vii-xi in the front section of the textbook. This lesson – based on Chapter 1 of the textbook – will explore the nature, sources and limits of criminal law and provide the procedural context in which criminal law is applied within pre-trial and trial processes. You will review the steps associated with a criminal case, track a case from investigation through trial and appeal process, and explore cases where issues of interpretation have contributed to the appeal process. Discussion will focus on the role and responsibilities of the legal interpreter during various aspects of criminal procedure. [Note: In this Overview, all chapters mentioned refer to the *Criminal Law* text.]

Lesson 2: Characteristics of Legal Language and Legal Discourse

According to the synthesis of linguistic features, Danet (1980) found that there are essentially three categories of features that typify legal English: lexicon, syntax, and discourse. In this lesson and the associated readings, each category will be elaborated (i.e., nine lexical features, eleven syntactic features, and two general discourse features). As well, this lesson will distinguish between differences in written forms of legal language and spoken varieties of what is commonly referred to as ‘legalese.’ Analysis of legal discourse will be realistic, supported by considering lines of questioning from actual court transcripts. You will have the opportunity to discuss with peers the implication of the various linguistic features associated with legal discourse on the interpreting process.

Lesson 3: The Anatomy of a Trial

In this lesson you will examine the anatomy of a criminal trial beginning with pre-trial procedures through the appeals process. This examination will engage you in some online research and discussion, as well as direct observation of a criminal courtroom. You will also complete Assignment 1, which will guide you through an analysis of your direct observation of a criminal court process. As well, you will read Chapter 2, become familiar with the principles of punishment associated with the criminal justice system, and discuss your thoughts regarding some aspect of the Chapter Notes and Questions.

Lesson 4: Special Considerations: Interpreting for Deaf Individuals with Minimal Linguistic Competence

Interpreting in criminal court matters becomes more challenging and complex when it involves non-English speaking individuals who have limited education and language competence. In this lesson you will view a videotape lecture presented by Sharon Neumann Solow, M.A., MCSC, and SC:L, discussing considerations and strategies for interpreting for individuals who are not fluent in American Sign Language (ASL), written English, or a signed language. You will reflect on this videotape lecture by considering the use of CDI/Deaf interpreters and discussing your thoughts related to this topic. As well, you will continue your exploration of criminal law by reading Chapter 3, and discussing your thoughts related to some portion of the Chapter Notes and Questions with your online peers.

Lesson 5: Forms and Documents Associated with Criminal Procedure

The criminal justice system involves the use of legal documents and forms. In this lesson, you will explore a variety of them through online research and access to resources in your own community. The lesson content will introduce you to a variety of considerations related to the translation process and the factors that impact on message equivalence. You will apply your observations and thinking about your new learning to the completion of Assignment 2—the analysis of legal documents to identify their purpose and elements, as well as the linguistic and cultural considerations associated with the interpretation of the legal documents. You will continue your learning regarding criminal law by reading Chapters 4 and 5, and discussing your thoughts in response to the Notes and Questions associated with each chapter.

Lesson 6: Criminal Procedure: Evidence

In this lesson you will learn the four traditional types of evidence – real, demonstrative, documentary, and testimonial – and the basic prerequisites of admissibility – relevance, materiality, and competence. You will research the rules of evidence for your state through online research and discuss your findings and observations with your peers. Some rules of evidence apply to all four traditional types of evidence and some apply only to some or one of them. The research you do will help distinguish which rules apply to which type of evidence. If a criminal case goes to trial, a significant amount of time will be spent presenting the evidence that supports the charge. As an interpreter, understanding the rules of evidence, the procedures used to introduce evidence into the court record, and the language used to discuss and interview witnesses about evidence is critically important. You will also explore criminal law as it relates to specific types of crime—such as homicide, rape and theft—by selecting one of several Evidence Case Studies to review and discuss with online peers.

Lesson 7: Special Considerations: Cultural Mediation and Interpreting in the Legal Setting

This lesson introduces you to a sample of how cultural differences can impact on perceptions of what is right and wrong and what constitutes credible evidence in a court proceeding. You will further consider the implications of cultural difference by viewing the videotape lecture—presented in ASL— *Cultural Considerations* by Theresa Smith, Ph.D., MCSC, SC:L and Ellie Savidge, M.A., CDI . You will discuss your observations and thoughts about the interpreter’s role in mediating cultural differences by responding to some thought questions related to different case studies involving non-English speaking individuals. You will also continue your learning related to the criminal legal system by reading Chapter 6, and responding online to some aspect of the Chapter Notes and Questions.

Lesson 8: Criminal Procedure: The Prosecution Perspective

This lesson will examine the role of the interpreter in criminal proceedings when the interpreter is working with the prosecution side of an issue. The format associated with direct versus cross-examination will be discussed and the manner in which lines of questioning are organized will be reviewed, from the perspective of prosecution attorney(s). You will read Chapter 7 to begin to examine elements of specific types of crime.

Lesson 9: Criminal Procedure: The Defense Perspective




This lesson will examine the role of the interpreter in criminal proceedings when the interpreter is working with the defense side of an issue. Again, the nature of direct versus cross-examination will be discussed, as it relates to the perspective of the defense attorney(s). You will continue to explore elements of specific types of crime by reading Chapter 12. You will apply your understanding of the law, and the role and responsibility of an interpreter, to various case studies involving different case facts. Additionally, you will engage in a collaborative assignment—Assignment 3—that involves the development of a written case analysis that examines issues of law, procedural considerations, and interpreting issues.




Lesson 10: Ethical Issues and Considerations





You will engage in completing the final part of Assignment 3 during this lesson—the reflective analysis of your group process. Reflective analysis is an important element in gaining self-awareness. The focus will be on your contributions to the group process—as well as the challenges you faced. This lesson will expand discussion of ethical issues and considerations when interpreting in the criminal process. Application of best practices will occur during peer review and discussion of several case studies.





Course Roadmap



Use this as your “map” while traveling on your distance-learning journey. All the information you need to complete the course is here in one location. Use the last column to check off each item as you complete it. Icons in the roadmap are used to indicate activities/assignments worth points for grading. Dates before or next to any activity indicate specific dates for that activity.

| Points | Dates | Activities | Done! |
|--|---------|---|--------------------------|
|  PP | | Participation Participate in discussions marked with this symbol. (PP = Participation Points) NOTE: Those Assignment 4 Graduate Summary references highlighted in the roadmap apply only to graduate students assigned to that specific discussion summary. Be sure to continue to look ahead in your roadmap so as not to miss any important due dates. | |
| Lesson 1 - Establishing the Context of Criminal Law | | | |
| | 8/24-25 | 1.1 Online Discussion: Post an introduction in the Blackboard discussion that addresses your goals for participation in this class and how it fits into your professional plans/aspirations. | <input type="checkbox"/> |
| | 8/26 | 1.2 Textbook: Read Chapter 1 of <i>Criminal Law</i> . | <input type="checkbox"/> |
|  PP | 8/26-29 | 1.3 Online Discussion: Post responses to thought questions about Chapter 1. This activity is worth 2.5 points. | <input type="checkbox"/> |
| | 8/31 | 1.4 Web Exploration: Research the Internet on the steps of a criminal trial. | <input type="checkbox"/> |
| | 9/2 | Assignment 4: Graduate Summary of 1.3 Discussion due to be posted | <input type="checkbox"/> |
| Lesson 2 - Characteristics of Legal Language | | | |
| | 9/2 | 2.1 Reading #1: “Characteristics and Function of Legal Language” by Charrow, Crandall, and Charrow. | <input type="checkbox"/> |
|  PP | 9/2-9/5 | 2.2 Online Discussion: Post responses to questions associated with this article and lesson content. (Worth 2.5 points.) | <input type="checkbox"/> |
| | 9/8 | Assignment 4: Graduate Summary of 2.2 Discussion due to be posted | <input type="checkbox"/> |

| Points | Dates | Activities | Done! |
|--|-----------|---|--------------------------|
| | 9/8 | 2.3 Web Exploration: Research the internet for examples of legal documents and/or trial transcripts. | <input type="checkbox"/> |
| | 9/9-9/12 | 2.4 Online Discussion: Post observations and examples related to legal language from your internet search. | <input type="checkbox"/> |
| | 9/15 | Assignment 4: Graduate Summary of 2.4 Discussion due to be posted | <input type="checkbox"/> |
| Lesson 3 - The Anatomy of a Trial | | | |
| | 9/14-15 | 3.1 Web Exploration: Research the Internet for descriptions of criminal trial processes. | <input type="checkbox"/> |
|  PP | 9/15-18 | 3.2 Online Discussion: Post responses to thought questions associated with your internet search and other related lesson content. This activity is worth 2.5 points. | <input type="checkbox"/> |
| | 9/21 | Assignment 4: Graduate Summary of 3.2 Discussion due to be posted | <input type="checkbox"/> |
|  | 9/21 | Assignment 1: Observation and Analysis of a Criminal Trial | <input type="checkbox"/> |
| | 9/23 | 3.3 Textbook: Read Chapter 2 in <i>Criminal Law</i> . | <input type="checkbox"/> |
| | 9/23-9/26 | 3.4 Online Discussion: Post responses to questions about Chapter 2. | <input type="checkbox"/> |
| | 9/29 | Assignment 4: Graduate Summary of 3.4 Discussion due to be posted | <input type="checkbox"/> |
| Lesson 4 - Special Considerations: Interpreting for Deaf Individuals with Minimal Language Competence | | | |
| | 9/28 | 4.1 Textbook: Read Chapter 3 in <i>Criminal Law</i> . | <input type="checkbox"/> |
| | 9/28-10/1 | 4.2 Online Discussion: Post responses to questions about Chapter 3. | <input type="checkbox"/> |
| | 10/2 | 4.3 DVD: View Lecture 1: “Interpreting in the Legal Setting Involving Minimally Linguistically Competent Deaf Individuals” by Sharon Neumann Solow. | <input type="checkbox"/> |
| | 10/4 | Assignment 4: Graduate Summary of 4.2 Discussion due to be posted | <input type="checkbox"/> |
|  PP | 10/5-10/8 | 4.4 Online Discussion: Post responses to thought questions related to the videotape lecture. This activity is worth 2.5 points. | <input type="checkbox"/> |
| | 10/11 | Assignment 4: Graduate Summary of 4.4 Discussion | <input type="checkbox"/> |

| Points | Dates | Activities | Done! |
|--|-------------|---|--------------------------|
| | | due to be posted | |
| Lesson 5 - Forms and Documents Associated with Criminal Procedure | | | |
| | 10/9 | 5.1 Textbook: Read Chapters 4 and 5 of the <i>Criminal Law</i> textbook. | <input type="checkbox"/> |
|  PP | 10/12-15 | 5.2 Online Discussion: Post responses to thought questions about Chapter 4 or 5. This activity is worth 2.5 points. | <input type="checkbox"/> |
| | 10/16 | 5.3 Web Exploration: Research and review samples of court documents and samples of written analysis in preparation for Assignment 2. | <input type="checkbox"/> |
| | 10/18 | Assignment 4: Graduate Summary of 5.2 Discussion due to be posted | <input type="checkbox"/> |
|  | 10/19 | Assignment 2: Analysis of Criminal Procedure Documents | <input type="checkbox"/> |
| Lesson 6 - Criminal Procedure: Evidence | | | |
| | 10/21 | 6.1 Online Reading: Read online article/link related to Evidence | <input type="checkbox"/> |
| | 10/21-22 | 6.2 Online Discussion: Post responses to thought questions related to Evidence reading, | <input type="checkbox"/> |
| | 10/21-22 | 6.3 Review Cases: Review and select a Case Study from lesson content and examine various elements. | <input type="checkbox"/> |
| | 10/25 | Assignment 4: Graduate Summary of 6.2 Discussion due to be posted | <input type="checkbox"/> |
|  PP | 10/23-10/26 | 6.4 Online Discussion: Post responses to questions related to the Case Study you selected. This activity is worth 2.5 points. | <input type="checkbox"/> |
| | 10/29 | Assignment 4: Graduate Summary of 6.4 Discussion due to be posted | <input type="checkbox"/> |
| Lesson 7 - Special Considerations: Cultural Mediation and Interpreting in the Legal Setting | | | |
| | 10/28 | 7.1 DVD: View Lecture 2: "Cultural Considerations" by Theresa Smith and Ellie Savidge. | <input type="checkbox"/> |
|  PP | 10/28-10/31 | 7.2 Online Discussion: Post responses to questions associated with the videotape lecture. This activity is worth 2.5 points. | <input type="checkbox"/> |
| | 11/2 | 7.3 Textbook: Read Chapter 6 of <i>Criminal Law</i> . | <input type="checkbox"/> |

| Points | Dates | Activities | Done! |
|--|-------------|--|--------------------------|
| | 11/3 | Assignment 4: Graduate Summary of 7.2 Discussion due to be posted | <input type="checkbox"/> |
| | 11/4 | 7.4 Textbook: Review Case Studies. | |
|  PP | 11/4-11-7 | 7.5 Online Discussion: Post responses to questions on cases in Chapter 6. This activity is worth 2.5 points. | <input type="checkbox"/> |
| | 11/10 | Assignment 4: Graduate Summary of 7.5 Discussion due to be posted | <input type="checkbox"/> |
| Lesson 8 - Criminal Procedure: The Prosecution Perspective | | | |
| | 11/9 | 8.1 Online Reading: Read lesson content re: role and responsibility of Table Interpreter for the prosecution and direct and cross-examination procedures. | <input type="checkbox"/> |
| | 11/11 | 8.2 Textbook: Read Chapter 7 of <i>Criminal Law</i> . | <input type="checkbox"/> |
|  PP | 11/11-11/14 | 8.3 Online Discussion: Post responses to questions related to one of the Case Studies listed in this activity. This activity is worth 2.5 points. | <input type="checkbox"/> |
| | 11/17 | Assignment 4: Graduate Summary of 8.3 Discussion due to be posted | <input type="checkbox"/> |
| Lesson 9 - Criminal Procedure: The Defense Perspective | | | |
| | 11/16 | 9.1 Online Reading: Read lesson content re: role and responsibility of the Table Interpreter for the defense and direct and cross-examination procedures. | <input type="checkbox"/> |
| | 11/18 | 9.2 Textbook: Chapter 12 in <i>Criminal Law</i> . | <input type="checkbox"/> |
|  PP | 11/18-21 | 9.3 Online Discussion: Post responses to questions related to one of the Case Studies listed in this activity. This activity is worth 2.5 points. | <input type="checkbox"/> |
|  | 11/23 | Assignment 3: Part A - Collaborative Case Analysis | <input type="checkbox"/> |
| | 11/24 | Assignment 4: Graduate Summary of 9.3 Discussion due to be posted | <input type="checkbox"/> |
| | | Thanksgiving Break from 11/25-29. Enjoy your family and friends! | <input type="checkbox"/> |

| Points | Dates | Activities | Done! |
|--|-----------|--|--------------------------|
| Lesson 10 - Ethical Issues | | | |
|  | 11/30 | Assignment 3: Part B - Reflective Analysis of Collaborative Process (post in your group discussion area). | <input type="checkbox"/> |
| | 12/2 | 10.1 Online Reading: Read lesson content re: ethical considerations for interpreting in the criminal justice system. | <input type="checkbox"/> |
| | 12/2 | 10.2 Reading #2: "The Problem with Discourse: Cultures in Conflict" by Robin Riddington. Also review cases listed in this activity. | <input type="checkbox"/> |
|  PP | 12/4-12/8 | 10.3 Online Discussion: Post responses to questions related to the Case Study of your choice from Activity 10.2 | <input type="checkbox"/> |
| | 12/11 | Assignment 4: Graduate Summary of 10.3 Discussion due to be posted | <input type="checkbox"/> |
| Course Evaluation | 12/11 | Complete online course evaluation. | <input type="checkbox"/> |
| End of Semester | 12/11 | Congratulations! You have completed the third course in the Legal Interpreter Training Program. | <input type="checkbox"/> |

Assignments

Assignment Overview

| | Description |
|--|--|
| Activities 1-10 Points: 25 (2.5 each) Due Date: On going | Lesson Activities Each of the ten lessons involves a variety of activities designed to facilitate your understanding of course content. At least one activity in each lesson is worth 2.5 points. These activities are designed to foster your immediate review, reflection and application of course content to online discussions with peers. The required lesson activities will be noted within the full online course materials. Students are encouraged to complete ALL recommended course activities. |
| Assignment 1 Points: 20 Due Date: 9/21 | Observation and Analysis of Criminal Trial You will observe a criminal trial and prepare a written analysis that includes: <ul style="list-style-type: none"> • A description of the process you went through to identify and select the criminal trial you observed. • The specific citation of the matter you observed and details of the date, location, courtroom number, and other identifying information. • A chart defining the physical set-up of the courtroom and identification of where courtroom personnel and parties were located. • A narrative summary. Submit your analysis to the drop box. |
| <p>The trial you observe cannot be one in which you are a party or an interpreter. It is <u>not</u> expected that it will be a trial that involves non-English speaking individuals or interpreters—although if you are able to arrange to observe such a matter that is fine.</p> | |
| Assignment 2 Points: 20 Due Date: 10/19 | Analysis of Criminal Procedure Documents Make contact with the Court Administrator of a criminal court in your area and request a copy of the following six (6) forms: <ol style="list-style-type: none"> 1. A form a person completes when they are requesting that the court appoint and pay for an attorney in a criminal matter. 2. A form that is submitted to the court when an individual enters a guilty plea (sometimes referred to as a guilty plea litany). 3. A form given to prospective jurors to complete. 4. A form used to request a restraining order. 5. Any two (2) other forms that are used regularly as part of the criminal court system in your area. Create a written analysis that includes a brief written summary of the purpose and function of each form, an analysis of the legal language used in each form, and a discussion of the implications of the legal language analysis for the interpretation and/or translation of each of the forms. Mail to your facilitator via USPS. |

Assignment Overview (continued)

| | Description |
|--|---|
| Assignment 3: Part A Points: 25 Due Date: 11/23 | Part A. Collaborative Assignment re: Case Analysis You will be grouped with one or two other students from your section for the purpose of preparing a written analysis (2500-3000 words) of an assigned case study. You and your team members are to review the case, discuss your perspectives, and synthesize your ideas into a written analysis, that you will post in your collaborative discussion group, which addresses the following elements: <ul style="list-style-type: none">• A brief summary of the facts of the case• A discussion of the issues of criminal law that exist in the case• A discussion of the procedural issues that exist in the case• A summary of the purpose and function of each of the associated documents• A discussion of the linguistic and cultural considerations associated with each of the documents• An explanation of the roles and responsibilities associated with each interpreter addressed in the case study, and issues and procedures that should be considered by the interpreters in the case study |
| Assignment 3: Part B Points: 10 Due Date: 11/30 | Part B: Reflective Analysis Regarding the Collaborative Assignment: Prepare a reflective analysis (500-750 words) of your group process that addresses the following criteria: <ul style="list-style-type: none">• An assessment of your effectiveness within the team that specifically addresses your role(s) in the group, how you addressed and contributed to conflict resolution, and what in the process you would change if you were engaged in this group again• A discussion of your perceptions regarding the overall effectiveness of your group and the factors that contributed to the success and/or failure of the group's effectiveness <p>You will post your reflective analysis in the discussion area for your collaborative group.</p> |

**Assignment 4:
Graduate
Students Only**
**Due: Ongoing
as assigned**

Graduate Student Discussion Summaries

There are 15 discussion forums within this class. Depending on the number of graduate students enrolled in the course, each graduate student will be assigned 1-2 discussion forums to review and provide a written summary of the discussion to post to the entire class. These discussion summaries will be due three (3) days after the last day of a discussion forum as noted in the roadmap. Each graduate student is encouraged to volunteer early on in the semester to summarize 1-2 specific discussions. If sufficient volunteering to cover all fifteen of the discussion forums has not occurred by the third week of the class, the facilitator will assign those that remain.

The purpose of these summaries is to synthesize the various perspectives offered during the discussion and to isolate the most salient points that were made, identify the questions that remain, redirect focus to course material that reinforces salient points of the class, and offer resources and insights that expand an appreciation of salient points.

There are no points offered for these summaries—they are seen as leadership contributions to the class that graduate students should be capable of contributing. However, if the summaries are not done or are not done in accordance with established criteria, they can result in a deduction of 5 points per summary from the final course grade.

In those instances where there are an insufficient number of graduate students to provide a summary for all 15 discussions, the remainder will be provided by the facilitator, or, graduate students who wish more leadership opportunity can offer to do more than the 1-2 required summaries.

See assignment 4 description for further guidance.



For more detail:

A complete description of each assignment is included in the online course content.

Course Summary

Conclusion

This course introduced you to statutory and common law, including criminal law theory, construction interpretation of criminal statutes, and explored the various aspects of criminal procedure. You visited courtrooms to analyze criminal court procedure and the implications of legal language use and criminal procedure for the interpreting process. You also reviewed and analyzed a variety of legal forms and documents associated with criminal procedure for the purpose of identifying the purpose/function of the forms and documents, the structure of legal language used in the forms or documents, and interpretation issues/considerations. The overarching goal of this course was to orient you to criminal law and procedure and your role as an interpreter within the criminal law structure.

Key Points

- There exist three standards of proof used in the American legal system. They are:
 - Preponderance of the evidence – which is a general standard of proof most often used in civil cases and refers to the evidence that the judge or jury (depending on who is the 'trier of fact') finds most believable or convincing than the evidence presented in opposition.
 - Clear and convincing evidence – which is the standard that requires the trier of fact to be persuaded that there is a high probability that the fact in question exists and typically applies to some civil cases or some lesser criminal offenses (Zahler, 1989).
 - Beyond a reasonable doubt – this is the highest standard, and applies to most criminal cases. It is a special standard or quantum of proof.
- The basic prerequisites of admissibility of evidence are relevance, materiality, and competence. In general, if evidence is shown to be relevant, material, and competent, and is not barred by an exclusionary rule, it is admissible.
- The prosecutor's duties include:
 - Assessing the investigative reports to determine whether there is sufficient evidence to file a criminal complaint

against a suspect, or whether a complaint should be denied (the lack of sufficient evidence or the unavailability of witnesses are often factors for denying a criminal complaint)

- Notifying victims of criminal charges, victims' rights, the availability of services, court dates, plea agreement, pre-trial diversion, changes in court schedules, and the date, time and place of sentencing
- Witness trial preparation and management
- The defense attorney's duties include:
 - Helping defendants cope with the feelings of fear, embarrassment and reduced self-esteem that criminal charges tend to produce in many people
 - Providing defendants with a reality check – a knowledgeable, objective perspective on their situation and what is likely to happen should their cases go to trial
 - Being familiar with important legal rules that people representing themselves would find almost impossible to locate on their own
 - Being familiar with local court customs and procedures
 - Understanding the possible "hidden costs" of pleading guilty
 - Spending time on a case that a defendant cannot afford to spend
 - Gathering information from the prosecution
 - And, defense attorneys hire and manage investigators, who may be able to believably impeach (discredit) prosecution witnesses who lie, or embellish or change their stories at trial.
- A defense strategy typically emerges as a defense attorney finds out about the prosecution's evidence and the defendant's version of events. The process of developing a defense strategy is usually fluid, and it varies from one case to another.
- The role of the interpreter differs depending on who the interpreter is working for—the court or the defense. Roles and responsibilities differ accordingly.
- The theory of the interpreter as a mediator/ally focuses on the recognition of power imbalances in our society and strives to use our position as interpreters to create more balance—particularly in communication interactions.
- The mediator/ally interpreter theory is not intended as a model of leadership in an effort to advance the 'Deaf Agenda.' Rather, it is intended as a theory that begins in the recognition that power inequities exist and that interpreters can use their

position to generate a more equitable distribution of power during the communication process.

- Legal language is complex and is influenced by a variety of historical, political, sociological, and jurisprudence factors.
- Legal language differs from ordinary language use at a lexical, syntactic, and discourse level.
- The complexity of legal language impacts on comprehensibility of the meaning associated with legal language and this has significant implications for legal interpreters.
- Interpreters must be prepared to provide an equivalent representation of legal language in ASL and this requires an appreciation, understanding, and knowledge of the meanings associated with legal language as it is used in various contexts.
- Part of the challenge of sight translation is the nature of written legal language. Written legal material is often more densely packed with information than spoken language. Furthermore, printed information does not include the prosodic elements of intonation, stress, pacing and pausing that are associated with spoken or signed language; thus additional clues used for comprehension are not available.
- The key to delivering sight translation effectively is the ability to grasp the meaning of complex legal documents. This requires the interpreter to be widely read and engage in such reading frequently to maintain fluency.
- Your ability to apply reasoning to your decision-making is informed by your currency in the field—what you know about best practices (which naturally includes stated codes of professional conduct), how connected you are to other current practitioners, how well-read you are about current theories in the field, and how effective you have been in anticipating possible ethical conflicts that you will confront, and exploring appropriate options for resolution or management of the conflicts.

What's Next

This concludes your Criminal Law coursework and provides you with the foundation necessary to begin the next course— INTR 483 Cooperative Education: Skill Development for Legal Interpreters.

In the Skill Development class you will engage in the analysis of a variety of interactive texts drawn from both criminal and civil processes and provide samples of your interpretation work to your skills mentor who will provide you with feedback and ideas for enhancing your work. In particular, you will focus on the application of a system of self-analysis based on the work of Dr. Marty Taylor. You will engage in the translation of various texts with attention to the interpretation of lines of questioning that emerge in direct and cross-examination and frozen texts associated with the legal system. You will give consideration and discussion to the cultural and linguistic issues that emerge in the texts and the challenges the texts present for interpretation. Online interactions with your peers will enhance your appreciation of the deeper levels of meaning within the texts, cultural considerations that impact the interpreting process, and strategies for effectively interpreting legal texts. The course will conclude with a week-long onsite supervised internship that will engage you in the interpretation of various court proceedings, and client-attorney interactions, with peer and mentor feedback, and face-to-face reflective discussion.

The logo for DO IT (Distance Opportunities for Interpreter Training) is a large, light blue, stylized font. The letters 'D', 'O', and 'I' are connected, and the 'T' is separate. A blue oval is drawn around the text, with a blue arrow pointing to the right from the right side of the oval.

Distance Opportunities for
Interpreter Training Center

Presented by the DO IT Center in collaboration with
The Mid-America Regional Interpreting Education Center

UNIVERSITY *of*
NORTHERN COLORADO

