

Legal Interpreter Training

Curriculum Toolkit for Trainers

Introduction



 **NCIEC**
National Consortium of Interpreter Education Centers

Legal Interpreter Training: Curriculum Toolkit for Trainers

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Deaf Interpreters: Interpreting in Court and Legal Settings

Overview of Curriculum

NCIEC Mission and Curriculum Background

The mission of the National Consortium of Interpreter Education Centers is to connect and collaborate with diverse stakeholders to create excellence in interpretation. The Mid-America Regional Interpreter Education (MARIE) Center is one of the five other federally funded Centers across the United States.

The NCIEC has recognized that “[w]orking in the legal setting requires advanced interpreting competence—including the ability to fluently execute consecutive and simultaneous interpreting of complex texts, work effectively in teams—particularly the ability to work collaboratively with Deaf Interpreters (DIs), and to adapt language use to a wide range of sign language users.”¹ The NCIEC has conducted a number of needs assessments which have demonstrated that a shortage of qualified Deaf and hearing legal interpreters exists and that a Deaf interpreter allows for linguistic and cultural bridging that would be otherwise unavailable. The NCIEC also recognizes that Deaf interpreters bring a unique skill set to the legal setting. The Deaf Interpreter Institute suggests that “[a]s a Deaf person, the Deaf Interpreter starts with a distinct set of formative linguistic, cultural, and life experiences that enables nuanced comprehension and interaction in a wide range of visual language and communication forms influenced by region, culture, age, literacy, education, class, and physical, cognitive, and mental health.”²

¹See <http://www.interpretereducation.org/specialization/legal/> (Last accessed January 24, 2015).

² See <http://www.diinstitute.org/what-is-the-deaf-interpreter/> (last accessed January 24, 2015).

As a result, one NCIEC priority involves preparing the next generation of legal interpreter educators, both Deaf and non-deaf. To that end, in 2013, the Consortium dedicated funds and personnel to creating this curriculum designed to prepare qualified Deaf interpreters to train other Deaf interpreters to work in court and legal settings.

The project work was led by the MARIE Center personnel. The MARIE Center is a resource center on interpreting and interpreter education housed at the University of Northern Colorado's Distance Opportunities for Interpreter Training (DO IT)Center. The MARIE Center is funded by the Department of Education, Rehabilitation Service Administration grant #H160A100007.

The MARIE Center is the NCIEC Center of excellence on legal interpreting. Legal interpreters have long been recognized as specialists within the field of ASL-English interpreting. The NCIEC Legal Interpreting work group from the 2005 – 2010 grant cycle sought to further this specialization within the field of ASL-English interpreting by creating an open exchange of ideas, experience and knowledge from various partnerships to deepen the field's understanding of the work of interpreters in legal and court settings. The partnerships involved experts, practitioners, educators and consumers. A number of legal interpreting resources were prepared and are available on the MARIE website: www.unco.edu/marie.

The work of Deaf interpreters has always been central to the work of the legal interpreting work group. In the 2005-2010 grant cycle, the work group published a legal brief examining case law and statutes for their treatment of Deaf interpreters. In the same cycle, members of the work group drafted an amicus brief (friend of the court) for a Texas criminal matter on the issue of using Deaf interpreters in certain cases. In the 2010-2015 grant cycle, the focus of the 2014 Institute on Legal Interpreting concerned Highly Effective Interpreting Teams in Action and showcased the work of Deaf interpreters.

As the NCIEC spearheaded the formulation of the Deaf Interpreter Curriculum in years 4 and 5 of its grant cycle, the MARIE Center was tasked with creating a curriculum for Deaf interpreters interpreting in court and legal settings. The curriculum was created by Carla Mathers, Esq., SCL and Anna Witter-Merithew, M.Ed., among others. The curriculum was reviewed by Rayni Plaster, CDI and Eileen Forestal, Ph.D.,

RSC. A train the trainer event was conducted in March 2015 to prepare Deaf instructors to use the curriculum. Many other people were involved in the creation of this resource. They include the Directors of the NCIEC programs:

- National Interpreter Education Center, Cathy Cogen
- CATIE Center, Richard Laurion
- Gallaudet University Regional Interpreter Education Center, Beverly Hollrah
- Regional Interpreter Education Center at Northeastern University, Diana Doucette
- Western Region Interpreter Education Center, Pauline Annarino
- Mid-America Regional Interpreter Education Center, Anna Witter-Merithew

They include, DO IT Center staff:

- Leilani Johnson
- LaNae Phillips
- Carrie Woodruff
- Sherry Schriver
- Sherri Lancton, M.Ed. (consultant)

They include, staff for the Train the Trainer seminar in March, 2015:

- Eileen Forestal
- Carla M. Mathers
- Pasch McCombs
- Lynne Wiesman
- Anna Witter-Merithew

They include the participants for the Train the Trainers seminar in March, 2015.

- Jimmy Beldon
- Lisa Perry Burckhardt

- Kristen Lund
- Rayni Plaster
- Jeff Pollock
- June Prusak
- Robin Shannon
- Ryan Shepard
- Christopher Tester
- Rayni Plaster

Purpose of Curriculum

The purpose of this curriculum is to educate competent Deaf legal interpreters in specific topical areas in which they are most frequently retained. Participants must be active Deaf interpreters who have already undertaken a foundational legal interpreting program and are certified at a generalist credential. This curriculum anticipates that the participants will already have a solid working knowledge of the legal system and its history, of legal vocabulary, protocol and legal interpreting roles and ethics through foundational legal interpreting coursework. The curriculum focuses, in depth, on those areas in which Deaf interpreters are working most often.

Trainer prerequisites

Prerequisites for instructors include generalist certification and foundational legal interpreter training. Additionally, we suggest that the trainers have similar qualifications as set forth in the NCIEC Deaf Interpreter Training Curriculum (2014 Digital Edition) including being an active Deaf interpreter with a minimum of 500 hours of interpreting within the last five years. In addition to knowledge and experience in the legal setting, ‘trainers must also be fluent users of ASL with knowledge of and experience with interpreting processes, ethics, ASL linguistics, gestural communication, use of props, Deaf culture interpreting theory and the role of the interpreter.’ (Deaf Interpreter Curriculum, *citing*, Boudreault,

2005). Like the Deaf Interpreter Curriculum, trainers must be led by qualified Deaf individuals with experience and education in court and legal settings, must have native fluency in ASL, comprehensive knowledge of Deaf culture, extensive knowledge and skills in practice, competent translation abilities from English to ASL, national or state credentials and a bachelor' degree or higher. (Deaf Interpreter Curriculum 2014.)

Structure of Curriculum

The structure of the curriculum consists of five thematically-based modules focusing on areas in legal and primarily court interpreting for which Deaf interpreters have often been retained. While the materials are sequenced, the topics are not necessarily required to be taught in a fixed order and do not need to build upon each other. For example, the final module contains primarily opportunities for hands on interpreting work. It may be that a program decides to run that course at the same time as one or two other courses. Topics were chosen either because a specific topic presented a particularly difficult area such as the Interacting with the Players module which focuses on identifying and explaining the need for a Deaf interpreter. Preparation will necessarily be included in each of the courses as well because preparation for a law enforcement assignment will differ from preparation for court. Modules may be appropriate for stand-alone advanced training seminars at interpreter conferences and events.

Each module contains an explanatory document containing background for instructors. Course objectives, key questions, competencies addressed, resources and other relevant topics are also contained within the explanatory document. The key points in the Discussion sections of the explanatory document have been re-created into the PowerPoint materials. All of the materials for the activities are included in the curriculum. Pre and post tests are included.

Each module can be modified to fit your needs. We encourage you to make it your own. There is much research available that could be used to enhance certain segments of the curriculum. The curriculum represents only a starting point in time as well, new law, protocol and challenges will be faced and portions of the curriculum may need revision over time.

Modules and Sequence

- Module 1: Deaf Interpreters: Interacting with the Players
- Module 2: Deaf Interpreters: Deaf Minors and Interpreting Considerations
- Module 3: Deaf Interpreters: Teaming with Deaf and Hearing Interpreters
- Module 4: Deaf Interpreters: Working in Law Enforcement Settings
- Module 5: Deaf Interpreters: Practical Applications

Module 1: Deaf Interpreters: Interacting with the Players

Module 1 essentially discusses the interpreter's obligation to prepare. Each and every setting will have preparation requirements, though they will not all be exactly the same. As a result, this module sets forth preparation for a court proceeding, and the principles set forth can be included and should be discussed in each and every module. Students can compare and contrast how preparation duties in law enforcement, for example, might be similar to or different from preparation for a court proceeding.

Module 1 examines how to identify the need for a Deaf interpreter and fleshes out the varying legal settings in which a Deaf interpreter is commonly retained. The module provides opportunities for Deaf interpreters to practice justifying the need for a Deaf interpreter to court personnel. The Deaf interpreter also has the chance to practice explaining the need for and benefit of providing preparation materials, explaining the interpreter's role and the team process.

Module 2: Deaf Interpreters: Deaf Minors and Interpreting Considerations

Module 2 takes us into the world of Deaf children and youth and the types of legal environments they encounter. It has long been the practice of interpreters to staff assignments involving Deaf children with Deaf interpreters. (Standard Practice Paper 1997). This module explores the juvenile justice system, the child welfare system and some family law

settings involving Deaf children. The module guides users through the range of factors affecting language development in Deaf minors. A Deaf expert in the field of signed language acquisition, Amy Hile, Ph.D., presents an in-depth exploration of the development of language among Deaf minors. Participants are able to view video clips of Deaf and hearing teams of interpreters working with Deaf minors. This module explores the juvenile justice system and where Deaf minors may be involved in abuse, neglect and delinquency proceedings. The module concludes with an examination of family law when Deaf minors are involved in custody proceedings.

Module 3: Teaming with Deaf and Hearing Interpreters

Module 3 introduces the concepts of team interpreting in a courtroom context. Deaf interpreters typically work in tandem with hearing interpreters to render the interpretation. At times, though not frequently, Deaf interpreters work alone or work with another Deaf interpreter without a hearing interpreter involved. This module introduces learners to a framework to negotiate team configurations depending on the role of the Deaf person involved and to engage in self-assessment activities to hone the ability to attain meaningful agreements with team interpreters. Learners will develop a set of tools to use when preparing for a court assignment which can be modified for other legal settings as well. The module also delves into the sometimes complicated arena of positioning and logistics for the Deaf interpreter depending on the Deaf person's role in the legal setting.

Module 4: Deaf Interpreters: Working in Law Enforcement Settings

Module 4 presents instruction on interpreting for law enforcement personnel. It focuses on the legal foundation underlying police procedure in conducting investigations including in administering the Miranda warnings. At the time *Miranda* was decided, there were very few limitations on the conduct of the police in interacting with a suspect. *Miranda* placed important restrictions upon the police. The Supreme

Court was concerned that a powerless suspect's will would be overborne by unscrupulous and even violent police practices. *Miranda's* muzzle would become a thorn in the side of law enforcement who sought to follow the letter, but not necessarily the spirit, of the decision in implementing their procedures. The module allows for in depth text analysis work on the meaning and intent of the warnings and of language from the actual Court opinion. The module also sets forth a number of cases in which the interpretation during the investigation has formed the basis of a subsequent appeal. The module examines the standards of review by which a law enforcement interpretation will be examined. From these cases, Deaf interpreters can glean what conduct during interpreting is permissible and what conduct is not. The module explores the various standards of review that an appellate court will use in examining the quality of the law enforcement interpreter's rendition.

Module 5: Deaf Interpreters: Practical Applications

Module 5 concludes the curriculum by presenting opportunities for hands on practice. This module does not have to wait until the end and can be used at the same time as any of the other modules to provide skills development for learners. The Module starts with a presentation of familiar principles of text analysis and discourse mapping before moving into using those principles with common written legal texts. The Module then examines courtroom discourse of witness testimony and discusses the implications for interpreting witness testimony. A common method of note-taking used by spoken language interpreters is also examined. Finally, the module explores the notion and practice of simultaneous interpreting. Source materials of both simultaneous and consecutive interpreting are included as well as practice clips.

Resource Materials

NCIEC Deaf Interpreter Curriculum (2014 Digital Edition).

Registry of Interpreters for the Deaf (1997) *Use of a Certified Deaf Interpreter*. Standard Practice Paper.

Sharing

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