Legal Interpreter Training

Curriculum Toolkit for Trainers

Deaf Interpreters: Teaming

NCIEC

National Consortium of Interpreter Education Centers

Legal Interpreter Training: Curriculum Toolkit for Trainers

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Deaf Interpreters: Teaming with Deaf and Hearing Interpreters

Overview of Module and Related Units

Overview

This module explores the interaction between members of the Deaf hearing team and the Deaf-Deaf team when interpreting in legal settings. This module outlines critical points of agreement that need to be negotiated between team members prior to interpreting in court and legal settings. Participants will discuss and observe methods for negotiating the agreements and will view interpreted proceedings to determine the effect of the prior agreements on the interpreting process. Learners will engage in activities with assigned teams to attain practical experience creating teaming agreements.

Purpose

Being a member of an effective team is a critical skill required by competent legal interpreters. A significant amount of work is involved in creating agreements for how the team will function in court and legal settings. When done collaboratively and with respect for the views, perspectives and experiences of each team member, these agreements will guide the interpretation during the interaction to ensure a successful outcome. We discuss team agreements to allow learners to come to a deeper understanding and appreciation of the work that is entailed in forming an effective team in court and legal settings.

Nearly all Deaf interpreters will work with a hearing team in order to receive their source language message and to produce their target language rendition. When working with a hearing team, the Deaf interpreter may take the role of the lead interpreter during an interaction with the hearing participants. The Deaf interpreter is also a consumer of interpreting services during the process. At times, Deaf interpreters will

also work with a separate Deaf-hearing team of interpreters, for example, during multi-day or lengthy proceedings. Agreements, such as for when and how to switch teams or how to handle addressing the court to assert an interpreter issue, need to be discussed and consensus reached by the entire group to ensure that process runs as efficiently and effectively as possible for the courts and the Deaf participants. This module focuses on identifying key items to be agreed upon during the formation and functioning of a team in court and legal settings. Communication with team interpreters is paramount and is the central focus of this module.

Competencies

- Court and Legal Systems Knowledge
- Court and Legal Interpreting Protocol
- Interpreting Knowledge and Skills
- Professional Development

Anticipated Outcomes

Upon completion of this module, learners will be able to:

- Define a framework to negotiate various team configurations for a variety of Deaf participants, such as a Deaf witness, party or audience member;
- Negotiate the terms of team composition and team functioning in court and legal assignments;
- Engage in self-assessment of the ability to obtain agreements with team interpreters.

Unit Titles and Sequence

- Unit of Learning 1: What is a Team and Why are Teams Critical in Legal Settings
- Unit of Learning 2: Protocol for Team Discussions

Unit of Learning 1: What is a Team and Why are Teams Critical in Legal Settings?

Related Competencies

- Court and Legal Systems Knowledge
- Court and Legal Interpreting Protocol
- Interpreting Knowledge and Skills
- Professional Development

Purpose

The purpose of the unit is to understand the role and function of an individual team members working in collaboration with one another whether they are long standing colleagues or first time team members. The purpose of the team is to ensure that the discourse in the interaction is understandable and accessible and that distractions do not interfere with the team's ability to function efficiently and effectively. Through viewing course materials and required readings, participants will work collaboratively and independently to grasp the definition of a team, why a team is necessary and the various possible configurations of a team.

Objectives

Upon completion of this unit, learners will be able to:

- Define 'team interpreting;'
- State at least three characteristics of an effective team;
- Describe three ways that teams work together to enhance the accuracy of the interaction.

Key Questions

- How would a Deaf-hearing team different from and similar to a team of hearing interpreters? A team of Deaf interpreters without a hearing interpreter team?

- Are their points that a Deaf-hearing team needs to discuss that may not need to be discussed in a team without a Deaf interpreter? What? Why?
- Why is a time-dictated approach to staffing an interpreted assignment not always the best approach?
- In what ways do team interpreters ensure that the interpretation is accurate?
- Why would a court be concerned that an interpreter wanted to clarify a witness' statement directly with the witness without permission from the court?

Prior Knowledge and Skills

- Demonstrated competency at a generalist level as evidenced by certification.
- Completion of foundational legal interpreting course work.
- Module 1. Deaf Interpreters: Interacting with the Players
- Module 2. Deaf Interpreters: Deaf Youth and Interpreting Considerations

Unit Plan and Activities

- Through PowerPoint presentation and in class discussion, learners will explore the nature of teams, the types of teams and how/when specific team configurations are indicated.
- Learners will read several of professional practice papers on team interpreting and through critical analysis explore their similarities and differences and strengths and weaknesses.

Discussion

Team interpreting refers to "interpreting situations where two or more interpreters are working together with the goal of creating ONE interpretation, capitalizing on each other's strengths, and supporting each other for consistency and success." (Russell, 2011). RID defines team interpreting as "the utilization of two or more interpreters who support each other to meet the needs of a particular communication situation." (RID 2007). The Wisconsin Court Interpreter Program Guidelines define team interpreting as:

> Team interpreting refers to the practice of using two or more interpreters who rotate every 30 to 40 minutes and provide simultaneous or consecutive interpretation for one or more individuals with limited English proficiency (LEP). The interpreter engaged in delivering the interpretation at any given moment is called the *active* interpreter. His or her job is to interpret the court proceedings truly and accurately. The other interpreter is called the *support* interpreter. (Wisconsin, 2011).

Good teams demonstrate mutual respect and trust. They maintain good intra-team communication skills and have a deep understanding of the role and responsibility of legal interpreters. They embrace a commitment to the empowerment of Deaf litigants through the provision of accurate and linguistic and culturally equivalent interpretations.

Teams work together collaboratively on an assignment in order to ensure that the participants have full and consistent access to information. All members of the team are actively engaged in the process at all times. Teams may be comprised of different configurations: two hearing interpreters, a hearing and a Deaf interpreter, two hearing and two Deaf interpreters, two hearing and one Deaf interpreter, or even a supervising or consulting interpreter and a practitioner in an induction program. What they have in common is the obligation to work together to accurately interpret the interaction whether during active interpreting or while monitoring.

Traditionally, team interpreters were provided when a specific assignment was expected to run over a certain amount of time such as one or two hours. This time-dictated approach was easy to apply, but did not take into account the specific nature of the actual interaction. Some relatively short assignments can be intense enough that a team should be provided. Likewise, some lengthy assignments simply require the interpreter to be on-call and a team is not required. Of course, when a Deaf interpreter is involved, a hearing team normally would be present to interpret for the Deaf interpreter, though there are Deaf interpreters who work through written methods such as CART, captioning or from an ASL feed from a speaker. In any event, for legal assignments, the nature of the interaction should be studied to determine whether a team is needed. The RID indicates that the decision to use a team is based on a number of factors

such as 1) the length and/or complexity of the assignment; 2) the unique needs of the persons being served; 3) the physical and emotional dynamics of the setting; and among other things, 4) the avoidance of repetitive stress injuries. (RID 2007).

Teams also need to work collaboratively with each other in the interests of the court. Teams have a key role in monitoring the work of each member and making any adjustments necessary to ensure accuracy. Teams may do this by communicating small units of information to each other without interrupting the interaction, by inserting themselves into the interaction to interrupt for clarification, or by seeking permission to confer, privately, with each other to adjust the accuracy of the interpretation.

At times, teams may even need to consult with the Deaf or hearing consumer to negotiate meaning. This final approach is normally the least favored by the courts and should not be done without the court's permission. When done, the interaction should be made transparent to all of the participants – Deaf and non-deaf. Teams should trust each other and share a common purpose to ensure an effective interpreted interaction for the primary interlocutors. Trust can be developed through open communication and discussion. Decisions should be mutually endorsed and communicated expressly. Many issues can affect the viability of the team including each person's experience with the context and content of the interaction as well as their experience with each other. Hence, interpreters need to talk openly about what they know about the assignment and the content in general.

Activity 1

Read Russell, D. (2011). Team Interpreting. Available in the course materials at pages 33-37.

Concept Review (Through in-class discussion or video log posting)
Pay attention to where Russell notes: "A foundational premise in team interpreting is that all team members are responsible for the success or failure of the work."

1. Describe how this works for each member of the team of Deaf and hearing interpreters.
2. Is this consistent with your experience in working as a team with a Deaf interpreter?

3. Is this consistent with your experience in working as a team with a hearing interpreter?

Activity 2

Read NAJIT position paper on Team Interpreting in the Courtroom from the course materials.

Concept Review (Through in-class discussion or video log posting)

1. What are the advantages that the author suggests support the use of teams in court interpreting?
2. In your experience, are there any other advantages that would support the use of a team in court interpreting?

Activity 3

Read NCIEC Fact Sheet- entitled The Use of Interpreting Teams in the Courtroom available in the course materials.

Concept Review (Through in-class discussion or video log posting)

1. How does this fact sheet differ in its listing of advantages to support the use of teams in court interpreting as compared to the NAJIT position paper?
2. How would you modify this paper to include information on the advantages of using Deaf teams in court?
3. How would you use this fact sheet in your practice as a court interpreter?

Assessment

Formative assessment:

- Student responses to teacher's posted questions.
- Paper or video log assignments

Resource Materials

- Powerpoint course materials.
- Russell, D. (2011). Team Interpreting. Available at http://www.avlic.ca/sites/default/files/docs/2011-07%20Team%20Interpreting%20Best%20Practices%20Article%20by

%20Debra%20Russell.pdf. Association of Visual Language Interpreters of Canada.

- Registry of Interpreters for the Deaf/California State University Northridge. (1992). Interpreting in the American Judicial System: ASL & English. Unit G:37, 12.
- National Consortium of Interpreter Education Centers. Fact Sheet. The Use of Interpreting Teams in the Courtroom. Available at www.interpretereducation.org.
- National Association of Judiciary Interpreters and Translators. (2007) Team Interpreting in the Courtroom. Position Paper. Available at www.najit.org.
- Registry of Interpreters for the Deaf. (2007). Team Interpreting. Standard Practice Paper. Available at www.rid.org.
- Wisconsin Court Interpreter Program. (2011). Guidelines for Using Team Interpreters (Spoken Languages). Available at: http://www.wicourts.gov/services/judge/docs/teaminterpretingguide.pdf. Wisconsin Director of State Courts Office, Office of Court Operations.

Unit of Learning 2: Team Interpreting Protocol

Related Competency

- Court and Legal Systems Knowledge
- General Legal Theory
- Court and Legal Interpreting Protocol
- Interpreting Knowledge and Skills
- Professional Development

Purpose

The purpose of this unit is to arrive at a deeper appreciation of the variety of points of agreement that need to be addressed within various team configurations prior to interpreting in court and legal settings. Protocol agreements establish the norms that the team will follow during the interpreting assignment. Through in-class discussions and video logs, participants will catalogue the variety of points that could form the basis for team agreements. Participants will view a video panel discussion of experienced court interpreters discussing relevant points in regards to team interpreting. Participants will view clips of Deaf and hearing teams discussing points for teaming in a specific trial and will engage in critical analysis of the effect of the teaming agreements on the interpreted interaction.

Objectives

Upon completion of this unit, learners will be able to:

- Identify ten points for team agreements in court and legal settings and evaluate the relative effectiveness in light of research on teaming agreements;
- Identify the ways that team dynamics can affect the agreements made by the interpreters and how those agreements affect the effectiveness of the work;
- Identify at least three methods of obtaining assistance (feed) from a team interpreter;
- Create a catalogue of teaming agreements for use with a Deaf team and with a team who can hear in court and legal settings.

Key Questions

- Why would a team decide to discuss their philosophy of teaming in a legal setting as an agreement before interpreting?
- What implications would it have on the interaction if interpreters viewed the task through different philosophical lenses?
- How could the model from which an interpreter worked affect the team dynamics?
- What are the benefits to the court in having the Deaf interpreter take the lead in any discussions with the court?
- What considerations would the team discuss in determining when and how to alternate between active and monitor positions?
- What agreements should be discussed regarding the interpreter's positioning in court if there is a Deaf witness in addition to a Deaf party?
- What cues or signals would be effective in letting a hearing interpreter know that the Deaf interpreter needs more or more specific information?
- What cues or signals would be effective in letting a Deaf interpreter know that the Deaf interpreter needs more or more specific information?

Prior Knowledge and Skills

- Demonstrated competency at a generalist level as evidenced by certification.
- Completion of foundational legal interpreting course work.
- Module 1: Deaf Interpreters: Interacting with the Players
- Module 2: Deaf Interpreters: Deaf Minors
- Unit of Learning 1: What is a Team and Why are Teams Critical in Legal Settings

Unit Plan and Activities

- Learners will review the lesson PowerPoint and classroom discussion of team agreements and logistics and create templates for working in teams and making agreements.

- Learners will view a panel of experienced court interpreters discussing relevant issues to be considered when forming a team and discuss the issues raised in the video.
- Learners will view videos of highly experienced court interpreters making teaming agreements and will analyze the subsequent interpretations for realization of those agreements.
- Learners will read current research on team interpreting and discuss the merits of the strategies discussed.
- Learners will practice making agreements with a team and then interpreting Deaf witness testimony to implement those teaming agreements.

Discussion

Prior to interpreting, teams need to discuss various protocols and attain consensus on the norms that the team will follow in the interpreted interaction.

The team may discuss matters relating to, among other items, their approach to the interpreting task including:

- Their philosophy of interpreting,
- The models they follow,
- Their processing time,
- When to use the various modes of interpretation,
- How each uses notes in their interpretation, and,
- Their strengths and weaknesses as interpreters.

These discussions should address:

- How each person prefers to monitor and adjust for accuracy while interpreting (feeding),
- How and who should handle pace,
- How interaction control will be handled,
- How mode control for the feed interpreter will be handled.

These discussions should touch on how the team will interact with the court and who will take the lead role on the various preparation activities encountered. More and more often, the Deaf interpreter serves as the spokesperson for the team and leads the interaction with the court. This

approach provides three distinct benefits: "1) it provides a model of how the [interpreting] process will work, 2) it eliminates the concern of having to use simultaneous communication, and 3) it establishes the credibility of the Deaf interpreter as an important part of the team." (Interpreting in the American Judicial System, Unit G:37, 12 (1992)).

Positioning in courtrooms is constrained by the unwritten and written rules and the experience and norms of the court. For example, the court will not permit the interpreters to block the court's view or the jury's view of any witness. Sometimes, this makes positioning tricky depending on the logistics of the courtroom. Courts have more experience with the positioning of spoken language interpreting and the court's expectations are guided by that experience. Spoken language interpreters sit at the table between counsel and the client and provide a whispered interpretation. When the Limited English Proficient person takes the stand, the interpreter accompanies him/her and provides a whispered interpretation from the stand, next to the witness and facing the audience. Signed language interpreting conventions do not follow this practice because of the nature of working with a visual language.

Hence, ASL interpreters need to discuss positioning and be able to negotiate with various parties in court to ensure optimal sightlines. Most often this means standing in the well of the courtroom with their back to the judge and facing the Deaf consumer. Bailiffs are keen guardians of the space in the middle of the courtroom (the 'well') and often resist interpreters' attempts to position themselves there. When the Deaf individual takes the stand, the hearing interpreter must position himself to the side and slightly behind the Deaf witness, facing the audience, while the Deaf interpreter stands in the well facing the witness. The hearing interpreter (the sL feed interpreter) should remain outside of the Deaf consumer's field of vision. This location avoids problems such as the Deaf client responding to the sL feed interpretation rather than waiting for it to be rendered through the Deaf interpreter. Both interpreters must be able to view the witness, yet the witness should not be distracted by the feed interpreter.

The Powerpoint in the accompanying course materials provides a visual depiction of the various possible choices for interpreter positioning.

There are several other items related to positioning and logistics that the team must consider. The Deaf consumer must be able to clearly view the Deaf interpreter as well as the activity within the courtroom at all times. Likewise, both the hearing interpreter and the Deaf interpreter must be able to see each other clearly because as a team they are both responsible for the product. Additionally, if a second Deaf-hearing team is present, they need to ensure they have visual access to the interpretation while simultaneously not blocking the jury's view of the witness. Finally, the interpreting team's position should be conducive to unobtrusive alternating of duties.

In regards to monitoring the interpretation and adjusting for accuracy, there are, at least, two distinct aspects upon which teams need to agree. First, when the monitor interpreter (whether Deaf or hearing) recognizes that the working interpreter has rendered a miscue which needs to be remedied. Agreement needs to be obtained on how the miscue will be handled.

Second, the working interpreter (whether Deaf of hearing) may recognize that they need more information from the monitor/feed interpreter in order to render an accurate interpretation. Various techniques are used to make and receive corrected interpretations including touch or other visual methods to get attention depending on where the interpreters are situated. An interpreter needing assistance may lean and ask a brief question of their team indicating what information is needed to complete the interpretation. At times a feed is achieved by a significant glance, a puzzled look, raised eyebrows, a whispered request, a physical touch or a lean toward the team or away from the primary signing space. The team needs to confer in advance to determine how this intra-team communication will be handled.

Feeding is not limited to linguistic information that might have been missed or misunderstood. The interpreter might have overlooked the speaker's point or goal. They might need the context or the relationships of the participants. They might need to know the cohesive factors involved such as whether the attorney's question is changing the topic in witness examination. They might need to know whether the audience is reacting in a particular manner or whether the speaker's affect has changed in some way. In sum, a good system needs to be in place

regarding how, when and by what method the intra-team collaborations for accuracy will take.

Furthermore, the monitor interpreter is not limited to actively watching the interpretation for accuracy. There are a number of non-interpretation related items that the team interpreter can assist with during the actual interpretation including fixing a distractor such as bad lighting or effecting a change in the team's physical positioning for unanticipated reasons. Unexpected documents might be introduced that the interpreting team needs to physically obtain. The interpreter monitoring can assist with providing visual information outside of the reach of the primary interpreter or even getting the interpreter a glass of water.

Interpreters in a team must form agreements regarding how, when and why they will alternate between the positions of working and monitor interpreters. Time alone may not be the only consideration. Rather, the nature of the discourse, the fatigue level of the interpreters, the time of day, the pace of the communication, and the mode of the discourse are factors often considered. At times, it is less obtrusive for one team to handle a specific chunk of discourse (all of direct examination for example) before alternating to another team. Likewise, alternating may depend on the interpreter's level of familiarity with the text being delivered or with the specific Deaf person on the stand. For example, sometimes, interpreters will try to match the gender of the Deaf witnesses so that there is same gender correspondence for the witness.

While the goal is not to be invisible while alternating, good teams do try to minimize the disruption to the process caused by switching interpreters. The team will need to arrive at a consensus on the approach to alternating interpreters during the interaction.

Once the interpretation is complete, the team needs a period of time to debrief and process out the interpretation. Items to discuss include whether the interaction was effective, and if not, in what ways the interpretation could have been modified in order to make it more effective. Certain strategies or approaches may have contributed to the effectiveness of the interpretation and the team should recognize and expressly acknowledge these strategies or approaches.

In sum, a good team is one that communicates well and prepares in advance by considering the factors discussed in this unit and reaching a

working agreement upon them. A good team can also modify its agreements when unforeseen circumstances exist without causing undue disruption to the court proceedings.

Activity 1

Read Cokely, D and Hawkins, J. (2003) Interpreting in teams: A pilot study on requesting and offering support available in the course materials at pages 49-93.

Concept Review (Through in-class discussion or video log postings)

1. In small groups discuss whether you have used the strategies listed in the taxonomy of methods interpreters actually used to request and receive support.
2. Are there methods listed that you have never used? If so, why?
3. Are there methods that you use but that are not listed in the taxonomy? What are they?
4. Discuss in small groups and report out to large group your findings.

Activity 2

Patricia Bruck in her masters' thesis cites Tuckman (1973) to explain the four stages of group formation. She categorizes these as 'forming' (creating the team), 'storming'(conflicts about the positions and ranking of the team members), 'norming' (setting up rules for team working) and finally' 'performing' (working and fulfilling the task at hand). The fifth stage that Tuckman adds later is called 'adjourning or transforming' and only applies to teams that are composed of more than two people where members may be replaced and the new member has to find his/her place in the system. (Brueck, 2011 at 8).

Concept Review (Through in-class discussion or video log postings). Consider Brueck's categories below and respond to the following questions.

- Forming: How teams are chosen. What characteristics are most important to you in selecting a hearing team mate? A Deaf team mate?
- Storming: What are the types of conflicts that you have experienced in working with other interpreters? Did they relate to positions and ranks of the various team mates, or to other factors?

- Norming: What are the critical agreements that you always discuss when working with teams of interpreters? As it pertains to your style, list out on paper the following:
  - Your philosophy of interpreting,
  - The model you follow,
  - Your processing time,
  - When various modes of interpreting should be used,
  - How you use notes in your interpretation, and,
  - Your strengths and weaknesses in regards to legal interpreting.

- Performing: What issues come up when teaming that may not arise when working without a team (meaning when only one full Deaf-hearing team is retained)? What could be done proactively or in the moment to resolve the issue?
- Adjourning and Transforming: What happens when a new CDI is added to the team? How are the dynamics affected? Does the departing CDI have any role in the remainder of the case? If so, what? How is the new CDI brought up to speed in the case?

1. Address each phrase of team forming in a 2 to 3 page paper to be submitted in class.
2. Prepare a checklist/catalogue of the critical agreements from #3 above that you would use with a Deaf team member to share with the class in large group.
3. Prepare a checklist/catalogue of the critical agreements from #3 above that you would use with a team member who can hear to share with the class in large group.

Activity 3

View CDI teaming panel discussion clips (Jeff Pollock and Robin Shannon) available from the course materials.

Concept Review (Through in-class discussion or video log postings)

1. Would you agree with the CDI panelists' responses to the questions posed? Would you respond any differently? How would your responses differ?

2. Are the items that the CDI panel discussed the same or different from your catalogue of issues that can arise in team interpreting from Activity II?
3. If they are different, how are they different? Why do you suppose they are different? What assumptions may have been made to cause the difference?
4. Discuss in small groups and report out to large group your findings.

Activity 4

View the CDI preparation video available in the course materials conducted by Team 2 -- Stephanie Clark, Pasch McCombs and LeWana Clark. View the preparation discussion of Team 3 – Lisa Perry Burckhardt, Stephanie Peplinski and JoLinda Greenfield available in the course materials.

Concept Review (Through in-class discussion or video log postings)

1. After watching each preparation clip, in small groups prepare some predictions about what will happen in the interpreting as a result of their discussions.
2. What items did each team agree upon to govern their working relationship? Were they the same as the items you included in your inventories from the norming exercise in Activity 2?
3. What did you include that was not present in the clips?
4. What was included in the clips that you did not include?

Activity 5

View the interpretation of the Deaf father's testimony from the course materials conducted by Team 2 -- Stephanie Clark, Pasch McCombs and LeWana Clark.

Concept Review (Through in-class discussion or video log postings).

1. Did the work comport with the agreements made in the preparation session?
2. In the preparation session, Stephanie made many suggestions about how a CDI could be used in a setting where two hearing interpreters were the primary interpreters. Was she able to provide any of those functions that she offered?

3. What about the other agreements made during preparation, were they implemented in the interpretation?

Assessment

Formative assessment:

- Student responses to teacher's posted questions.
- Paper or video log assignment for group formation stages
- Diagrams of optimal placement
- Checklists of teaming agreement points

Resource Materials

- PowerPoint from course materials
- CDI interpreter panel clips
- CDI preparation videos
- Interpretation of Deaf father by Team 2
- Bruck, Patricia. (2011) MA-Thesis EUMASLI, 90 ECTS. Available at http://www.dolmetschserviceplus.at/sites/default/files/PatriciaBrueck_MA_Teaminterpreting%20complete.pdf
- Cokely, D and Hawkins, J. (2003) Interpreting in teams: A pilot study on requesting and offering support. RID Journal of Interpretation. 49-93.
- Registry of Interpreters for the Deaf/California State University Northridge. (1992). Interpreting in the American Judicial System: ASL & English. Unit G:37, 12.