



NCIEC

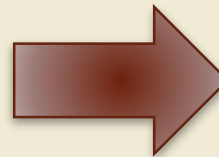
National Consortium of Interpreter Education Centers

Before we get started

Webinar host: Amy Williamson

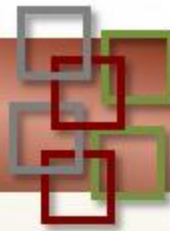
The Chat Box is your friend:

- If you have an **issue or tech problem**, *type in the box*. A MARIE Center staff person will help you out.
- If you have a **question or comment**, *type it in the box*. Questions will be shared with the presenters at the end of the webinar.



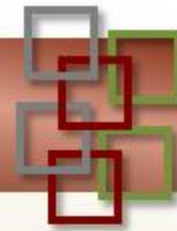
The screenshot displays the GoToMeeting control panel. At the top, there is a menu with 'File', 'Options', 'View', and 'Help'. Below this, the 'Screen Sharing' section is visible, showing a 'Stopped' status with the message 'No one sees your screen'. There are four main buttons: 'Show My Screen' (with a play icon), 'Stop Showing Screen' (with a square icon), 'Give Keyboard & Mouse' (with a mouse cursor icon), and 'Change Presenter' (with a person icon). Below these buttons, there is a 'Start Recording' button and a status indicator '13.5 GB remaining'. The 'Webcam' and 'Audio' sections are collapsed. The 'Attendees' section shows '1 out of 26'. The 'Chat' section is expanded, showing a large text input area with a placeholder '[Type message here]', a dropdown menu set to 'All - Entire Audience', and a 'Send' button. At the bottom, there is a 'Meet Now' section with the 'Meeting ID: 267-736-285' and the 'GoToMeeting' logo.

Evaluations & CEUs

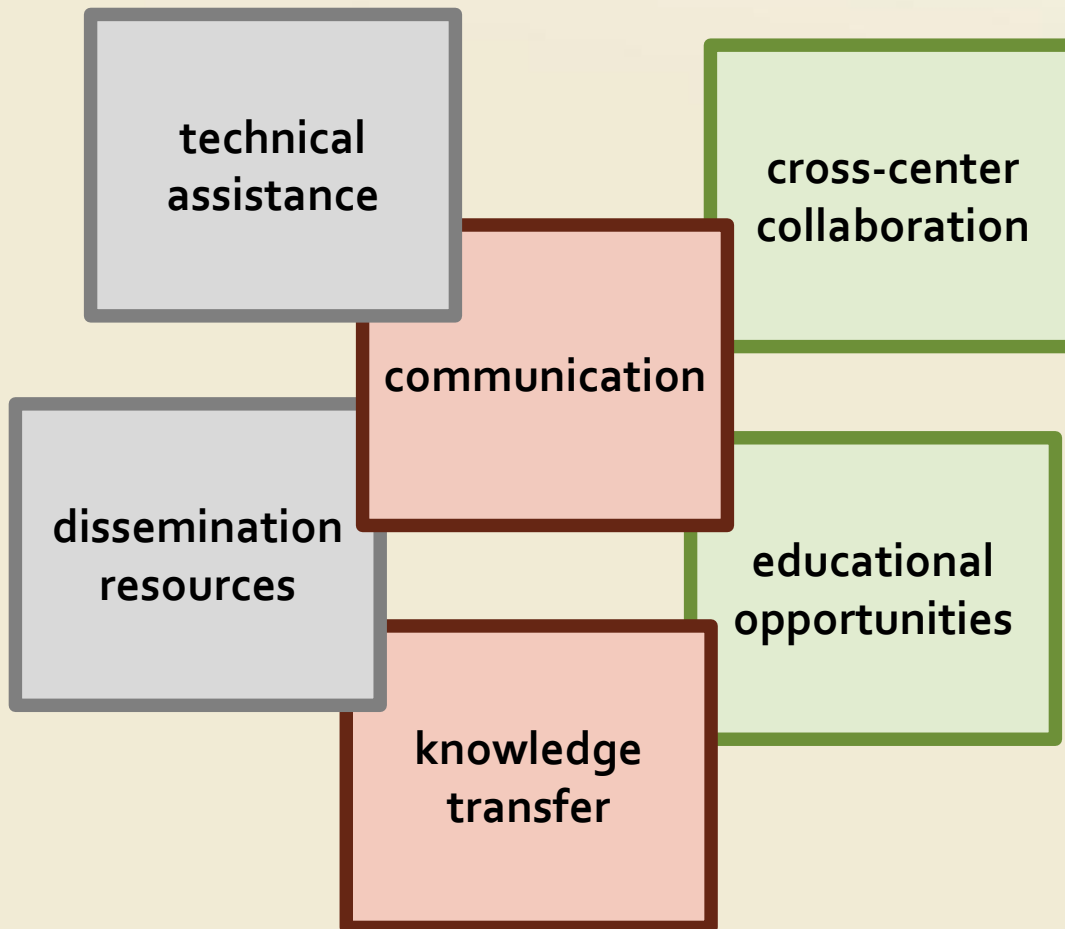


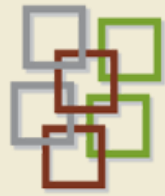
- Email with link to evaluation and CEU request will be sent this evening
- We have a list of the logged in attendees and will match it up with those of you filing out the evaluation & CEU request
- May take up to 4 weeks for CEUs to be posted
- **IF YOU ARE WITH A GROUP: EVERYONE SIGN THE SIGN IN SHEET** & return it to Carrie Woodruff

Consortium Mission



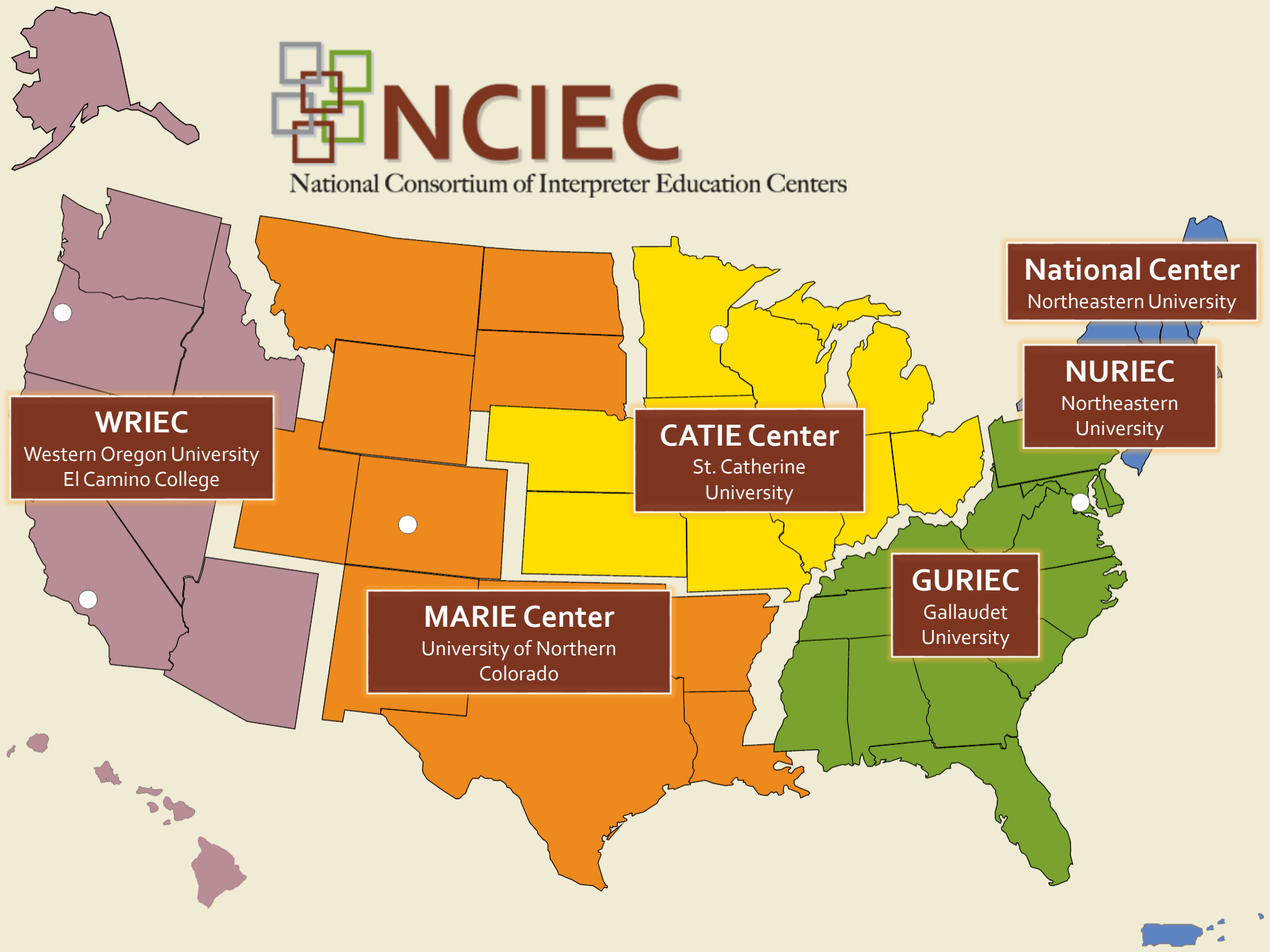
*to connect and collaborate with diverse stakeholders
in order to create excellence in interpreting*





NCIEC

National Consortium of Interpreter Education Centers



National Center
Northeastern University

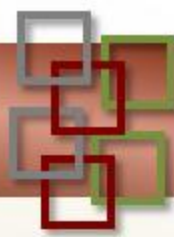
NURIEC
Northeastern University

WRIEC
Western Oregon University
El Camino College

CATIE Center
St. Catherine University

MARIE Center
University of Northern Colorado

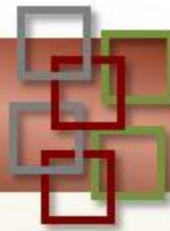
GURIEC
Gallaudet University



Identifying Hearing ASL – English Interpreters' Current Practice in Determining the Need of Deaf Interpreters for Court Proceedings

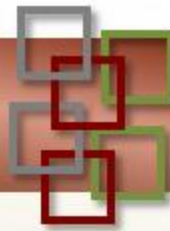
Christopher Tester, MsC, CDI, SC:L

Special Thanks



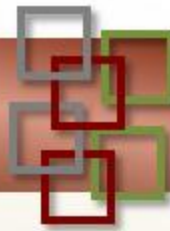
- European Masters in Sign Language Interpreting (EUMASLI)
- Heriot Watt University
- Jemina Napier
- Jens Hessmann

Statement of a Problem



- Research on Deaf Interpreters and its role-function in the court is very limited (Boudreault, 2005; Forestal, 2014, de Meulder & Heyerick, 2014; Stone & Russell, 2011).
- In the United States, Deaf-Hearing co-interpreters are considered best practices in many situations within the courts (Mathers, 2009; Mathers & Witter-Merithew, 2014; Stewart, K., Witter-Merrithew, A., Cobb, M., 2009).
- Current Practice: Hearing interpreters are on the frontline in the courts.

Research Question



The aim of the study is to investigate how and when hearing interpreters decide there is a need for a Deaf interpreter for court proceedings.

This study addressed the following research questions:

- 1) What is the hearing interpreter's decision-making process for requesting a Deaf interpreter in court?
- 2) Is there a trend indicating a specific point during the proceedings when hearing interpreters make the request for a Deaf interpreter?

Literature Review: Spoken Language Interpreting



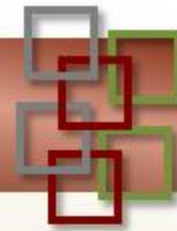
- Growing body of research on interpreting in the courtroom, more than any other legal arena. However, the literature is still relatively small compared to other professions (Hale, 2006).
- Studies include but not limited to the language used in the courtrooms, impact of interpreted witness testimonies, role and expectations of the interpreter, modes of interpretation, and accuracy & fidelity of interpretation (Berk-Seligson, 1990 in Hale, 2006; Elsrud, 2014; Hale 2002, 2006, 2007; Jacobsen, 2008, 2012; Kolb & Pöchhacker, 2008; Lee, 2013; O'Barr 1982 in Shuy, 2007; Shuy, 2007)

Literature Review: Sign Language Interpreting



- Two important themes, based on existing research, are the varying perception of the role of the interpreter, and the accuracy of the interpreting process (Russell, 2012).
- Research on sign language interpreting within the courts has explored different areas including the impact of interpreting mode on accuracy, perception of interpreter's role, by both deaf and non-deaf individuals) quality of interpreter and competence, interpreter's linguistic decision during interpretation, and video remote interpreting in courts. (Brennan, 1999; Brennan & Brown, 1997; Brunson, 2008; Miller, 2001; Miller & Vernon, 2005; Napier & Leneham, 2011; Roberson et al., 2012; Russell, 2001, 2003; Turner, 1995).
- Language of Deaf individuals in legal system (Brennan & Brown, 1997; LaVigne & McCray, 2003; LaVigne & Vernon, 1993; Mathers, 2009; Miller & Vernon, 2001).

Contextualizing the Study

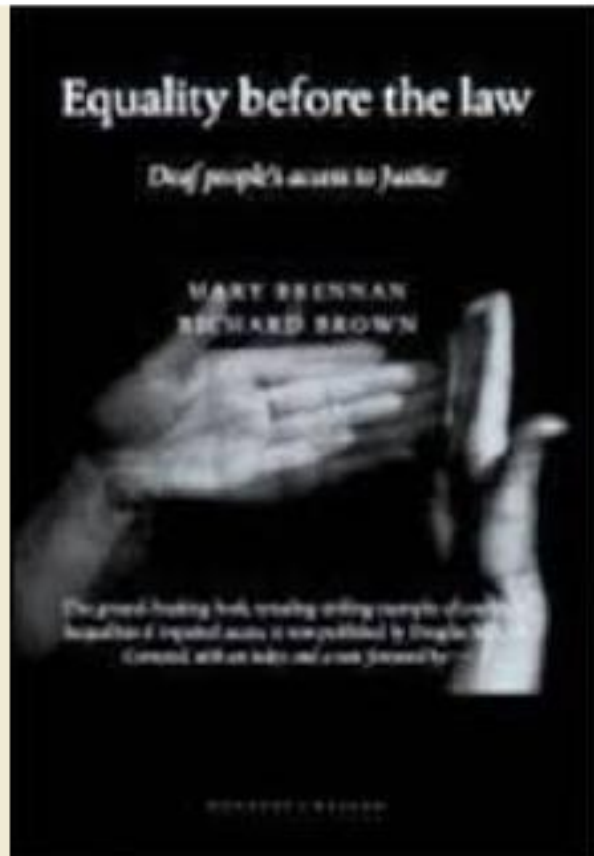
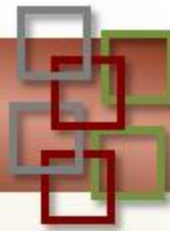


- Federal Court Interpreting Act of 1978
 - *Accommodation is not automatically granted*

- Americans with Disabilities Act: Reasonable Accommodation
 - *Does not apply to Federal Courts, however, the language of the law is commonly used in different legal arguments*

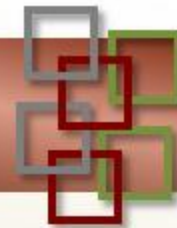
- Registry of the Interpreters for the Deaf (RID, inc)
 - *Speciality Certificate: Legal*

Frameworks for the Study



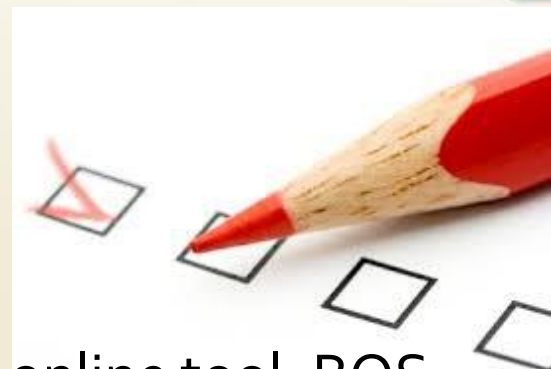
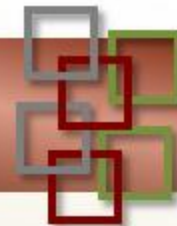
1. "Equality before the Law: Deaf people's access to Justice"
 - Mary Brennan & Richard Brown, 1997
2. "Deaf Interpreters in Court: An Accommodation that is More than Reasonable"
 - Carla Mathers, Esq., 2009

Methodology



- Combined Qualitative-Quantitative approach was utilized
 - Questionnaire
 - Interviews
- Purposive sampling and snowballing effect
 - Baseline requirements: worked in the United States, was not Deaf, and had experience interpreting in the courts
 - Registry of the Interpreters for the Deaf, Inc's Legal Member Section's listserv
 - Facebook
 - E-mail to colleagues

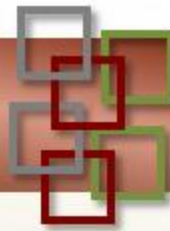
Questionnaire



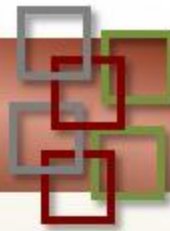
■ Questionnaire Instrument

- 29 questions via Heriot Watt University's online tool: BOS
- First section: participants' demographic information
- Second section: participants' experience with the language of the courts
- Third and longest section: participants' experience working as a team: with a special focus on Deaf Interpreters. Identifying criteria, patterns and barriers from working with a Deaf interpreter.

Interviews



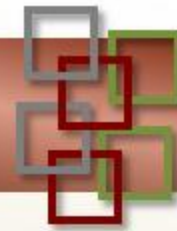
- Follow up questions based on the questionnaire
 - semi-structured interview
- Participants: previously took the questionnaire
 - Skype/Facettime
 - QuickTime Movie Recorder
 - Interview in American Sign Language



Results and Findings

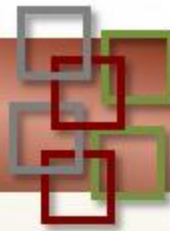


Demographic Information



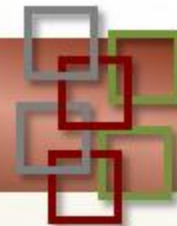
- 78 participants (79 responded, but 1(one) did not qualify)
- 10 male & 68 female
- 52 interpreters were in the age range of 30-40 years old
- 77 were nationally certified
- 57 holds the advanced legal certification (Speciality Certificate: Legal)
- ASL acquisition: as a child (35); as an adult (43)
- 54 interpreters have over 20 years of experience
- 24 interpreters have over 20 years of court room experience, and
- 47 interpreters have between 6 - 20 years of court room experience

Average Participant



Majority of respondents were females, with over 20 years of experience, holder of Speciality Certificate: Legal and were considered to be very experienced within the courtroom. The interpreters expressed greater confidence with their English than their American Sign Language skills.

Comprehending Deaf Client



- Q16: I have a difficulty in understanding the Deaf client
 - Rarely: 44
 - Sometimes: 34

- Q17: Rank the following from 1-6
 - 1. Underdeveloped ASL skills
 - 2. Cognitive challenges
 - 3. Foreign born – other signed language
 - 4. Limited English
 - 5. Limited education
 - 6. Other

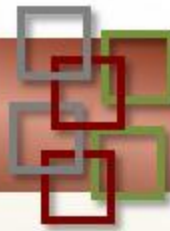
Underdeveloped ASL Skills ranked as the most common issue

Rationale for requesting a Deaf Interpreter

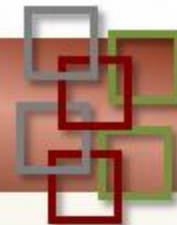


- Participants were asked to rank the following from 1-6, indicating one's reason to request to work with a Deaf Interpreter:
 1. Complicated situation (the case itself);
 2. Deaf individual's ASL (using the criteria described in question 17);
 3. Deaf individual's English;
 4. My own ASL skills;
 5. My legal knowledge;
 6. My legal interpreting experience;
 7. Prefer to work as a team than solo;
 8. Other.

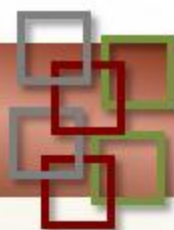
Results



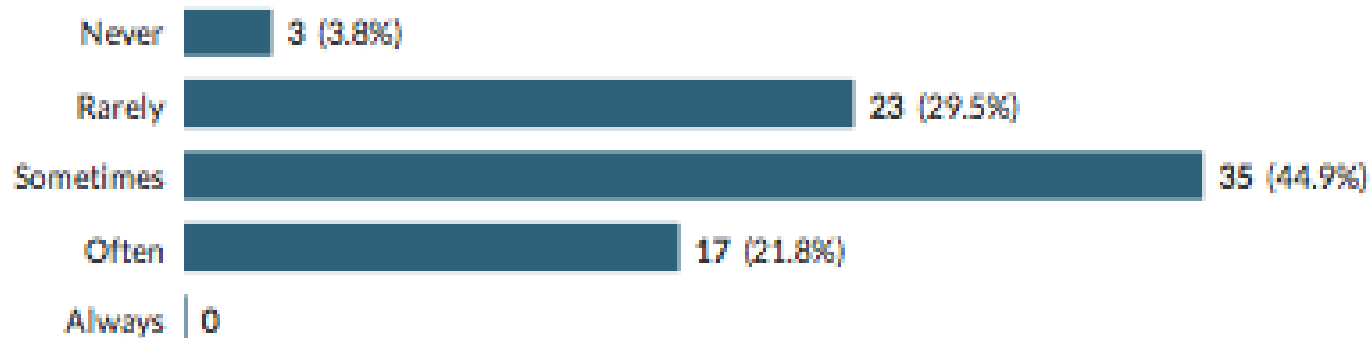
- The top two categories, with rankings of 1-4, were the Deaf individuals' ASL (74 responses), closely followed by complicated situation (71 responses).

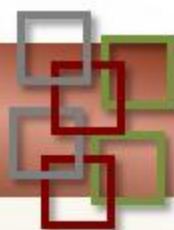


-
- *"Often, it is a combination of the Deaf person's emotional state & their lack of understanding of the legal system. Most people, regardless of their need for an interpreter, are upset, scared, angry, nervous, and confused when they interact with the courts. This has an effect on their language use."*
-

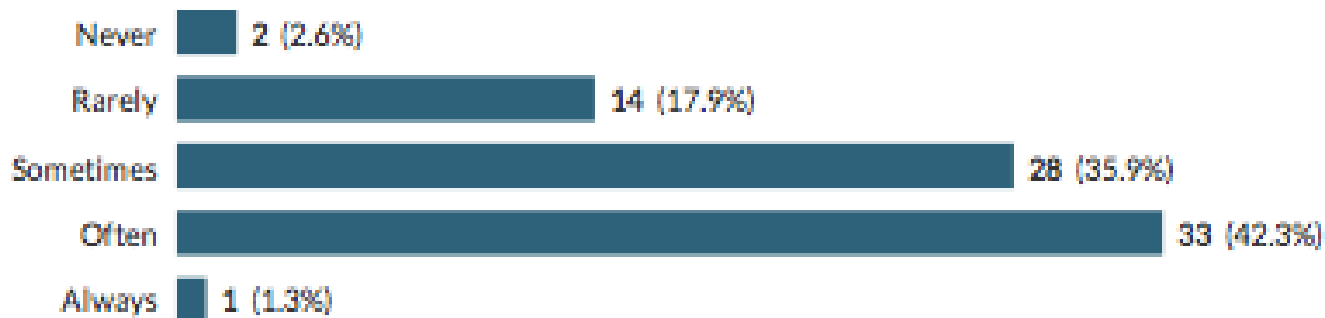


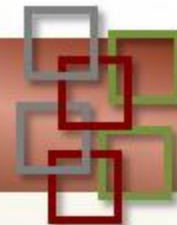
How often do you work with a Deaf Interpreter Team?



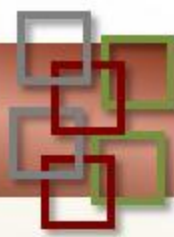


How often do you request to work with a Deaf Interpreter?

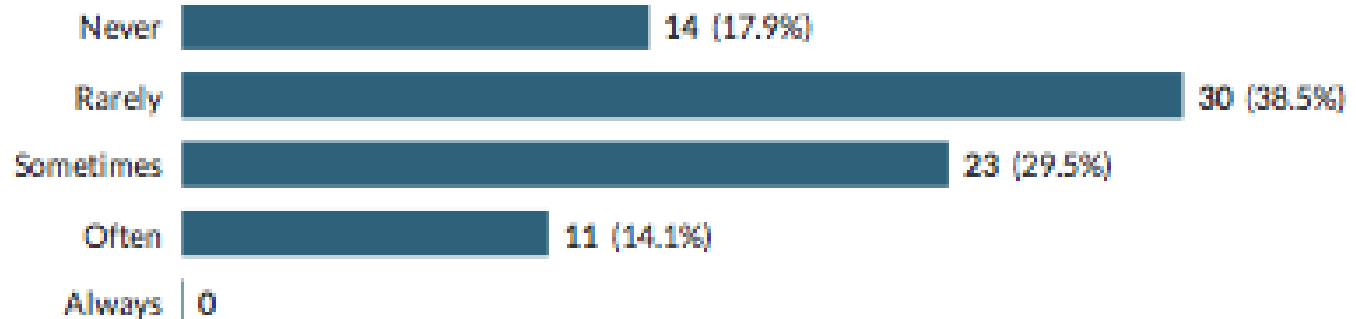


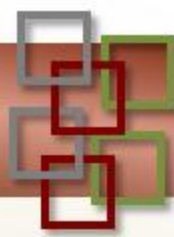


“As an explanation for why I recently chose not to stop in the middle of a proceeding, the Deaf consumer was being arraigned and if I stopped, he would have spent the weekend in jail. After I explained the situation to the attorney, I chose to muddle through due to pragmatics so that he could go home. I would not have made that choice if it were simply a matter of the Deaf person being able to go home and come back on a future date.”

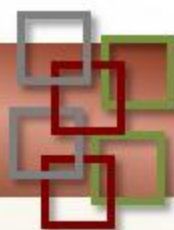


How often does someone other than you request a Deaf Interpreter?

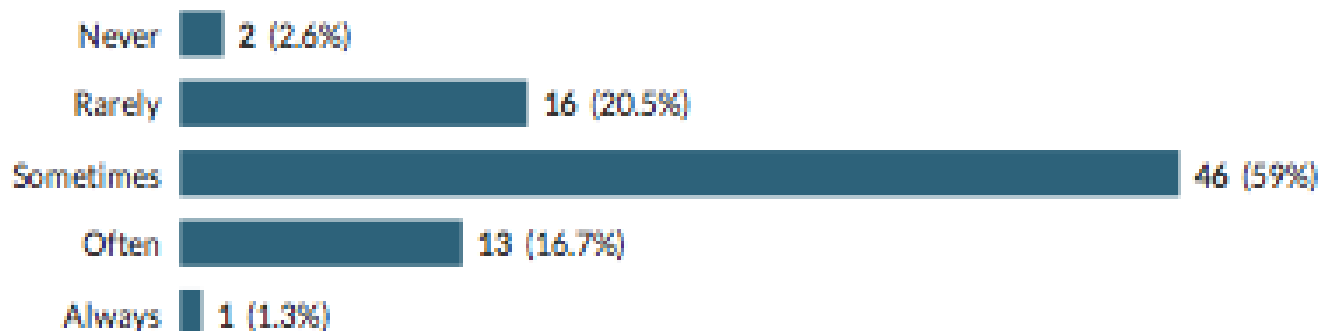




All 3 interview participants stated that they always include consideration of a Deaf interpreter's services for every court job they accept.



Have you been in an interpreting situation where you felt you managed okay, but could have been better with a Deaf Interpreter?



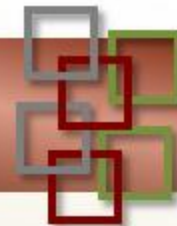
What issues or barriers that prevented from Deaf Interpreters from being provided?



1. I felt I had adequate communication and proceeded
2. Judge declined your request
3. Lawyer(s) objected to your request
4. Interpreter coordinator couldn't find a Deaf interpreter
5. Deaf client did not want to work with a Deaf interpreter
6. Requested for next time, but did not want to stop in the middle of a court proceeding.
7. Other

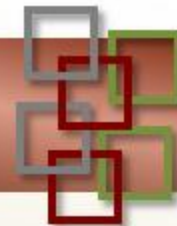
■ #4 - Couldn't find a Deaf Interpreter: 47 responses

Other Barriers

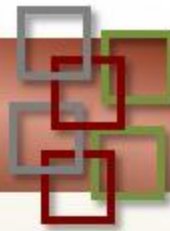


- “Other SC:L's in the area will cover the same case without a CDI team - precedent is set.”

Conclusion



1. More than 50% of the participants had over 20 years of experience working in the courts and possessed the RID's Specialty Certificate: Legal (SC:L).
2. Deaf Consumers' underdeveloped ASL is the main identifier for requesting a Deaf interpreter team.
3. The majority of those surveyed responded favourably to working with Deaf interpreters.
4. Based on this data, one cannot conclude precisely when a hearing interpreter decides to bring in a Deaf interpreter.
5. Interpreters prefer to have statutory support and a systematic way to identify situations or characteristics of persons that require Deaf interpreter, reducing the burden on the hearing interpreter to make that decision, and reducing the possibility of variable conditions.



limitations

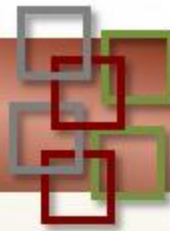
- Bias
 - Purposive Sampling
 - Questionnaire
-

Recommendations for Future Research



1. Expand interviews with participants to elicit more of the specific elements of their decision making process with a special focus on when exactly they determine that a Deaf interpreter should be brought in.
2. Conduct a longitudinal study, where interpreters are asked to track their experience and document the triggering moment that caused them to determine a Deaf interpreter was needed and how they resolved it.
3. Do the same study with Deaf interpreters, with a special focus on their training, background and work experience in court.
4. Model Brennan & Brown's (1997) research, which included all possible stakeholder perspectives: the interpreting team (Deaf and hearing), the Deaf client and the court staff.

References



"Information and technical Assistance on the Americans with Disabilities Act." United States Department of Justice: Civil Rights Division. Accessed on 1 October, 2015. www.ADA.gov

Adam, Robert, Aro, Markus, Druetta, Juan Carlos, Dunne, Senan and Klintberg, Juli af. (2014). "Deaf Interpreters: An Introduction." In *Deaf Interpreters at Work: International Insights*. Adam, R., Stone, C., Collins, S., and Metzger, M. (eds), 1-18. Washington, D.C.: Gallaudet University Press.

Brennan, Mary. (1999). "Signs of Injustice." *The Translator*, 5(2): 221 - 246.

Brennan, Mary and Brown, Richard. (1997). Equality before the law: Deaf people's access to Justice. Coleford, England: Douglas McLean.

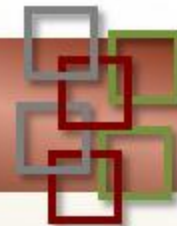
Boudreault, Patrick. (2005). "Deaf Interpreters." In *Topics in Signed Language Interpreting: Theory and Practice*. Terry Janzen (ed.), 323-355. Amsterdam: John Benjamins.

Brunson, Jeremy. (2008). "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.

Elsrud, Torun. (2014). "Othering the 'other' in court: Threats to self-presentation during interpreter assisted hearings." *International Journal of Law, Language & Discourse* 4(1): 27-68.

Forestal, Eileen (2014). "Deaf Interpreters: The Dynamics of Their Interpreting Processes." In *Deaf Interpreters at Work: International Insights*. Adam, R., Stone, C., Collins, S., and Metzger, M. (eds), 1-18. Washington, D.C.: Gallaudet University Press.

Gahir, Manjit; O'Rourke, Susan; Monteiro, Brendan; and Reed, Rebecca. (2011). "The unmet needs of Deaf prisoners: a survey of prisons in England and Wales." *International Journal on Mental Health and Deafness* 1(1): 58-63.



"Guide to Judiciary Policy: Vol. 5: Court Interpreting" (2014) Administrative Office of the United States Courts. Washington, D.C. Retrieved from www.uscourts.gov/file/guidevol05pdf.

"Guidelines for Proceedings that Involve Deaf Persons Who do not Communicate Competently." (2000). New Jersey Administrative Office of the Courts (NJAO). Trenton, NJ. Retrieved from <https://www.judiciary.state.nj.us/interpreters/Deafnoasl.pdf>.

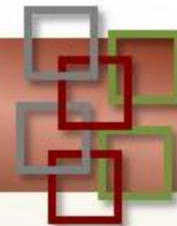
Hale, Sandra. (2002). "How faithfully do court interpreters render the style of non-English speaking witnesses' testimonies? A data-based study of Spanish--English bilingual proceedings." *Discourse Studies* 4(1): 25–47.

Hale, Sandra. (2006). "Themes and Methodological Issues in Court Interpreting Research." *Linguistica Antverpiensia, New Series—Themes in Translation Studies*, no. 5: 205–228.

Hale, Sandra. (2007). "The challenges of Court Interpreting: intricacies, responsibilities and ramifications." *Alternative Law Journal* 32(4): 198–202.

Hale, Sandra and Napier, Jemina. (2013). *Research Methods in Interpreting: A practical resource*. London: Bloomsbury Publishing Place.

Hale, Sandra and Russell, Debra. (2008). Introduction to *Interpreting in Legal Settings*. Hale, S., and Russell, D., (eds), xi-xvii. Washington, D.C.: Gallaudet University Press.



Hoza, Jack. (2010). *Team Interpreting as Collaboration and Interdependence*. Virginia: RID Press.

Jacobsen, Bente. (2002). *Pragmatic Meaning in Court Interpreting: An empirical study of additions in consecutively interpreted question-answer dialogues*. Ph.d. Thesis. Aarhus School of Business. Aarhus, Denmark.

Jacobsen, Bente. (2008). "Interactional pragmatics and court interpreting: An analysis of face." *Interpreting* 10(1): 128–158.

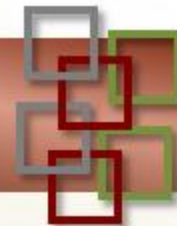
Jacobsen, Bente. (2012). "The significance of interpreting modes for question – answer dialogues in court interpreting." *Interpreting* 14(2): 217–241.

Kolb, Waltraud and Franz Pochhacker. (2008). "Interpreting in Asylum Appeal Hearings: Roles and Norms Revisited." Sandra Hale, S., and Russell, D., (Eds.) *Interpreting in Legal Settings*. Washington, D.C.: Gallaudet University Press.

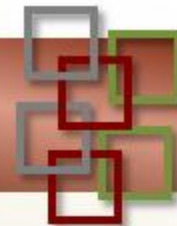
LaVigne, M. & Vernon, McCay (2003). An Interpreter isn't Enough: Deafness, language and due process. *Wisconsin Law Review: Legal studies research* No. 884: 844-936.

Lee, Jieun. (2013). "A study of facework in interpreter-mediated courtroom examination." *Perspectives: Studies in Translatology* 21(1): 82–99.

NCIEC. (2007). "2007 National DI Survey." NCIEC: National Consortium of Interpreter Education Center. Retrieved from <http://www.diinstitute.org/study-results-2/2007-national-di-survey/work-settings/>. Accessed on September 10, 2015.



- Mathers, Carla. (2007). *Sign Language Interpreters in Court: Understanding Best Practices*. Indiana: AuthorHouse.
- Mathers, Carla. (2009). *Deaf Interpreters in Court: An accommodation that is more than reasonable*. Working Paper. National Consortium for the Interpreter Education Center. Retrieved from http://www.interpretereducation.org/wp-content/uploads/2012/10/FACT_SHEET_Deaf_Interpreter_as_reasonable_accommodations.pdf
- Mathers, Carla M, and Anna Witter-Merithew. (2014). "The Contribution of Deaf Interpreters to Gatekeeping within the Interpreting Profession: Reconnecting with Our Roots." In *Biennial Conference - Our Roots: The Essence of Our Future*, 1–16. Conference of Interpreter Trainers (CIT).
- Meulder, Maartje De, and Isabelle Heyerick. (2013). "(Deaf) Interpreters on Television : Challenging Power and Responsibility." *Sign Language Research, Uses and Practices*, no. 2009: 1–26.
- Miller, Karen (2001). Access to sign language interpreters in the criminal justice system. *American Annals of the Deaf* 146(4): 328-330.
- Miller, Katrina R. and Vernon, McCay (2001). Linguistic diversity in Deaf defendants and due process rights. *Journal of Deaf Studies and Deaf Education*: 6(3). Pp. 226-234.
- Miller, Katrina R. and Vernon, McCay (2005). Obstacles faced by Deaf people in the criminal justice system. *American Annals of the Deaf*, 150(3), 283-291.
- Moeketsi, RH. (2001). "In Court with Dell Hymes: Implications for Courtroom Discourse and Court Interpreting." *South African Journal of African Languages*, 2, 133–147.
- Morris, Ruth (2008) "Taking Liberties? Duplicity or the Dynamics of Court Interpreting." In *Interpreting in Legal Settings*. Hale, S. & Russell, D., (eds): 1-25. Washington, D.C.: Gallaudet University Press.



Napier, Jemina and Leneham, Marcel (2011). "It Was Difficult to Manage the Communication': Testing the Feasibility of Video Remote Signed Language Interpreting in Court." *Journal of Interpretation* 21(1): 52-63.

"NJ Statutes - Sign Language Interpreting" (2007). New Jersey Administrative Office of the Courts. Trenton, NJ. Retrieved from <https://www.judiciary.state.nj.us/interpreters/njsa341697.pdf>

Pravda, Douglas M. (2011). "Understanding the rights of Deaf and Hard of Hearing individuals to meaningful participation in court proceedings." *Valparaiso University Law Review* 45(3): 927-965.

"Recommended Guidelines for the Use of Deaf Intermediary Interpreters." (2010). Judicial Council of California/ Administrative Office of the Courts (CAAOC). San Francisco, CA. Retrieved from www.courts.ca.gov/courtinterpreters.

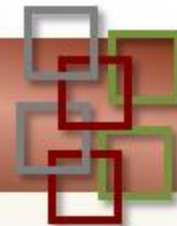
Roberson, Len, Russell, Debra and Shaw, Risa. (2011). "American Sign Language/English interpreting in legal settings: Current practices in North America." *Journal of Interpretation* 21: 64-79.

Russell, Debra. (2003). *Interpreting in legal contexts: Consecutive and simultaneous interpretation*. Maryland: Sign Media.

Russell, Debra. (2012). "Court/Legal Interpreting." *Handbook of Translation Studies* 3: 17-21. Amsterdam: John Benjamins

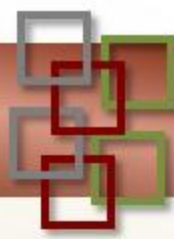
Shuy, Roger W. (2007). "Language in the American Courtroom." *Language and Linguistics Compass* 1(1-2): 100-114.

SPP (2008). "Standard Practice Paper: Video Remote Interpreting." Registry of the Interpreters for the Deaf, Inc. Alexandria, VA. 2008. Retrieved from <http://www.rid.org/about-interpreting/standard-practice-papers/>.

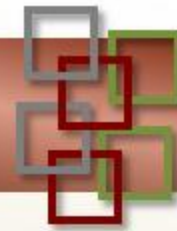


- Stewart, K. (Ed.) (2012). *Toward Effective Practice: Specialist Competencies of the Interpreter Practicing within Court and Legal Settings*. Working Paper. NCIEC: National Consortium of Interpreter Education Centers. Retrieved from http://www.interpretereducation.org/wp-content/uploads/2012/10/FINAL_Legal_Competerencies_Document_2012.pdf.
- Stewart, Kellie, Witter-Merrithew, Anna, and Cobb, Margaret (2009). *Best Practices: American Sign Language and English Interpretation Within Legal Settings*. Working Paper. NCIEC: National Consortium of Interpreter Education Centers. Retrieved from http://www.interpretereducation.org/wp-content/uploads/2011/06/LegalBestPractices_NCIEC2009.pdf.
- Stone, Christopher. (2009). *Toward a Deaf Translation Norm*. Washington, D.C.,: Gallaudet University Press.
- Stone, Christopher, and Debra Russell. (2011). "Interpreting in International Sign: Decisions of Deaf and Non-Deaf Interpreters." *WASLI 2011 Conference Proceedings*, 100–118.
- Tuck, Brandon. (2010). "Preserving Facts, Form, and Function when a Deaf Witness with Minimal Language Skills testifies in Court." *University of Pennsylvania Law Review* 158(1998): 905-957.
- Turner, Graham (1995). The Bilingual, Bimodal court room: a first glance. *Journal of Interpretation* 7(1): 3-34.
- Vernon, McCay. (2010). "The horror of being Deaf and in prison." *American Annals of the Deaf*. 155(3): 311-321.
- Vernon, McCay and Raifman, Lawrence (1997). "Recognizing and handling problems of incompetent Deaf defendants charged with serious offenses." *International Journal of Law and Psychiatry*, 20(3): 373-387.
-
- Williams, Richard J. (2004). "Standards for Delivering Interpreting Services In the New Jersey Judiciary." The New Jersey Judiciary. Trenton, NJ.

Questions



Thank You!

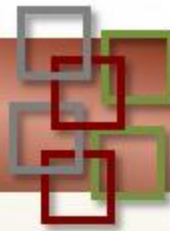


Coordination & Technical support:
Carrie Woodruff

Interpreters:
Dylan Geil & Debbie Olsen

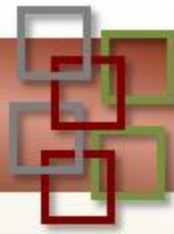
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Evaluations & CEUs



- Email with link to evaluation and CEU request will be sent this evening
- We have a list of the logged in attendees and will match it up with those of you filing out the evaluation & CEU request
- May take up to 4 weeks for CEUs to be posted
- **IF YOU ARE WITH A GROUP: EVERYONE SIGN THE SIGN IN SHEET** & return it to Carrie Woodruff

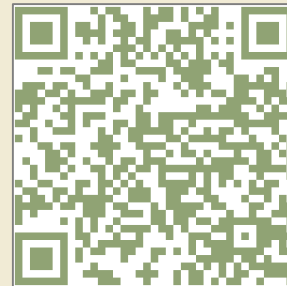
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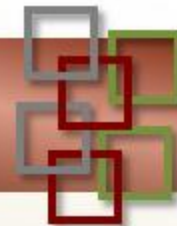
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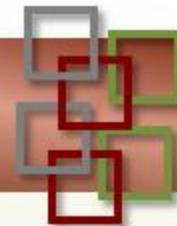
Robyn Dean

Returning to ethics: A meta-ethical analysis
of community interpreters' codes of
standards of practice



National Consortium of Interpreter Education Centers

Upcoming Webinar



September 12, 2016

7pm - 8:30pm EST

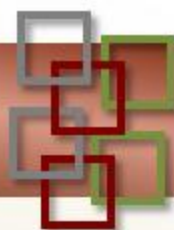
(Registration opens August 12th)

Robyn Dean

Critiquing and deconstructing metaphors: A
normative ethical framework for
community interpreters



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