

NATIONAL CLEARINGHOUSE OF REHABILITATION TRAINING MATERIALS, SEPTEMBER 21, 2013.

INTERPRETING DEPOSITIONS, SEPTEMBER 21, 2013.

>> GOOD MORNING OR AFTERNOON, DEPENDING ON WHERE YOU ARE AT.

I'M GLAD YOU ARE HERE.

MY NAME IS CARRIE WHITE AND I'M YOUR MODERATOR FOR TODAY.

AND TODAY'S WEBINAR IS "INTERPRETING DEPOSITIONS." WE HAVE A FEW HOUSEKEEPING ITEMS WE NEED TO GO THROUGH FIRST.

CAPTIONING AND INTERPRETERS ARE PROVIDED TODAY.

THE STREAMING WINDOW OPENS AUTOMATICALLY.

THERE IS A TAB FOR THE AUDIO/VIDEO ON THE FAR RIGHT.

CLICK ON THE BOTTOM CORNER, AND A MENU WILL DROP-DOWN.

CLICK "DETACH PANEL." THEN YOU CAN RESIZE THE VIDEO BOX.

TO OPEN THE CAPTIONING, CLICK ON "THE CAPTIONING ICON" ON THE TOOL BAR.

WINDOWS WILL BE CLOSED OR SIZED TO CREATE YOUR PERSONAL VIEWING ENVIRONMENT.

THE CHAT WINDOW WILL BE MADE BIGGER BY PULLING IT OUT.

TO DO THIS CLICK ON THE ICON BOX IN THE UPPER RIGHT CORNER OF THE CHAT BOX TO ACCESS THE MENU AND MAKE THE CHAT BOX BIGGER.

IF YOU HAVE TECHNICAL ISSUES, USE THE CHAT FUNCTION AND A MEMBER OF THE CLEARINGHOUSE STAFF WILL AID YOU.

QUESTIONS FOR THE PRESENTER WILL BE IN THE CHAT FUNCTION.

AND CARLA WILL SETUP TIMES DURING THE PRESENTATION TO ANSWER YOUR QUESTIONS. SO IF SHE DOESN'T ANSWER YOUR QUESTIONS, PLEASE WRITE THEM DOWN AND WAIT FOR CARLA TO ANSWER THEM.

I WOULD LIKE TO TALK FOR A FEW MINUTES ABOUT CEUS.

ON THE CONCLUSION OF THE WEBINAR, WHEN YOU EXIT OUT, A SURVEY WILL POPULATE.

IT WILL -- IT'S A SATISFACTION SURVEY AND IT WILL ALSO ASK YOU FOR YOUR CEU INFORMATION AT THAT TIME.

THEY CAN TAKE UP TO EIGHT WEEKS FOR THESE KIND OF EVENTS FOR THE CEUS TO BE POSTED TO YOUR TRANSCRIPT, SO PLEASE BE PATIENT WITH THE PROCESS.

IT IS TEDIOUS.

I AM CHECKING ON HOW MUCH -- ON THE LENGTH OF TIME THAT PEOPLE ARE LOGGED INTO THE WEBINAR AND COMPARING IT TO THE CEU REQUEST LIST. SO PLEASE STAY FOR THE ENTIRE WEBINAR.

WITH ALL OF THAT OUT OF THE WAY I WOULD LIKE TO TURN IT OVER TO CARLA MATHERS.

THANK YOU, CARLA.

>> THANK YOU, CARRIE.

AND WELCOME EVERYONE.

THIS IS OUR FIFTH AND FINAL WEBINAR IN THE 2013 SUMMER SERIES, HOSTED BY THE MID AMERICA REGIONAL INTERPRETER EDUCATION CENTER, THE MARIE CENTER. SO I WOULD LIKE TO THANK ALL THE STAFF THERE, THE DIRECTOR, NALANI JOHNSON, CARRIE WHITE, JESSIE ZHU, RENEE PHILLIPS AND ALL OF THE REST OF THE STAFF.

I WOULD LIKE TO THANK OUR INTERPRETERS TODAY, KIRK AND TERRI.

AND MY TWO TYPICAL DISCLAIMERS AT THE BEGINNING, THIS PRESENTATION CANNOT CONSTITUTE LEGAL ADVICE, CAN'T BE RELIED UPON AND IT DOES NOT CREATE ANY ATTORNEY-CLIENT PRIVILEGE.

AND SECONDLY, I APOLOGIZE TO OUR DEAF COLLEAGUES BECAUSE IN OUR INDUSTRY OF LEGAL INTERPRETING WE PREFER TO USE OUR SHARED LANGUAGE, AND WITH THE TECHNOLOGY THAT WE HAVE TODAY, WE'RE UNABLE TO DO THAT.

WITH THAT, I WOULD LIKE TO TALK ABOUT INTERPRETING FOR DEPOSITIONS.

MOST OFTEN DEPOSITIONS OCCUR IN THE CIVIL ARENA AS OPPOSED TO CRIMINAL DEPOSITIONS.

DEPOSITIONS ARE DEFINED AS "SWORN TESTIMONY TAKEN IN A LAW OFFICE BEFORE AN OFFICER OF THE COURT," AND THEY ARE USED AS EVIDENCE IN THE LATER PROCEEDINGS.

IT'S PART OF WHAT WE CALL "DISCOVERY." AND "DISCOVERY" IS THAT PART OF PRE-TRIAL PROCESS WHERE ATTORNEYS LEARN ABOUT THEIR CASES, EACH OTHER'S CASE.

IT'S VERY LIMITED IN A CRIMINAL CONTEXT, BUT IT'S QUITE EXTENSIVE IN THE CIVIL ARENA.

MANY TIMES A DEPOSITION WILL BE RECORDED OR VIDEOTAPED.

THERE ARE A NUMBER OF REASONS FOR THAT, BUT PRIMARILY TO TRY TO KEEP THINGS MORE CIVIL, BECAUSE DEPOSITIONS CAN BE QUITE UNRULY BECAUSE THEY ARE UNSUPERVISED, MEANING THERE IS NO JUDGE PRESENT.

AND SO THE ATTORNEYS CAN AT TIMES GET A LITTLE OUT OF HAND, AND THEIR APPROACHES WILL VARY.

OFTEN IN THE BEGINNING THE ATTORNEYS ARE GOING TO BE FRIENDLY AND COOPERATIVE AND THE ATTORNEY TAKING THE DEPOSITION WANTS THE WITNESS TO RAMBLE.

AND THE ATTORNEY DEFENDING THE DEPOSITION WANTS THE WITNESS TO SAY AS LITTLE AS POSSIBLE. SO IN THE BEGINNING, THE ATTORNEY MIGHT BE VERY FRIENDLY, TRYING TO GET THE WITNESS TO VOLUNTEER INFORMATION.

SOMETIMES WHEN THEY ARE NOT GETTING WHAT THEY WANT, THEY MIGHT BECOME MORE AGGRESSIVE AND CONTROLLING.

BUT THAT USUALLY ISN'T THE CASE, BECAUSE YOU WANT THE WITNESS TO TALK.

AND SO IF YOU THINK ABOUT IT, THE DEPOSITION, COURT REPORTER IS TAKING DOWN WHAT EVERYONE SAYS, WHAT THE QUESTIONS AND ANSWERS AND OBJECTIONS AND THEN A TRANSCRIPT IS PRODUCED. SO IT'S ALL WRITTEN DOWN.

AND JUST FROM READING THE TRANSCRIPTS YOU CAN'T GET THE MOOD NECESSARILY.

IT BECOMES KIND OF STERILE AND THAT IS ONE OF THE MAIN REASONS TO HAVE A VIDEOTAPE. SO IF THE ATTORNEY OR THE WITNESS IS UNCOOPERATIVE, OR HOSTILE IN SOME WAY, THEN YOU HAVE THAT AND IT MAKES A BETTER IMPRESSION ON THE JURY TO SHOW THE VIDEO AS OPPOSED TO JUST READING THE TRANSCRIPT INTO THE RECORD.

ATTORNEYS CAN DERAIL DEPOSITIONS IN A NUMBER OF WAYS.

I REMEMBER A DEPOSITION THAT MY VERY IMPORTANT JOB WAS TO COUNT THE NUMBER OF SECONDS THAT THE ATTORNEY USED IN MAKING OBJECTIONS AND MAKING SPEECHES, BECAUSE IN A FEDERAL LAWSUIT, DEPOSITIONS ARE LIMITED TO SEVEN HOURS EACH. SO THIS ATTORNEY WANTED TO USE AS MUCH OF THAT SEVEN HOURS WITH HIM TALKING AS OPPOSED TO LETTING US GET THE STORY FROM THE WITNESS.

THERE WAS ANOTHER DEPOSITION PRETTY WELL KNOWN CASE CALLED TEXACO PENNZOIL, IN WHICH THE LAWYER'S BEHAVIOR WAS TO HORRENDOUS, THAT HE WAS FROM TEXAS, BUT THE DEPOSITION WAS IN DELAWARE.

AND DELAWARE DISBARRED HIM, BECAUSE OF HIS BEHAVIOR IN THAT DEPOSITION.

NOW IN A DEPOSITION YOU WILL ALSO HEAR OBJECTIONS, BUT THE OBJECTIONS AT A DEPOSITION ARE VERY DIFFERENT THAN TRIAL OBJECTIONS. IN FACT, ALMOST ANYTHING CAN BE ASKED IN A

DEPOSITION EXCEPT THE ONLY PROPER TOPIC FOR AN ATTORNEY TO INSTRUCT A WITNESS NOT TO ANSWER A QUESTION IS IF IT RELATES TO PRIVILEGE. SO YOU WILL HEAR A LOT OF OBJECTIONS, BUT THE WITNESS IS ALWAYS INSTRUCTED TO GO AHEAD AND ANSWER THE QUESTIONS UNLESS INSTRUCTED BY COUNSEL NOT TO ANSWER THE QUESTION ON THE BASIS OF PRIVILEGE. SO PRIMARILY THE PURPOSE OF THE DEPOSITION IS TO GATHER INFORMATION, AND TO FACILITATE -- I WILL COME BACK TO THOSE IN MORE DETAILS.

BUT IT'S ALSO USED TO PERPETUATE TESTIMONY.

CIVIL CASES CAN TAKE YEARS TO COMPLETE, SO AFTER THE INCIDENT THAT YOU ARE SUING OVER, AS SOON AS POSSIBLE AFTER THAT, YOU WANT TO DEPOSE THE WITNESSES. SO THAT YOU CAN GET THEIR STORIES DOWN AND THEY CAN'T THEN LATER CHANGE OR SAY I CAN'T REMEMBER BECAUSE THE LENGTH OF TIME THAT PASSES BETWEEN A DEPOSITION AND ACTUAL TRIAL CAN ACTUALLY BE YEARS. SO YOU WANT TO PERPETUATE THE TESTIMONY.

THERE IS A SPECIAL KIND OF DEPOSITION CALLED "DE BENE ESSE." IT'S A DEPOSITION IN WHICH THE WITNESS IS NOT GOING TO BE AVAILABLE FOR TRIAL LATER. SO YOU ACTUALLY HAVE TO TAKE THAT DEPOSITION AS IF WERE IN THE COURTROOM. SO YOU STILL MAKE YOUR OBJECTIONS.

IT WON'T BE RULED UPON UNTIL LATER AT TRIAL.

BUT IT'S A DIFFERENT KIND OF DEPOSITION, BECAUSE IT'S ONE IN WHICH THE WITNESS IS NOT GOING TO BE AVAILABLE AT TRIAL TO TESTIMONY.

"DISPOSITIVE MOTION" IS CALLED SUMMARY JUDGMENT AND SAYS AFTER ALL OF DISCOVERY AND AFTER DEPOSITIONS HAVE BEEN TAKEN AND YOU WRITE A MOTION TO THE COURT SAYING THERE ARE NO FACTS IN DISPUTE.

WE AGREE ON ALL OF THE FACTS AND GIVEN THAT, WE AGREE ON ALL THE FACTS THE LAW IS IN MY FAVOR AND I SHOULD WIN THIS CASE WITHOUT HAVING TO GO TO TRIAL.

THAT IS CALLED "A MOTION FOR SUMMARY JUDGMENT." SO I WANT TO SPEND A LITTLE BIT MORE TIME ON GATHERING INFORMATION AND FACILITATING SETTLEMENT.

THIS SLIDE SHOWS THE PARTS OF THE DISCOVERY PROCESS. A LAWSUIT IS FILED.

YOU GO TO A SCHEDULING CONFERENCE.

IF THE SCHEDULING CONFERENCE DATES ARE SET IN WHICH THE DISCOVERY PROCESS TAKES PLACE.

INTERROGATORIES ARE WRITTEN QUESTIONS ONLY BETWEEN THE PLAINTIFF AND THE DEFENDANT.

AND THEY ARE ANSWERED UNDER OATH.

AT THE SAME TIME YOU SEND INTERROGATORIES, YOU ASK FOR DOCUMENTS AND MAY ALSO ASK THE OTHER SIDE TO REMIT CERTAIN FACTS.

AND ONCE YOU RECEIVE ALL OF THE DOCUMENTS AND THE ANSWERS TO INTERROGATORIES AND THEIR ADMISSIONS, THEN YOU CREATE AN OUTLINE FOR YOUR DEPOSITION BASED ON THOSE DOCUMENTS.

YOU CAN DEPOSE THE PARTIES IN THE CASE, AND YOU CAN ALSO DEPOSE NON-PARTIES, WITNESSES.

THE ONLY DIFFERENCE IS THAT YOU SEND A WITNESS A SUBPOENA.

AND THE VERNACULAR YOU WILL HEAR THAT THE "ATTORNEY IS NOTICING A DEPOSITION." MEANING THAT THEY ARE CALLING OR CONVENING A DEPOSITION TO NOTICE A DEPOSITION.

IN PERSONAL INJURY CASES THERE ARE OFTEN TIMES REQUESTS FOR MENTAL AND PHYSICAL EXAMINATIONS.

YOU MAY HAVE INTERPRETED IN YOUR EXPERIENCE WHERE A DEAF PERSON GOES TO A DOCTOR, AND THE DOCTOR ISN'T HIS DOCTOR, BUT IT'S CALLED AN IME, WHICH IS AN INDEPENDENT MEDICAL EXAMINATION.

THOUGH IT'S NOT ACTUALLY INDEPENDENT, BECAUSE THE DOCTOR WORKED FOR THE DEFENDANT AND HIRED TO ESSENTIALLY SAY THAT THE PLAINTIFF'S MEDICAL INJURIES ARE NOT AS BAD AS THEY ARE PRESENTED IN THE LAWSUIT.

NOW THE INFORMATION-GATHERING STAGE IS IMPORTANT BECAUSE AT THAT EARLY STAGE IN THE PROCESS, THE ATTORNEYS HAVE ONLY HEARD ONE SIDE OF THE CASE.

THEY ONLY KNOW THEIR CLIENT'S SIDE. SO THEY ARE STILL LEARNING ABOUT THE CASE.

AND IT CAN BE VERY ENLIGHTENING TO HEAR THE OTHER SIDE AND THAT IS WHY DEPOSITIONS HAPPEN EARLY AND THAT IS ALSO WHY AS YOU ARE GATHERING INFORMATION, YOU ARE ANALYZING THE CASE TO SEE THE MERITS OF IT FROM YOUR OPPONENT.

WHICH WILL HELP IN DETERMINING WHETHER OR NOT THERE SHOULD BE AN EARLY SETTLEMENT. SO AT THE DEPOSITION, YOU ARE GOING TO BE LOOKING AT THE WITNESSES AND EVALUATING THEIR CREDIBILITY.

YOU WILL ALSO BE LOOKING AT THE OTHER ATTORNEY, AND DETERMINING THE STRENGTHS AND WEAKNESSES NOT ONLY OF THE ATTORNEY AS POSSIBLY A TRIAL LAWYER, BUT STRENGTHS AND WEAKNESSES IN THEIR CASE PLUS AT THAT POINT YOU MAY NOT HAVE HAD MUCH CONVERSATION WITH THE OTHER ATTORNEY, SO YOU ARE OPENING LINES OF COMMUNICATION AND DEVELOPING RAPPORTS.

THERE ARE TIMES WHEN DEPOSITIONS ARE CALLED TO ACTUALLY JUST PUNISH THE WITNESS -- THAT IS NOT THE WHOLE PURPOSE OF IT, BUT WHAT ENDS UP HAPPENING YOU HAVE A WITNESS WHO IS NOT VERY CREDIBLE.

WE HAD A CLIENT ONCE WHO WE FOUND OUT SUCH BAD THINGS ABOUT THIS MAN -- IT WAS A SEXUAL HARASSMENT CASE AND FOUND OUT DURING THE DEPOSITION, BECAUSE THE CLIENTS HAD INVESTIGATED HIM, THAT HE HAD TERRIBLE, TERRIBLE THINGS IN HIS BACKGROUND AND SPENT THE MAJORITY OF THAT DEPOSITION ASSERTING THE 5TH AMENDMENT SO HIS WORDS COULD NOT BE USED TO PROSECUTE HIM IN A CRIMINAL MANNER.

AFTER THAT, WHEN WE HAD PEOPLE WHO COME TO US TO SERVE AS THEIR LAWYER IN CERTAIN CASES WE STARTED TO REQUIRE THAT THEY TAKE LIE-DETECTOR CASES BEFORE, BECAUSE YOU CAN'T TELL WHO IS LYING TO YOU AND THE LAST PLACE YOU WANT TO HEAR ABOUT IS IN A DEPOSITION.

AN SOON AFTER THAT DEPOSITION, THE CASE WAS SETTLED FOR MANY HUNDREDS OF DOLLARS. SO LET'S TALK A LITTLE BIT ABOUT WHO IS PRESENT AT A DEPOSITION, AND WHAT THEIR FUNCTIONS ARE: SO IN A CIVIL MATTER, BOTH SIDES TAKE DEPOSITIONS. SO IT'S CONFUSING TO SAY PLAINTIFF'S ATTORNEY OR STATE'S ATTORNEY, BECAUSE THEY MAY TAKE DIFFERENT ROLES DEPENDING UPON WHO CALLED THE DEPOSITION. SO THE ATTORNEY ASKING THE QUESTIONS IS CALLED "THE DEPOSING ATTORNEY." GENERALLY THERE WILL JUST BE THE TWO ATTORNEYS, THE DEPOSING AND THE DEFENDING, BUT SOMETIMES THERE WILL BE MORE.

THE WITNESS, THE PERSON ANSWERING THE QUESTIONS IS CALLED "THE DEPONENT." AND IF THE WITNESS IS A PARTY THEN THEY WILL HAVE AN ATTORNEY PRESENT CALLED "THE DEFENDING ATTORNEY." IF THE WITNESS IS NOT A PARTY THEY MAY OR MAY NOT HAVE AN INDEPENDENT ATTORNEY PRESENT. SO THERE COULD BE THREE ATTORNEYS THERE FOR NON-PARTY WITNESSES.

ALSO THE PARTIES ARE GOING TO BE THERE REGARDLESS OF WHETHER THEY ARE ALSO A DEPONENT, BOTH THE PLAINTIFF AND THE DEFENSE ARE GOING TO BE PRESENT.

THERE WILL BE A COURT REPORTER THERE.

THERE MAY BE AN EXPERT THERE, AND AN INTERPRETER, OBVIOUSLY, A COURT INTERPRETER WILL BE AND OTHER PEOPLE LIKE EXPERTS BECAUSE EXPERTS ARE PERMITTED TO FORM THE BASIS OF THEIR OPINION BY WATCHING WITNESS TESTIMONY AND A DEPOSITION CONSISTS OF WITNESS TESTIMONY.

SO OBVIOUSLY THE PERSON MISSING IS THE JUDGE. SO THERE IS NO REFEREE AND AS I MENTIONED THAT HAS TREMENDOUS CONSEQUENCES ON THE CONDUCT OF THE PROCEEDING.

IF THERE IS A PROBLEM IN TERMS OF AN OBJECTION, OR OTHER MATTER RELATED TO THE CONDUCT OF THE DEPOSITION, THEY CAN ACTUALLY STOP THE DEPOSITION AND CALL A JUDGE IN CHAMBERS OR A JUDGE ON-CALL TO HANDLE THE DISCOVERY DISPUTE.

BUT JUDGES DON'T LIKE DISCOVERY DISPUTES.

AT TIMES YOU CAN HALT THE DEPOSITION AND PHYSICALLY GO TO COURT. SO YOU MAY ACTUALLY FIND YOURSELF IN COURT IF THERE IS A PROBLEM WITH THE DEPOSITION. SO THE DEPOSING ATTORNEY ALSO HIRES THE COURT REPORTER, THE VIDEOGRAPHER, IF THERE IS ONE THERE AND THE INTERPRETER. SO I MIGHT SAY THIS MORE THAN ONCE, BUT IT'S VERY IMPORTANT TO UNDERSTAND

THAT IT DOES NOT MATTER WHO IS PAYING YOU OR WHO HIRES YOU, YOUR ROLE IS DETERMINED BY THE FUNCTION THAT YOU ARE INTERPRETING.

AND IN A DEPOSITION YOU ARE INTERPRETING WITNESS TESTIMONY, WHICH MAKES YOU A PROCEEDINGS INTERPRETER.

THE SAME THING WITH THE COURT REPORTER.

THE COURT REPORTER IS AN OFFICER OF THE COURT, AND A DEPOSITION THEY WILL BE PAID BY THE DEPOSING ATTORNEY, BUT THAT DOES NOT AFFECT THEIR FUNCTION.

THEY ARE STILL SWORN TO ACCURATELY RECORD THE DEPOSITION. SO I HAVE A PICTURE NOW TO SHOW YOU A DEPOSITION AND THE DEPOSITION HAS A VIDEOGRAPHER.

IT HAS TWO PROCEEDINGS INTERPRETERS AND ALSO TWO TABLE INTERPRETERS.

THE BLUE TRIANGLES ARE THE PROCEEDINGS INTERPRETERS.

THE GREEN TRIANGLES ARE THE TABLE INTERPRETERS.

THE PURPLE TRIANGLE IS THE DEAF PERSON, THE DEPONENT.

THE RED OVAL IS THE DEPOSING ATTORNEY.

AND THE ORANGE OVAL IS THE DEFENDING ATTORNEY.

THEN THERE IS ONE CAMERA FOCUSED ON THE WITNESS, ON THE DEPOSITION.

AND NEXT TO THAT CAMERA, NOT PRESENT WOULD BE THE COURT REPORTER.

THEN THERE IS ANOTHER CAMERA FOCUSED ON THE PROCEEDINGS INTERPRETERS AND SO THAT IS KIND OF AN ADDITIONAL CHECK, BECAUSE YOU HAVE TABLE INTERPRETERS THERE. SO THEY ARE MONITORING THE PROCEEDINGS INTERPRETERS, BUT WE ALSO HAVE VIDEOGRAPHERS, SO THE WITNESS IS ON CAMERA, AS WELL AS THE INTERPRETERS, IN CASE THERE WAS AN ISSUE ABOUT THE INTERPRETATION, THE VIDEO CAN BE WATCHED IMMEDIATELY. SO THIS IS JUST ONE POSSIBLE SETUP.

THERE ARE MANY, MANY OTHERS.

THIS IS ONE THAT I DID RECENTLY. SO ANY QUESTIONS ABOUT THE SETUP?

ANY QUESTIONS ABOUT ANYTHING THAT WE HAVE TALKED ABOUT THUS FAR? AND I HAVE BEEN ASKED TO IDENTIFY THE COLORS AGAIN AND I'M HAPPY TO DO THAT.

I WILL IDENTIFY THE COLORS AND THEN I WILL STOP, SO YOU CAN TAKE A LOOK. SO FIRST LOOK AT THE BLUE TRIANGLES, WHICH ARE THE PROCEEDINGS INTERPRETERS.

THE GREEN TRIANGLES ARE THE TABLE INTERPRETERS.

THE DEPONENT IS THE PURPLE TRIANGLE.

THE ATTORNEY ASKING THE QUESTIONS IS THE RED OVAL; THAT IS THE DEPOSING ATTORNEY.

AND THE ORANGE OVAL IS THE DEFENDING ATTORNEY.

JUNE ASKED WHETHER OR NOT THIS SETUP WILL WORK WITH THE CDI? AND IT WOULD WORK JUST FINE WITH THE CDI.

AND WITH A CDI, THE CDI WOULD BE A BLUE TRIANGLE.

THE HEARING INTERPRETER WORKING WITH THE CDI WOULD BE SOMEWHERE BETWEEN THE PURPLE OVAL -- I'M SORRY, THE PURPLE TRIANGLE, AND THE RED OVAL.

AND BARBARA ASKED WHY IS THE DEPOSING ATTORNEY OUT OF THE SIGHT LINE OF THE PROCEEDINGS INTERPRETERS? THE DEPOSING ATTORNEY IS NOT OUT OF THE SIGHT LINE OF THE PROCEEDINGS INTERPRETERS.

THE DEPOSING ATTORNEY IS ACROSS THE TABLE AND DIRECTLY IN FRONT OF THE PROCEEDINGS INTERPRETERS.

THE CDIS, SOMEONE ASKED WHERE A CDI WOULD BE AND I JUST EXPLAINED THAT.

THE BLUE TRIANGLES WOULD STAY.

THOSE WOULD BE THE CDIS.

AND THEIR TEAMMATE, WHO WOULD BE PROVIDING THEIR SOURCE LANGUAGE WOULD BE ACROSS THE TABLE, PROBABLY WHERE THAT CAMERA IS.

AND BARBARA SAID, I MEAN THE DEPONENT CANNOT SEE WHO IS TALKING -- THAT IS A GOOD POINT, IN THE ACTUAL DEPOSITION THE ROOM WAS SMALL ENOUGH THAT EVERYBODY COULD SEE EVERYTHING.

THE MOST DIFFICULT THING FOR THIS DEPOSITION WAS THE TABLE INTERPRETER ON THE DEFENDING SIDE HAD TO KEEP ASKING THE ATTORNEY TO BACK UP, SO THAT SHE COULD SEE IS THE PROCEEDINGS INTERPRETERS.

THERE WAS NO OTHER GOOD PLACE, GOOD WAY TO DO IT. WHAT ARE THE RESPONSIBILITIES OF THE TABLE INTERPRETERS AND WHY ARE THERE TWO? THERE ARE TWO, BECAUSE IN THIS CASE, THE WITNESS AND THE ATTORNEY HAD TO TALK TO EACH OTHER. SO THE RED OVAL, WITH THE TABLE INTERPRETER NEXT TO THEM, ALSO INTERPRETED CONVERSATIONS BETWEEN THAT ATTORNEY AND THE WITNESS.

AND THEN THE DEFENDING ATTORNEY HAD AN INTEREST IN ENSURING THE ACCURACY OF THE INTERPRETATION. SO HE HIRED A TABLE INTERPRETER TO MAKE SURE IT WAS ACCURATE. ALTHOUGH

HE DIDN'T HAVE ANY PRIVILEGED COMMUNICATION WITH ANY WITNESS. SO THE ROOM IS REALLY GOING TO CONSTRAIN HOW YOU SET UP.

IT CLEARLY WOULD HAVE BEEN BETTER TO HAVE THE BLUE TRIANGLES NEAR THE RED OVAL, SO THAT THE DEAF PERSON COULD ACTUALLY LOOK AT THE ATTORNEY WHO WAS ASKING QUESTIONS.

AND AGAIN, I HAVEN'T QUITE SAID THIS YET, BUT THE DEPOSING ATTORNEY ASKS QUESTIONS AND THEN THE DEFENDING ATTORNEY CAN ALSO ASK QUESTIONS. SO IT'S NOT REALLY DIRECT AND CROSS-EXAMINATION.

IT'S MORE LIKE DIRECT AND THEN CLARIFICATION. SO THAT IF THE WITNESS SAYS SOMETHING THAT THE ATTORNEY WANTS CLARIFIED, THEY CAN DO THAT ON THEIR TURN.

SERGIO ASKED CAN THE RECORDING OF THE INTERPRETATION BE CHALLENGED? AND SO WHO WOULD CHECK THE ACCURACY? THE INTERPRETATION CAN BE CHALLENGED.

THE TABLE INTERPRETERS WOULD MAKE THEIR CASE FOR WHETHER THE INTERPRETATION WAS ACCURATE OR NOT ACCURATE.

AND BECAUSE IT'S A DEPOSITION, NOBODY WOULD MAKE THE DECISION RIGHT THEN AND THERE.

BUT THE TRANSCRIPT WOULD HAVE THE EXPLANATIONS AND IF THAT PORTION NEEDED TO BE USED AT TRIAL, THEN AT TRIAL, THE JUDGE WOULD MAKE THAT DETERMINATION.

AND JUDITH ASKED DO COURTS BALK AT HIRING MORE THAN ONE PERSON FOR THE DEAF PERSON?

IN THE DEPOSITION THE DEPOSES ATTORNEY HAS HIRED INTERPRETERS.

IN COURT, THE COURT WOULD HIRE THE PROCEEDINGS INTERPRETERS AND THE ATTORNEYS WOULD PAY FOR THEIR OWN TABLE INTERPRETERS. SO THE COURT IS NOT BEING ASKED TO HIRE FOUR.

AND YES, THE ATTORNEYS DO BALK AT PAYING FOR INTERPRETERS.

THERE ARE VERY IMPORTANT REASONS FOR HAVING A TABLE INTERPRETER PRESENT.

AND IN MY OPINION IT'S MORE IMPORTANT TO HAVE A TABLE INTERPRETER PRESENT THAN IT IS TO HAVE A VIDEOTAPE.

BECAUSE YOU HAVE TO OBJECT IMMEDIATELY TO ANY ERROR IN THE INTERPRETATION IN ORDER TO PRESERVE IT FOR APPEAL.

IF YOU DON'T HAVE A TABLE INTERPRETER PRESENT, BUT YOU HAVE A VIDEO, AND YOU TAKE THE VIDEO TO YOUR EXPERT A WEEK OR SO LATER, IT'S TOO LATE TO OBJECT IMMEDIATELY.

NOW THAT IS MORE FOR A COURT DURING THAT PROCEEDING THAN A DEPOSITION.

AND I'M LOOKING AT DEBORAH'S QUESTION, IF THE CDI IS INVOLVED AS A PROCEEDINGS INTERPRETER, DOES THAT MEAN ONE OF THE TABLE INTERPRETERS NEEDS TO BE A CDI AS WELL? THAT IS A GOOD

QUESTION AND IT CERTAINLY WOULD BE THE CASE IF THE DEPONENT USED A CDI THAN THE TABLE INTERPRETER FOR THE WITNESS FOR WHATEVER SIDE WAS SPONSORING THAT WITNESS MAY VERY WELL HAVE A CDI.

IT DEPENDS ON THE REASON THAT A CDI IS INDICATED FOR THE DEPOSITION.

IF IT'S BECAUSE IT'S HIGH-STRESS WITNESS TESTIMONY, BUT THE DEAF PERSON STILL USES AMERICAN SIGN LANGUAGE OR SOME VARIATION THEREOF, THEN MAYBE YOU DON'T NEED A CDI FOR THE TABLE WORK SINCE THAT IS RELATIVELY LOW-STRESS AND IT HAPPENS IN A PRIVATE ROOM OUTSIDE OF THE DEPOSITION ROOM.

BUT IT JUST DEPENDS.

I KNOW THAT A NUMBER OF FRIENDS OF MINE, WHO ARE CDIS HAVE FUNCTIONED AS TABLE INTERPRETERS.

ALL RIGHT, SO AGAIN, THERE ARE LOTS OF DIFFERENT WAYS TO DO IT.

OFTEN AS WITH MUCH OF WHAT WE DO, THE PROBLEM IS SIGHT LINES.

THE PROBLEM IS FIGURING OUT WHERE NOT ONLY YOU CAN BE IN A SMALL ROOM, BUT ALSO WHERE THE REPORTER IS GOING TO BE AND WHERE THE CAMERAS ARE GOING TO BE AND ALL OF THAT. SO I WANT TO TALK JUST A LITTLE BIT NOW ABOUT THE PROCESS OF WHAT HAPPENS IN THE DEPOSITION AND I THINK THAT IS IMPORTANT FOR INTERPRETERS, BECAUSE YOU CAN USE -- ONCE YOU UNDERSTAND THE PROCESS, YOU CAN USE THIS INFORMATION TO PREDICT.

IF YOU UNDERSTAND THE DISCOURSE STYLE OF THE ATTORNEYS AND WHY THEY ARE DOING WHAT THEY ARE DOING, THAT HELPS YOU IN ACCURATELY INTERPRETING AND PREDICTING WHAT IS COMING NEXT. SO IN THE BEGINNING OF A DEPOSITION, THE REPORTER STARTS AND THE REPORTER WILL SWEAR THE DEPONENT.

IF THERE IS AN INTERPRETER PRESENT, THEY WILL SWEAR THE INTERPRETER FIRST.

AT THAT TIME, IF THE INTERPRETER HAS DISCLOSURES, THAT IS WHEN THEY SHOULD BE PUT ON THE RECORD.

YOU MIGHT HEAR ATTORNEYS TALKING ABOUT THE "USUAL STIPULATIONS." THEY ARE REFERRING TO THE ABILITY TO OBJECT WITHOUT HAVING TO FOLLOW THE FORMAL RULES OF EVIDENCE AT TRIAL.

AND THAT IS REALLY -- IT'S RATHER OLD-FASHIONED, BECAUSE THE RULES OF EVIDENCE HAVE BEEN CHANGED TO DICTATE HOW OBJECTIONS ARE HANDLED DURING DEPOSITIONS. SO YOU DON'T NEED TO AGREE THAT IF YOU DON'T MAKE AN OBJECTION IMMEDIATELY, YOU CAN'T BRING IT UP LATER AT TRIAL.

BECAUSE THE RULES OF EVIDENCE ALREADY SAY THAT YOU CAN.

ANOTHER STIPULATION IS -- AND YOU WILL HEAR THEM SAY WHAT ABOUT READING IN SIGN? AND WHAT READING AND SIGNING MEANS IS ONCE THE TRANSCRIPT IS PREPARED, IT IS SENT TO THE ATTORNEY TO THE DEPONENT AND THE DEPONENT HAS THE OPPORTUNITY TO READ IT, TO MAKE SURE THAT THE COURT REPORTER DIDN'T MAKE ANY ERRORS IN TRANSCRIBING THEIR TESTIMONY.

THE PURPOSE OF READING IS NOT TO READ IT AND CHANGE YOUR ANSWERS.

THAT IS NOT PERMITTED.

ONLY ERRORS DUE TO THE COURT REPORTER OR TO THE INTERPRETER CAN BE CHANGED AND THEN LISTED ON WHAT IS CALLED AN "ERRATA SHEET." ONCE ALL THE ERRORS ARE LISTED OUT, THEN THE DEPONENT SIGNS THE ERRATA SHEET -- OR SIGNS THE DEPOSITION TRANSCRIPT AND IT'S DONE. SO THAT HAPPENS AT BEGINNING OF THE DEPOSITION.

THEN THEY START ASKING QUESTIONS AND IN THE BEGINNING YOU HAVE TO SETUP THESE COMMITMENTS.

I WILL GIVE YOU AN EXAMPLE OF WHAT THEY LOOK LIKE.

YOU WILL HEAR THIS IN EVERY SINGLE DEPOSITION THAT YOU INTERPRET. SO THE COMMITMENTS ARE DONE TO ENSURE THAT THE WITNESS CAN'T GO BACK LATER AND CHANGE THEIR ANSWERS.

IT WILL SOUND LIKE THIS: MY NAME IS CARLA MATHERS.

I REPRESENT SO AND SO.

I AM GOING TO ASK YOU SOME QUESTIONS ABOUT THE FACTS THAT GAVE RISE TO THIS LAWSUIT.

BUT FIRST, I WANT TO SET SOME GROUND RULES.

IF I AM UNCLEAR, PLEASE TELL ME IMMEDIATELY.

IF YOU DO NOT UNDERSTAND THE QUESTION, PLEASE DON'T ANSWER IT, BUT ASK ME TO CLARIFY.

IF YOU CAN'T HEAR ME, PLEASE LET ME KNOW AND ASK ME TO SPEAK LOUDER.

IF YOU WANT TO CHANGE AN ANSWER, THAT IS FINE, JUST LET ME KNOW.

IF YOU NEED A BREAK, IT'S FINE TO TAKE A BREAK.

I ASK YOU NOT TO ASK FOR A BREAK WHILE THERE IS A QUESTION PENDING.

BUT ONCE YOU GIVE THE ANSWER I'M HAPPY TO TAKE BREAKS.

AND THEN I ASK WHETHER OR NOT YOU ARE UNDER THE INFLUENCE OF ANY ALCOHOL OR MEDICATION THAT MIGHT INTERFERE WITH YOUR ABILITY TO GIVE TRUTHFUL ANSWERS? IS THERE ANY REASON AT ALL THAT YOU WOULD BE UNABLE TO RECALL THE EVENTS THAT STARTED THIS LAWSUIT? IS THERE ANY REASON WHY YOU SHOULDN'T BE DEPOSED TODAY? AND THAT ESTABLISHES THE

ATTORNEY'S FALLBACK POSITION TO, SO THAT THE WITNESS CAN'T LATER SAY OH, I DIDN'T REALLY MEAN THAT, BECAUSE I WAS ON MEDICATION.

OR I DIDN'T REALLY UNDERSTAND THAT QUESTION, SO I JUST ANSWERED IT THE BEST I COULD. SO THOSE ARE THE "COMMITMENTS." AND WITNESSES ARE ALSO PREPARED BY THEIR ATTORNEYS, TOO, AS TO HOW TO ANSWER QUESTIONS.

IN PARTICULAR THEY ARE TOLD NOT TO VOLUNTEER INFORMATION.

TO ANSWER JUST THE QUESTIONS THAT HAVE BEEN ASKED.

AND THE SAME KINDS OF COMMITMENTS -- DON'T ANSWER A QUESTION YOU DON'T UNDERSTAND OR YOU CAN'T HEAR OR ANYTHING LIKE THAT. SO THEN TO THE BULK OF THE DEPOSITION, THERE ARE THESE VARIOUS QUESTIONING STYLES.

THAT GO THROUGH EACH TOPIC THAT THE DEPONENT IS BEING ASKED ABOUT.

AND IT LOOKS LIKE THIS: SO IN THE BEGINNING THERE IS THIS OPEN QUESTIONING PHASE.

IT SAYS WHY DOES DIRECT EXAMINATION?

YOU UNDERSTAND AND TRUST THAT THEY WILL GIVE YOU HONEST ANSWERS. SO YOU ARE ASKING ALL THE REPORTERS QUESTIONS, WHAT HAPPENS?

WHO WAS THERE? WHEN DID THIS HAPPEN? HOW? AND THEN YOU GO INTO A CLARIFICATION PHASE, AFTER YOU HAVE GOTTEN SOME INFORMATION, YOU GO BACK AS THE ATTORNEY AND YOU KIND OF FLUSH OUT THE VARIOUS RESPONSES THAT WERE GIVEN.

AND THEN TO CLOSE THE TOPIC, YOU HAVE TO -- I WILL GIVE YOU SOME EXAMPLES ON THIS -- YOU CLOSE IT OFF, SO THERE IS NO POSSIBLE WAY THAT THE DEPONENT CAN COME BACK AND SAY YOU DIDN'T ASK ME THIS OR YOU DIDN'T ASK ME THAT. SO YOU ARE TRYING TO EXHAUST THEIR ENTIRE MEMORY OF THAT PARTICULAR TOPIC. SO FIRST, SOME EXAMPLES OF THE "OPEN PHASE." SO YOU ARE GETTING THE GENERAL GIST OF IT AND THEN IN THE CLARIFICATION PHASE, YOU ARE GOING TO GO BACK AND LOOK AT EACH OF THE TOPICS AND TRY TO PIN THE WITNESS DOWN AS TO THEIR MEMORY OF EACH OF THESE PARTICULAR TOPICS.

ONCE YOU CLARIFY, AS THE ATTORNEY ONCE YOU CLARIFY THE VARIOUS ISSUES ON THAT PARTICULAR TOPIC, THEN YOU WANT TO CLOSE OFF. SO DEPENDING UPON THE TOPIC, IT MIGHT SOUND LIKE:
WERE THERE ANY OTHER MEETINGS?

DID THEY SAY ANYTHING ELSE? IS THERE ANYTHING ELSE YOU CAN REMEMBER?

WERE THERE ANY OTHER PEOPLE PRESENT? I MEAN IT SOUNDS SILLY SOMETIMES, BUT THE STRUCTURE IS REALLY QUITE IMPORTANT, SO THAT THE WITNESS CAN'T COME BACK AND SAY WELL, I REMEMBERED THAT LATER.

BECAUSE IT LOOKS FISHY, GIVEN THAT THE DEPOSITION HAPPENS SO CLOSE IN TIME TO THE EVENTS AND TRIAL IS MUCH LATER, THAT THEY COULDN'T REMEMBER AT THE DEPOSITION, BUT SOMEHOW MIRACULOUSLY HAVE REMEMBERED LATER. SO KNOWING THE DISCOURSE HELPS YOU AS AN INTERPRETER BECAUSE YOU CAN ANTICIPATE THE TYPE OF INTERPRETATION AND WHEN A TOPIC IS OPENING AND WHEN IT'S IN THE MIDDLE AND GETTING FLUSHED OUT OR WHEN WE'RE MOVING TO ANOTHER TOPIC.

ANY QUESTIONS ABOUT THE KIND OF STRUCTURE OF THE DEPOSITION, WHAT HAPPENS BEFORE WE GO INTO TALKING ABOUT THE ROLES OF THE DEPOSITION INTERPRETER?

THE DEPOSITION INTERPRETER AGAIN IS A PROCEEDINGS INTERPRETER AND THAT IS BECAUSE THE FUNCTION THAT YOU ARE INTERPRETING IS WITNESS TESTIMONY.

THAT MEANS ALL OF THE RULES AND STANDARD PRACTICES THAT APPLY IN COURT APPLY IN THE DEPOSITION.

YOU ARE STILL AN OFFICER OF THE COURT.

YOUR DUTY IS TO THE INTEGRITY OF THE DEPOSITION AND NOT TO THE ATTORNEY WHO HIRED YOU.

YOU ARE AFFILIATED WITH THE COURT.

YOU ARE STILL GUIDED BY THE COURT INTERPRETER CODE OF CONDUCT.

AND THAT MEANS THAT YOU HAVE TO BE CAREFUL ABOUT BEING BORROWED.

YOU HANDLE THAT WITH PREPARATION.

BY THAT I MEAN WHEN YOU ARE HIRED YOU CALL THE ATTORNEY AND HOW ARE YOU GOING TO HANDLE PRIVILEGE COMMUNICATION? HOW ARE YOU GOING TO HANDLE OBJECTIONS, OTHERWISE THE ATTORNEY IS GOING TO DO EXACTLY WHAT THEY DO IN COURT AND PRIVILEGED INTERPRETATION FOR THEM. JUST GLANCING OVER AT THE BOX AND HELENE HAS ASKED WHETHER CONSECUTIVE INTERPRETATION IS PREFERRED? THE SAME RULES APPLY IN COURT AS THEY DO IN DEPOSITIONS.

AND SO A DEPONENT IS A WITNESS AND IS GIVING TESTIMONY.

THEREFORE, WE KNOW THAT MEANS CONSECUTIVE INTERPRETATION. SO PROTOCOL ISSUES ARE THE SAME AS WELL, BY THAT I MEAN HOW WE SPEAK FOR THE RECORD, THIRD PERSON THAT KIND OF THING.

I DID A DEPOSITION ONCE OF A DEAF PLAINTIFF AND I WAS THE ATTORNEY AND THERE WAS ANOTHER ATTORNEY ON THE MATTER WITH ME.

WE COULD BOTH SIGN. SO WE DIDN'T HAVE A TABLE INTERPRETER WITH US, BUT WE HAD VERY GOOD INTERPRETERS.

AND SO IF THERE WAS A NEED FOR ANY MONITORING, WE WOULD HAVE DONE IT.

AND THE DEPOSITION WAS ON VIDEO.

AND IT WAS A CLASS-ACTION CASE. SO THE PLAINTIFFS WERE FROM ALL OVER THE COUNTRY.

AND THE INTERPRETERS WERE FROM WASHINGTON, D.C.. SO WHEN A PLAINTIFF CAME IN, IT WAS LIKELY THEY WOULD BE USE SOMETHING EITHER SIGNS OR REFERRING TO TOWNS AND CITIES THAT THE INTERPRETER WAS NOT FAMILIAR WITH. SO DURING THE DEPOSITION, THE INTERPRETER QUITE PROPERLY WOULD SPEAK IN THE THIRD PERSON AND ASK FOR CLARIFICATION, ASK COUNSEL TO PERMIT CLARIFICATION, WHEN SHE NEEDED CLARIFICATION OF A PARTICULAR SIGN; WHICH WAS FINE.

AND THAT WENT ON THROUGH THE DEPOSITION, AND THEN DURING A BREAK, SHE TALKED TO US AND SAID, YOU KNOW, I FEEL KIND OF FUNNY DOING THIS, BECAUSE YOU CAN UNDERSTAND ME, AND SO MAYBE IF YOU WOULDN'T MIND AND GIVE ME PERMISSION, I COULD JUST INQUIRE DIRECTLY OF THE DEAF DEPONENT WHEN I NEEDED CLARIFICATION OR REPETITION.

AND WE WERE FINE WITH THAT. SO WHEN WE WENT BACK ON THE RECORD, NEITHER OF THE ATTORNEYS THOUGHT TO MAKE A RECORD OF WHAT THAT CONVERSATION LOOKED LIKE, OR WHAT HAD HAPPENED WHILE WE WERE OFF THE RECORD.

AND SO THINKING BACK ON THAT, IF YOU LOOK AT THAT PARTICULAR VIDEOTAPE, YOU HAVE AN INTERPRETER IS USING PROPER PROTOCOL FOR COURT INTERPRETING ALL THE WAY FOR THE FIRST COUPLE OF HOURS OR SO AND ALL OF A SUDDEN WHEN YOU LOOK AT THE TRANSCRIPT, AT THE VIDEO TRANSCRIPT, SHE STOPS AND STARTS TO TALK DIRECTLY TO THE WITNESS WHEN SHE NEEDS CLARIFICATION.

WE TALKED ABOUT THAT AND THOUGHT, GOSH WE REALLY SHOULDN'T HAVE DONE THAT OR AT LEAST HAVE MADE A RECORD, SO IT WAS ON THE TRANSCRIPT EXACTLY WHAT WE HAD AGREED TO, THE STIPULATION THAT WE AGREED TO WITH THE INTERPRETER. SO THAT IS JUST A POINT OF CLARIFICATION.

YOU CAN SUGGEST THAT THE DEPOSITION IS VIDEOTAPED.

I THINK IT'S MORE IMPORTANT TO HAVE A TABLE INTERPRETER PRESENT FOR IMMEDIATE OBJECTIONS, BUT IF YOU CAN GET IT VIDEOED, THEN THAT IS GREAT, TOO.

BECAUSE YOU CAN LOOK AT THE VIDEO TO SEE WHAT THE WITNESS ACTUALLY SAID.

ONE OTHER THING ABOUT THE COURT CODE AND PROTOCOL.

YOU HAVE GOT TO MAKE SURE THAT YOU DO PUT YOUR -- ANY CONFLICTS OF INTEREST ON THE RECORD PRIOR TO TAKING THE OATH. SO ANY PRIOR INTERPRETING THAT YOU HAVE DONE FOR THE PARTIES THAT WILL NOT AFFECT YOUR INTERPRETING DURING THE DEPOSITION NEED TO BE NOTED. SO I AM GOING TO TRY SOMETHING BASED ON YOUR FEEDBACK.

I'M GOING TO GIVE YOU A SCENARIO, AND IN THE CHAT BOX WE'RE GOING TO TALK ABOUT WHAT WE WOULD THINK ABOUT THIS SCENARIO AND WHAT ARE THE POSSIBLE OPTIONS FOR THE INTERPRETER? AND TRY TO MAKE THIS JUST A TAD BIT MORE INTERACTIVE.

I AM GOING TO READ THE SCENARIO AND I WILL READ IT MORE THAN ONCE.

AND THEN I WOULD LIKE TO GET YOUR THOUGHTS ON IT. SO HERE IT IS, YOU ARRIVE AT THE DEPOSITION AND THE ATTORNEY WANTS YOU TO INTERPRET A PRIVATE CONVERSATION BETWEEN THE WITNESS AND HER ATTORNEY PRIOR TO BEGINNING THE DEPOSITION.

YOU ARE INTERPRETER FOR THE DEPOSITION, BUT THE ATTORNEY HAS NOT THOUGHT TO HIRE THEIR OWN INTERPRETER FOR THE CONVERSATION. WHAT SHOULD YOU DO? SO HERE IS THE SCENARIO AGAIN: YOU ARRIVE AT THE DEPOSITION AND THE ATTORNEY WANTS YOU TO INTERPRET A PRIVATE CONVERSATION BETWEEN HER AND THE DEPONENT PRIOR TO STARTING THE DEPOSITION.

YOU HAVE A TEAM, BUT THERE IS NO TABLE INTERPRETER. SO WHAT DO YOU DO, IF ANYTHING? I SEE BRENDA SAYING THAT YOU CAN'T DO, THE PERCEPTION COULD BE MISCONSTRUED BY THE COURT.

SUZANNE SAYS YOU EXPLAIN THE ROLE AND FUNCTION OF EACH INTERPRETER PRIOR TO STARTING.

HELENE, OKAY.

DISCLOSE AND PUT ON THE RECORD AND EXTEND THE PRIVILEGE.

MICHELLE SAYS IF YOU ARE THE PROCEEDINGS INTERPRETER, YOU SHOULD NOT INTERPRET IT.

BRENDA, KINDLY EXPLAIN AND RESCHEDULE THE DEPOSITION.

CHRISTINE, GET CONSENT FROM ALL THE INTERPRETERS ON THE RECORD TO BORROW THE INTERPRETER.

JANICE, EXPLAIN THE ROLE AND RESPONSIBILITY.

SEVERAL PEOPLE ARE SAYING THE SAME THING.

JOY HAS AN INTERESTING IDEA.

ONE IDEA MIGHT BE TO SUGGEST CDI BE USED FOR THE PRIVATE CONVERSATION.

BUT IT WOULD HAVE TO BE AVAILABLE AND PEOPLE WOULD HAVE TO HAVE EQUIPMENT.

GREAT.

I'M NOT SURE I NEED TO READ EVERYBODY'S COMMENT BECAUSE WE'RE ALL READING THE SAME CHAT BOX, BUT I THINK WE COME TO THE CENTRAL DILEMMA HERE IS THAT THE INTERPRETER HASN'T PREPARED IN ADVANCE BY TALKING TO THE ATTORNEYS AND EXPLAINING THE ROLE AS EVERYONE SAID AND SUGGESTING THAT HIRE THE INTERPRETER.

BUT ALSO FOLKS HAVE SOME REALLY GOOD SUGGESTIONS TO MAKE SURE IF BORROWING IS DONE, IT'S PUT ON THE RECORD AND THAT EVERYONE HAS AGREED TO IT AND KNOWS THAT IT'S HAPPENING.

I THINK IT ALSO DEPENDS ON EXACTLY WHAT THEY WANT TO TALK TO THE WITNESS ABOUT.

YOU SEE, ATTORNEYS, ONCE A DEPOSITION IS STARTED, ATTORNEYS ARE NOT PERMITTED TO TALK TO A WITNESS ABOUT THEIR TESTIMONY.

SAME THING IN COURT.

ONCE A WITNESS IS SWORN, ATTORNEYS ARE NOT ABLE TO TALK TO THE WITNESS ABOUT THEIR TESTIMONY.

NOW I NOTED IN THE SCENARIO THAT THIS WAS PRIOR TO COURT.

BUT I THINK AS AN INTERPRETER, ONCE YOU EXPLAIN THE DIFFICULTY AND THE DILEMMA, I WOULD ALSO FIND OUT EXACTLY WHAT THEY WANT TO TALK TO THE WITNESS ABOUT.

IF IT'S GOING TO BE ABOUT THEIR TESTIMONY FOR THE DAY, THEN I WOULD LET THE ATTORNEY KNOW THAT IS NOT PROPER.

BUT IF THEY WANT TO RECEIVE A STIPULATION FROM OPPOSING COUNSEL, THEN PUT IT ON THE RECORD.

YOU AS THE INTERPRETER SHOULD MAKE THAT PARTICULAR RECORD, NOT DEPEND UPON THE ATTORNEY TO DO IT.

RIGHT. SO AT THAT MOMENT, YOU ARE IN A REALLY BAD PLACE, BUT I THINK THAT YOU ARE ALSO WORKING WITHIN THE SYSTEM, AND YOU DON'T WANT TO CAUSE THEM TO HAVE TO CANCEL THE DEPOSITION OR RESCHEDULE THE DEPOSITION, BECAUSE IT'S VERY, VERY COSTLY TO DO A DEPOSITION.

AND IN PART IT'S BECAUSE THE INTERPRETER DIDN'T PREPARE WELL ENOUGH BY FINDING OUT WHETHER OR NOT THERE WOULD BE A TABLE INTERPRETER THERE. SO GOOD DISCUSSION.

THAT WASN'T AS DIFFICULT AS I THOUGHT IT MIGHT BE. SO I'M GOING TO GIVE YOU A HARDER ONE.

AND I WILL READ THIS A NUMBER OF TIMES.

AND IN LISTENING TO IT, THINK ABOUT THE ROLE AND FUNCTION OF INTERPRETERS. SO TWO INTERPRETERS HAVE BEEN HIRED BY A DEAF PLAINTIFF, BY THE PLAINTIFF'S ATTORNEY FOR IN-OFFICE PREPARATION FOR THE DEPOSITION. SO THEY HAD AN ALL-DAY SESSION, THE LAWYERS HIRED TWO INTERPRETERS TO INTERPRET THE PREP FOR THEIR DEPONENT.

AND THEN DURING THE ACTUAL DEPOSITION, ONLY ONE TABLE INTERPRETER WAS PRESENT TO MONITOR.

YOU DIDN'T NEED TWO.

NOW THE FOLLOWING WEEK THERE IS A DEFENSE WITNESS, THE OTHER SIDE, WHO IS HEARING, AND THEY ARE GIVING THEIR TESTIMONY, AND THE PLAINTIFF, WHO IS DEAF, WANTS TO ATTEND. SO NEXT WEEK WE HAVE ANOTHER DEPOSITION.

IT'S A HEARING WITNESS, BUT THE PLAINTIFF IS DEAF AND THE PLAINTIFF WANTS TO ATTEND. SO IT'S AN ALL-DAY DEPOSITION, SO THE PLAINTIFF WANTS THE TWO LAW OFFICE TABLE INTERPRETERS WHO HAD INTERPRETED FOR THEIR PREPARATION, WANTS THOSE TWO INTERPRETERS TO ATTEND THE DEPOSITION OF THE HEARING WITNESS AND INTERPRET FOR THE DEAF PLAINTIFF. WHAT ARE YOUR THOUGHTS?

ASK IF THE WITNESS THERE FOR THE DEAF SIDE OF THE CASE?

NO, IT'S THE OTHER SIDE.

BEFORE WE GO AHEAD, I WILL REPEAT THE SCENARIO ONE MORE TIME, BUT I ALSO HAVE A NUMBER OF COMMENTS THAT I WANT TO GET TO THEM.

THE SCENARIO IS THAT TWO LAW OFFICE INTERPRETERS, SO THEY ARE TABLE INTERPRETERS, INTERPRETED FOR AN ALL-DAY PREPARATION SESSION FOR THE PLAINTIFF'S DEPOSITION.

THE PLAINTIFF IS DEAF.

THEY DID THAT IN THE LAW OFFICE. THEN DURING THE PLAINTIFF'S DEPOSITION, ONLY ONE WAS PRESENT AS A TABLE INTERPRETER.

NOW A WEEK LATER, THE DEFENSE HAS A HEARING WITNESS THAT THEY WILL BE DEPOSING, AND THE PLAINTIFF WANTS TO ATTEND AND WANTS TO USE THE SAME TWO INTERPRETERS THAT THEY HAVE BEEN USING AT THEIR TABLE.

AND MARGARET SAYS AT FIRST GLANCE IT SEEMS TO ME YOU ARE STILL A TABLE INTERPRETER.

I WOULD DEFINITELY AGREE WITH THAT.

BETHANY SAID I WOULD THINK THAT THE INTERPRETERS WOULD BE TIS AND UNABLE TO GO BACK TO ANY TABLE INTERPRETING SERVICES.

ACTUALLY YOU CAN GO BACK.

YOU CAN'T GO THE OTHER WAY. SO THAT YOU CAN GO FROM PROCEEDINGS WORK TO TABLE WORK, BUT THEN THERE IS THE QUESTION ABOUT WHETHER YOU CAN GO FROM TABLE WORK TO PROCEEDINGS WORK? I SEE NO, THE TI FUNCTION WOULD TAINT IT.

SUZANNE SAYS IT'S OKAY TO PUT IT ON THE RECORD.

CATHERINE SAYS IS THE PLAINTIFF ALLOWED TO SPEAK OTHER THAN TO HIS OR HER ATTORNEY? THAT IS A VERY GOOD QUESTION.

NO, THEY WOULD BE THERE AS AN OBSERVER ONLY.

THEY CAN TALK TO THEIR ATTORNEY ON BREAKS, BUT THEY DON'T HAVE ANY ROLE IN SPEAKING DURING THE DEPOSITION.

GAIL SAYS IF THE INTERPRETERS ARE HIRED BY THE DEAF DEFENDANTS THEY ARE WORKING AS TABLE INTERPRETERS FOR THE COMPLAINANT, SO THEY ARE NOT PROCEEDINGS INTERPRETERS.

THEY ARE NOT HIRED -- LET'S SEE, IF THE INTERPRETERS ARE HIRED BY DEAF COMPLAINANTS, YES, THEY ARE WORKING AS TABLE INTERPRETERS.

YES. SO THEY ARE NOT PROCEEDINGS INTERPRETERS, CORRECT.

THEY WOULD NOT BE SWORN FOR THE RECORD BECAUSE THEY ARE NOT INTERPRETING ANY WITNESS TESTIMONY FOR THE RECORD.

NEW JERSEY CALLS IT "RECORD INTERPRETING." THAT IS NOT WHAT THEY ARE DOING.

IT'S MORE THAT THEY ARE DOING A PROCEEDINGS FUNCTION, YES.

IF THEY WERE IN COURT AND THE HEARING WITNESS WAS IN COURT, THEY WOULD BE COURT INTERPRETERS.

BUT WE'RE NOT IN COURT.

WE'RE IN A DEPOSITION.

AND RACHEL SAYS PLAINTIFF IS THERE JUST TO LISTEN, SO THERE WILL BE NO INPUT FROM THE PLAINTIFF; THEREFORE, IT WON'T BE A LEAD SITUATION.

I AGREE.

WE WOULDN'T ALLOW THIS IN COURT, BUT I THINK THE NATURE OF THE DEPOSITION IS SOMEWHAT DIFFERENT.

CERTAINLY THE DEPOSING ATTORNEY IN THE SCENARIO HAS NO OBLIGATION TO HIRE AN INTERPRETER. SO THE INTERPRETER WOULD BE PROVIDED BY THE ATTORNEY WHO HAS A DEAF CLIENT.

AND THE FACT THAT THEY WON'T BE INTERPRETING ANYTHING FOR THE RECORD I THINK SUGGESTS IT'S MORE PROPER THAN PERMITTED TO USE THEM.

AND I UNDERSTAND LARRY'S POINT THAT THE INTERPRETATION MAY BE TAINTED FROM WHAT WAS LEARNED IN THE DEPOSITION; WHICH IS TRUE, IF THEY WERE INTERPRETING IN COURT ON THE RECORD.

BUT THEY AREN'T INTERPRETING ANYTHING FOR THE RECORD DURING THIS PARTICULAR SCENARIO.

SEVERAL PEOPLE HAVE ASKED WHO HIRED THE INTERPRETERS? THE INTERPRETER WAS HIRED BY THE ATTORNEY WHO HAS THE DEAF CLIENT.

AGAIN I'M NOT GOING TO READ THEM ALL.

I'M GOING TO PICK OUT SOME QUESTIONS OR COMMENTS THAT HAVE POINTS THAT WE HAVEN'T DISCUSSED YET.

AND LIZ HAS TALKED ABOUT IT BEING -- OR IT SEEMS THAT THESE INTERPRETERS WOULD BE MORE LIKE AN ADA ACCOMMODATION, NOT ACTUAL TIS.

AND I TEND TO AGREE WITH THAT AS WELL.

THEY ARE NOT SWORN DURING THE DEPOSITION.

AND THEY DO NO RECORD INTERPRETING.

THEY ARE SIMPLY THERE TO LET AN AUDIENCE MEMBER SEE WHAT IS HAPPENING IN THE DEPOSITION.

AND MARGARET SAYS I WOULD THINK THAT YOU FUNCTION AS A TI AND MAINTAIN THAT ROLE DURING THE DEPOSITION OF THE HEARING WITNESS AND THEN BE ABLE TO RETURN AS THE TABLE INTERPRETER FOR THAT SIDE.

THAT IS EXACTLY WHAT HAPPENED HERE.

RIGHT.

AND SERGIO SAYS IF THIS WAS A SPOKEN LANGUAGE INTERPRETATION, THE TABLE INTERPRETERS CAN WHISPER AND THERE ARE NO PROBLEMS,.

THEREFORE NO PROBLEMS AND IT COULD BE DONE WITHOUT HAVING IT ON THE RECORD.

RIGHT.

RIGHT.

THE RECIPIENT OF THE INTERPRETATION IS THE DEAF AUDIENCE MEMBER, PLAINTIFF FOR LACK OF A BETTER TERM, RIGHT.

NOT THE REPORTER DID NOT RECEIVE THE INTERPRETATION IN ORDER TO CREATE A TRANSCRIPT OF THE RECORD.

AND LARRY ASKED WHAT IF THE DEAF DEFENDANT WANTS THE SAME INTERPRETERS IN COURT? THE ONLY PLACE THAT THOSE INTERPRETERS CAN FUNCTION IN COURT WOULD BE AS THE TABLE INTERPRETERS.

BETHANY ASKED WOULDN'T IT BE THE RESPONSIBILITY OF THE COURT TO PROVIDE ACCESS TO AN OBSERVER?

WHY IS THE ATTORNEY HIRING INTERPRETERS?

IN COURT, THE COURT WOULD HAVE THE OBLIGATION TO PROVIDE ACCESS TO AUDIENCE MEMBERS. A DEPOSITION IS NOT IN COURT AND IS PART OF PRE-TRIAL DISCOVERY PROCESS AND THE ATTORNEYS PAY FOR ALL THE COSTS.

AND THE COSTS INCLUDE COURT REPORTERS' FEES AND COST OF THE CREATING THE TRANSCRIPT AND VIDEOGRAPHERS.

THAT IS HOW COURT HAS ALWAYS BEEN.

IT WOULD BE IMPRACTICAL AND IMPOSSIBLE AND EXTREMELY EXPENSIVE FOR COURTS TO PAY FOR ALL THE DISCOVERY THAT LITIGANTS IN AMERICA GO THROUGH EACH YEAR.

OKAY.

WE HAVE ALREADY TALKED ABOUT THE MONITOR, BUT JUST AS A REFRESHER AT A DEPOSITION THERE CAN ALWAYS BE A TABLE INTERPRETER, GOING BY DIFFERENT NAMES, CONSULTING INTERPRETER, EXPERT, ET CETERA.

WE HEAR IT LOTS OF DIFFERENT WAYS, BUT THE DEFINITION IS ESSENTIALLY TO INTERPRET ALL PRIVILEGED COMMUNICATION AND TO MONITOR FOR ACCURACY, TO ASSIST THE PROCEEDINGS INTERPRETERS IN A LIMITED FASHION WITH THEIR PREPARATION, AND AGAIN THE PROCESS AT A DEPOSITION IS A LITTLE BIT DIFFERENT.

WHEN YOU ARE MONITORING THERE IS NO JUDGE THERE TO MAKE THAT DECISION.

BUT YOU DO HAVE A TRANSCRIPT TO CONSIDER. SO THE MONITOR OR THE TABLE INTERPRETER WHEN ADDRESSING ISSUES WOULD BE SPEAKING TO THE TRANSCRIPT, IN ESSENCE, KEEPING IN MIND THAT THEY HAVE THAT TRANSCRIPT AND THAT THEIR STATEMENTS WILL BE PRESERVED.

THE MONITOR SHOULD ALSO HAVE A PROCESS IN PLACE WITH THE ATTORNEY FOR HOW THEY WILL LET THE ATTORNEY KNOW WHEN THERE HAVE BEEN ERRORS AND WHAT THAT PROCESS LOOKS LIKE.

WHETHER IT'S A WHISPER, WHETHER IT'S WRITTEN, WHETHER THE MONITOR HAS GONE GO AHEAD AND STOPPED THE PROCESS SAYING THERE IS AN INTERPRETATION ERROR OR ISSUE THAT NEEDS TO BE ADDRESSED.

THE RANGE OF OPTIONS IS THE SAME AS WITH MONITORING AT A TRIAL.

YOU JUST HAVE TO TALK TO THE ATTORNEY ABOUT THEM.

YOU ALSO CAN TALK TO AND SHOULD TALK TO THE PROCEEDINGS INTERPRETER.

BECAUSE THE TABLE INTERPRETER KNOWS THE STORY AND THE PROCEEDINGS INTERPRETERS DON'T. SO IN TERMS OF LINGUISTICALLY, IF THERE ARE ISSUES THAT THE TABLE INTERPRETER KNOWS ARE GOING TO COME UP DURING TRIAL, THEY CAN CERTAINLY SHARE LINGUISTIC INFORMATION WITH THE PROCEEDINGS INTERPRETERS.

I HAVE SEEN SOME ATTORNEYS WHO WANT THE DISCUSSIONS BETWEEN THE PROCEEDINGS INTERPRETERS AND TABLE INTERPRETERS ON THE RECORD.

YOU SHOULD BE ABLE TO MAKE PUBLIC OR TRANSPARENT THOSE DISCUSSIONS THAT YOU HAVE WITH THE PROCEEDINGS AND TABLE INTERPRETERS AND SHARING SIGNS IS A COMPLETELY PROPER THING TO DO IS SHARE SIGNS.

QUESTIONS ABOUT THE MONITOR OR THE TABLE INTERPRETER AT ALL? AND THEIR ROLE AND FUNCTION IN A DEPOSITION AS THESE ARE THE REGULAR COURT PROCEEDINGS?

SO THE FINAL AREA THAT I WANT TO TALK ABOUT IS HOW YOU PREPARE FOR A DEPOSITION.

AND I HAVE ALREADY TALKED IN SOME DETAIL ABOUT THE OBLIGATION TO CONTACT THE ATTORNEY AHEAD OF TIME, FIND OUT HOW THEY HAVE BEEN COMMUNICATING WITH THE CLIENT.

TO FIND OUT WHAT THEY INTEND TO DO, WHAT THEY INTEND TO DO DURING THE DEPOSITION? AND NOT THE FINAL THING, BUT I THINK ONE OF THE KEY POINTS THAT YOU CAN MAKE, TO CONVINCE AN ATTORNEY TO HIRE THEIR OWN INTERPRETER IS TO TALK ABOUT THAT CONTEMPORANEOUS OBJECTION RULE AND IF YOU RECALL, THAT IS WHICH AN ERROR IS MADE BY THE PROCEEDINGS INTERPRETER, THE ATTORNEY HAS TO OBJECT IMMEDIATELY OR THEY DO NOT PRESERVE THAT ISSUE FOR REVIEW, FOR APPEAL. SO THAT IS REALLY IMPORTANT.

I SEE THAT JENNA IS ASKING FOR AN EXAMPLE OF LANGUAGE THAT IS USED WHEN A TABLE INTERPRETER SEES AN ERROR?

LANGUAGE FOR THE RECORD OR I ASSUME THAT YOU MEAN LANGUAGE FOR THE RECORD AND NOT WHAT YOU TALK TO THE ATTORNEY ABOUT -- SO IF I NOTICED AN ERROR, I WOULD LET THE ATTORNEY KNOW THERE IS AN ERROR THAT NEEDS TO BE DISCUSSED.

AND THEN I WOULD SAY, FOR THE RECORD, THE WITNESS USED THE SIGN RED AND THE INTERPRETATION WAS RENDERED AS BLUE.

THEN THE BURDEN OF PROOF IS STILL ON ME AS THE TABLE INTERPRETER AND THEN THE PROCEEDINGS INTERPRETERS WOULD HAVE AN OPPORTUNITY TO RESPOND AND EITHER STAND BY THEIR INTERPRETATION OR STAND CORRECTED.

AND BECAUSE THERE -- NO ONE IS THERE TO MAKE THE DECISION, IT'S OFTEN LEFT LIKE THAT OR YOU CAN SUGGEST THAT THE WITNESS BE ASKED TO REPEAT THEIR STATEMENT, SO THAT THERE CAN BE ANOTHER CHECK.

OR IF THERE IS A VIDEOTAPE, THEN THE VIDEOTAPE COULD BE REWOUND AND EVERYONE CAN TAKE ANOTHER LOOK AT IT.

I THINK THAT MOST PROCEEDINGS INTERPRETERS WANT TO DO AN ACCURATE AND ETHICAL INTERPRETATION AND SO THEY APPRECIATE THE OPPORTUNITY TO CORRECT THEIR INTERPRETATION, IF THEY HAVE -- IF AN ERROR HAS BEEN BROUGHT TO THEIR ATTENTION.

AND I SAW A COUPLE OF OTHER QUESTIONS AND I'M GOING TO GO AHEAD AND SEE IF I CAN RESPOND TO THOSE.

VERONICA HAS ASKED WHETHER OR NOT THE TABLE INTERPRETERS OR PROCEEDINGS INTERPRETERS WATCHED THE VIDEO TRANSCRIPT AFTERWARDS AND IF THEY FIND ERRORS THEN, HOW DO THEY RECTIFY THEM? I HAVE NEVER SHARED A VIDEO DEPOSITION WITH AN INTERPRETER AND I KNOW THAT WHEN INTERPRETERS ARE DEPOSED TO TESTIFY ABOUT THAT WORK AND THAT WORK HAS BEEN VIDEOTAPED, I ALWAYS TELL THEM TO CONTACT THE PROSECUTOR WHO TYPICALLY HAS THE VIDEO IN THEIR POSSESSION AND MAKE AN APPOINTMENT TO GO VIEW IT TO MAKE SURE, IF THERE ARE ERRORS THAT THEY CAN BE DISCUSSED IN TERMS OF DECISIONS BEHIND THEM. SO THAT THE PROSECUTOR WANTS TO KNOW EXACTLY WHERE THE ERRORS WERE AND WHY THEY WERE MADE? I HAVEN'T SEEN THAT IN THE CIVIL CONTEXT.

I HAVE ONLY SEEN IT IN THE CRIMINAL CONTEXT.

MARGARET IS ASKING ABOUT THE RULES OF EVIDENCE CHANGING?

CAN AN ATTORNEY HIRE AN INTERPRETER LATER AND OBJECT BASED ON THE INTERPRETER'S OBSERVATIONS OR DID I MISUNDERSTAND THE RULES OF EVIDENCE?

NO, YOU UNDERSTOOD WHAT I SAID.

AND AT TRIAL, YOU SNOOZE YOU LOSE; RIGHT? YOU HAVE TO MAKE OBJECTION.

THAT IS NOT ALWAYS TRUE IN DEPOSITION BECAUSE THE RULES OF EVIDENCE HAVE CHANGED AND THAT THE ATTORNEY WHO FAILED TO HAVE A TABLE INTERPRETER AND TRIED TO FILE A MOTION AT TRIAL, I HAVEN'T SEEN THAT HAPPEN, BUT WHAT I KNOW ABOUT THE RULES OF EVIDENCE, YOU DON'T WAIVE YOUR RIGHT TO OBJECT, UNLESS THERE ARE A COUPLE OF VARIATIONS.

ONE IS IF YOU CAN BE FIXED IMMEDIATELY.

IF YOU DON'T OBJECT TO SOMETHING THAT CAN BE FIXED IMMEDIATELY, I CAN SEEN THEM SAY YOU CAN'T OBJECT LATER. SO IT MAY BE IN THIS INSTANCE THAT IF YOU DON'T HAVE A TABLE INTERPRETER PRESENT, BUT YOU HAVE THE VIDEO, THAT YOU CAN TRY TO MAKE AN APPEALABLE ISSUE AT A TRIAL.

THE PREPARATION IS TO THEM IS ASKED WHETHER OR NOT THE PREPARATION IS DONE BEFORE DEPOSITION? I HAVE A COUPLE OF STANDARD THINGS THAT I ASK FOR IMMEDIATELY.

I WANT TO SEE A COPY OF THE COMPLAINT.

AND I WANT TO SEE THE WITNESS LIST.

THAT IS FOR A TRIAL.

FOR THE DEPOSITION, I WANT TO MAKE SURE I KNOW WHO THE WITNESS IS SO I DON'T HAVE CONFLICT OF INTERESTS. SO IT'S RELATIVELY EASY WITH TECHNOLOGY TO GET THOSE THINGS AT THE TIME THAT YOU ARE HIRED. SO I DO START WELL BEFORE THE DAY OF THE DEPOSITION.

IN TERMS OF THIS KIND OF PREPARATION, TALKING TO THE ATTORNEYS, I WILL GO THROUGH EACH OF THESE, BUT MUCH OF THIS HAPPENS AT THE DEPOSITION PRIOR TO STARTING THE CASE, WHICH IS ANOTHER REASON WHY I MAY NOT WANT TO BE AVAILABLE TO INTERPRET FOR THE ATTORNEY, GIVEN THAT I HAVE MY OWN PREPARATION THAT I NEED TO HANDLE.

I AM GOING TO GO AHEAD AND FINISH THIS SLIDE AND THEN I WILL COME BACK AND ADDRESS THE REST OF THE QUESTIONS. SO PREPARATION FOR THE DEPOSITION INTERPRETER INVOLVES TALKING TO THE ATTORNEYS, AND THE DEAF PERSON SEPARATELY. SO WITH THE ATTORNEYS YOU NEED TO KNOW WHAT THE CASE IS ABOUT, JUST LIKE WE DO IN COURT.

I WILL HAVE HAD THE COMPLAINT AHEAD OF TIME, AS I MENTIONED.

AND I MAY HAVE QUESTIONS ABOUT CERTAIN ASPECTS OF THE COMPLAINT OR CERTAIN FACTS THAT THE COMPLAINT IS DESCRIBING.

I WOULD WANT TO KNOW THE DEPONENT'S ROLE, WHETHER THEY ARE A WITNESS, NON-WITNESS -- I'M SORRY, PARTY OR NON-PARTY. I WANT TO KNOW IF THEY ARE THE PLAINTIFF OR DEFENDANT, OBVIOUSLY.

WITH THE DEAF PERSON, WE DO THE SAME SPIEL AS WE DO IN OTHER LEGAL SETTINGS. SO YOU TALK ABOUT CONSECUTIVE INTERPRETING AND YOU TALK ABOUT NOTE-TAKING AND TALK ABOUT EVERYTHING WILL BE INTERPRETED.

WHEN THE TABLE INTERPRETER IS ADDRESSING ISSUES WITH THE DEPOSITION INTERPRETER, NOBODY IS ACTUALLY INTERPRETING THAT.

IT DOESN'T MEAN THAT THE ATTORNEY CAN'T ONCE THAT IS DONE, THE ATTORNEY CAN RE-SUMMARIZE WHAT WAS JUST SAID. SO THAT CAN BE INTERPRETED.

AND WE HAVE TO DO THAT, ESTABLISHING COMMUNICATION THING, WHICH USUALLY ISN'T A PROBLEM.

THEN YOU ALSO MEET WITH THE OTHER INTERPRETERS AND I HAVE ALREADY TALKED A LITTLE BIT ABOUT THIS, TO SHARE THE LINGUISTIC INFORMATION, SIGNS, PARTIES AND THEIR ROLES, WITH RESPECT TO LINGUISTIC INFORMATION, THAT MAY HAVE BEEN SET UP OR USED BY THE TABLE INTERPRETER DURING THE PREPARATION SETTING.

CONTEXT, YOU MIGHT NEED SPECIFIC INFORMATION FOR CONSISTENCY.

HOW BIG WAS THAT BAG OF COCAINE KIND OF THING?

YOU TALK TO THE PROCEEDINGS INTERPRETERS ABOUT WHATEVER SYSTEM WAS SET UP FOR INTERRUPTING THE PROCEEDINGS? AND A REMINDER ABOUT CONSECUTIVE INTERPRETING AND PROTOCOL AND DISCLOSURES.

THEN THIS IS DOCUMENTARY PREPARATION, IF YOU HAVE TIME, YOU WILL HAVE THE COMPLAINT AHEAD OF TIME.

YOU MAY ALSO WANT TO REVIEW THE ANSWER.

OR ANY ANSWERS TO INTERROGATORIES OR EXHIBITS, IF THE ATTORNEY IS GOING TO BE USING EXHIBITS, YOU WANT TO SEE THEM.

PARTICULARLY IF IT'S NOT JUST PAPER EXHIBITS.

YOU MAY ALSO WANT TO HAVE A CONVERSATION WITH THE COURT REPORTER, BECAUSE YOU MAY NEED TO REMIND HIM OR HER THAT YOU NEED TO BE SWORN.

YOU MAY HAVE BROUGHT A COPY OF THE OATH WITH YOU.

AND I LET THE REPORTER KNOW WHEN I HAVE DISCLOSURES TO MAKE, THAT I WILL BE MAKING THEM AND WHEN I WILL BE MAKING THEM.

AND SOMETIMES IT'S HELPFUL TO TALK TO THE REPORTER OR ASK THE REPORTER HOW THEY ARE GOING TO INDICATE WHEN THE INTERPRETER IS TALKING IN THE TRANSCRIPT? BECAUSE THEY NEED TO IDENTIFY WHEN THE INTERPRETER IS TALKING, VERSUS WHEN THE ATTORNEYS OR THE WITNESS IS TALKING.

BUT ESSENTIALLY PREPARATION FOR A DEPOSITION IS JUST LIKE YOU WOULD BE PREPARING FOR ANY WITNESS TESTIMONY.

IT JUST IS A LITTLE BIT DIFFERENT BECAUSE IT'S IN A LAW OFFICE.

IT'S IN A PRE-TRIAL STAGE, AND THERE IS NO JUDGE THERE.

NOW I'M JUST GOING TO TAKE ANY MORE LAST QUESTIONS THAT ANYONE MAY HAVE.

AND I'M READING JOY'S COMMENTS AND SAYS FOR CLARIFICATION, IF AN ERROR IS NOTICED BY THE TABLE INTERPRETER, DOES THE ATTORNEY MAKE A COMMENT FOR THE RECORD? OR IS THE TI SWORN IN AND MAKES A COMMENT? IT'S A VERY GOOD QUESTION.

IF YOU ARE EVER SWORN IN AS A TABLE INTERPRETER, IT WOULD BE AS A WITNESS, NOT AS AN INTERPRETER.

AND IT WOULD BE AT THE TIME MOST LIKELY THAT THIS HAPPENS -- WELL, IT COULD BE AT THE BEGINNING, TOO.

BUT WE DON'T WANT TO LET THE ATTORNEY MAKE THAT RECORD, BECAUSE THE TABLE INTERPRETER IS THE EXPERT.

THEY ARE THE ONES -- HANG ON ONE SECOND -- SORRY, I WAS LOSING MY VOICE.

YOU ARE THE EXPERT AND THE ONE WHO KNOWS HOW TO TALK ABOUT OUR FIELD. SO WE WANT TO MAKE SURE THAT THE RECORD IS VERY CLEAR. SO I DON'T WANT THE ATTORNEY TRYING TO EXPLAIN THE ERROR.

I WANT TO DO THAT AS THE TABLE INTERPRETER MYSELF.

NOW I HAVE HAD -- EXCUSE ME -- I HAVE HAD ONE DEPOSITION WHERE I AS AN INTERPRETER WAS SWORN.

AND IT WAS VERY STRANGE PROCEEDING BECAUSE THEY SWORE ME AS AN INTERPRETER AND I MADE A RECORD THAT I WOULD BE HAPPY TO TAKE A WITNESS OATH, BUT SINCE I WAS NOT INTERPRETING ANY OF THE PROCEEDINGS AND SIMPLY MONITORING, I DID NOT THINK IT APPROPRIATE TO TAKE A WITNESS OATH.

AND THEY SAID, ESSENTIALLY, WE DON'T CARE. SO I TOOK THE OATH, AND THEN MONITORED.

BUT I WOULD SUGGEST THAT YOU CAN TAKE A WITNESS OATH TO TELL THE TRUTH AS TO WHAT YOU ARE MONITORING AND ANY ERRORS THAT YOU IDENTIFY.

AND I GUESS PROBABLY FOR CONSISTENCY, IT SHOULD BE DONE AT THE BEGINNING, BUT IF IT DOESN'T, IT WOULD BE AT THIS MOMENT, AS YOU MENTIONED.

NATALIE MENTIONED THAT COPIES OF INTERROGATORIES ARE HELPFUL TO GET AHEAD OF TIME.

I FEEL IT'S ONE STEP FURTHER BECAUSE YOU HAVE THE CHOICE BETWEEN INTERROGATORIES AND ANSWERS TO INTERROGATORIES.

AND ANSWERS TO INTERROGATORIES REPLICATE THE QUESTION AND THE RESPONSE. SO IF YOU DO HAVE A CHANCE TO REVIEW THE FILE, IT CAN BE VERY HELPFUL TO SEE BOTH THE QUESTIONS AND THE RESPONSES. SO IF YOU ARE LOOKING -- YOU ARE TALKING TO AN ATTORNEY, ASK TO SEE ANSWERS TO INTERROGATORIES, AND THAT WILL AUTOMATICALLY GET YOU THE QUESTIONS.

SUZANNE ASKED DOES WHETHER THIS SLIDE PREPARATION APPLY TO BOTH PROCEEDINGS INTERPRETERS AND TABLE INTERPRETERS?

THIS SLIDE, EXCEPT FOR THE LAST BULLET APPLIES TO PROCEEDINGS INTERPRETERS.

RIGHT. SO THE FINAL SLIDE IS YOU MEET WITH THE OTHER INTERPRETERS, MEANING THE TABLE INTERPRETERS.

CHRISTINE ASKED ME TO REPEAT WHAT I SAID ABOUT KNOWING THE DEPONENT'S ROLE.

SURE.

I WANT TO KNOW IF THEY ARE THE PLAINTIFF? THE DEFENDANT? OR A WITNESS? A NON-PARTY WITNESS? AND I WANT TO KNOW -- I MEAN I SHOULD KNOW THIS, BUT I WANT TO KNOW WHICH SIDE THEY SUPPORT?

TYPICALLY, YOU ARE GOING TO BE THE DEFENDING ATTORNEY, IT WILL BE THEIR CLIENT OR THEIR WITNESS BEING DEPOSED BY THE OTHER SIDE. SO THE DEPOSITION IS NOTICED BY THE ATTORNEY WHO IS AGAINST THE WITNESS FOR LACK OF A BETTER WAY TO SAY IT.

JESSICA HAS ASKED HOW LONG ARE DEPOSITIONS? THAT DEPENDS.

IN FEDERAL COURT WE'RE LIMITED TO SEVEN HOURS, BUT FREQUENTLY WHERE INTERPRETERS ARE USED THE ATTORNEY WILL FILE A MOTION ASKING FOR MORE TIME, SAYING THAT THE PROCESS OF INTERPRETATION ARTIFICIALLY EXTENDS THE TIME. SO CERTAINLY IN OUR FEDERAL CASE, WITH THE DEAF PLAINTIFFS IN THE CLASS-ACTION, EACH WOULD CHOOSE FOR TWO 7-HOUR DAYS.

AND SERGIO ASKED WHETHER OR NOT DEBRIEFING IS ALLOWED DURING THE BREAK BETWEEN A TABLE INTERPRETER AND A PROCEEDINGS INTERPRETER? AND CERTAINLY, YOU CAN -- AS LONG AS YOU HAVE STIPULATION WITH RESPECT TO THE DEBRIEF ON THE RECORD AND AGAIN, SOME ATTORNEYS ARE GOING TO WANT YOU TO DO THE DEBRIEF ON THE RECORD.

I DID A DEPOSITION -- THE ONE I SHOWED YOU THE PICTURE OF WITH THE TWO TABLE INTERPRETERS AND IN THE BEGINNING, WE DIDN'T THINK WE PARTICULARLY NEEDED TO MEET OR TALK, BUT AS THE DEPOSITION WENT ON, IT BECAME VERY DIFFICULT TO INTERPRET.

AND SO WE DECIDED THAT WE DID ASK FOR A SHORT MEETING AND WE GOT IT ON THE RECORD, AND ASKED THEM IF THEY WANTED TO BE PRESENT, THE ATTORNEYS AND THEY DIDN'T.

THEN WE TOOK THAT CONVERSATION INTO ANOTHER ROOM, SO WE WEREN'T STANDING IN FRONT OF A DEAF PERSON HAVING CONVERSATION.

AND JENNA HAS SUGGESTED THAT ATTORNEYS OFTEN TRY TO HIRE ONE INTERPRETER FOR A DEPOSITION SINCE THEY SAY IT WILL BE SHORT AND WANTS TO KNOW IF WE CAN CONFIRM ALL ASSIGNMENTS ON THE RECORD REGARDLESS OF THE LENGTH OF DEPOSITION.

PERSONALLY I WOULD WORK AS A TEAM IN A DEPOSITION.

I TRY ALWAYS TO WORK AS A TEAM IN TRIAL BECAUSE OF WITNESS TESTIMONY AS WELL.

I DON'T ALWAYS GET WHAT I WANT, AND THAT IS JUST BECAUSE OF THE COURTS WHERE I WORK.

BUT YES, A TEAM IS REQUIRED FOR DEPOSITIONS.

I'M READING BRENDA'S COMMENTS.

I'M NOT GOING TO REPEAT IT, BECAUSE YOU CAN READ IT, BUT I WILL SUGGEST THAT THAT EXPERIENCE WOULD PROBABLY CHANGE DRAMATICALLY, IF YOU WERE USING CONSECUTIVE INTERPRETATION.

MARGARET HAS ASKED IS THERE A DIFFERENCE IN DISCOURSE STYLE AS OPPOSED TO CROSS EXAMINATION AND WHERE IS A GOOD PLACE TO STUDY THAT STYLE? THERE IS A HUGE DIFFERENCE.

DEPOSITION DISCOURSE -- VERY LITTLE CROSS-EXAMINATION WILL HAPPEN IN A DEPOSITION. SO AN INTERPRETATION PERSPECTIVE THAT MEANS ON DIRECT THE MAJORITY OF WHAT YOU WILL BE DOING IS ASL TO ENGLISH INTERPRETATION.

WHEREAS WE KNOW IN CROSS-EXAMINATION, OUR FOCUS IS ON ENGLISH TO ASL, BECAUSE THE CRITICAL INFORMATION IS IN THE QUESTIONS AND THE RESPONSES ARE SHORT AND DIRECTED, THEY ARE LEADING QUESTIONS, SO THE ANSWERS ARE YES/NO.

THAT HAS A HUGE EFFECT ON HOW WE PREDICT WHAT WE'RE GOING TO BE INTERPRETING IN A DEPOSITION.

I DO WANT TO SAY THAT I HAVE DONE HUNDREDS OF DEPOSITIONS AND I WOULD AS A DEFENDANT, WHEN I REPRESENTED THE DEFENSE, I WOULD NOT DO CROSS-EXAMINATION PER SE, BUT IF I KNEW I WAS GOING TO BE WRITING A MOTION FOR SUMMARY JUDGMENT, I WOULD TRY TO GET THE WITNESS ON MY CROSS-EXAMINATION I WOULD TRY TO GET THE WITNESS TO AGREE TO THE FACTS THAT I NEEDED FOR MY MOTION FOR SUMMARY JUDGMENT AND SAY WE DON'T DISAGREE ON THE FACTS AND I STILL WIN BECAUSE THE LAW STILL HEAVILY FAVORS MY SIDE OF THE CASE.

THERE ARE NO QUESTIONS.

BUT MOST ATTORNEYS DON'T DO ANY -- IT'S PRIMARILY -- IT'S ALWAYS JUST THE DEPOSING ATTORNEY DOES ALL OF THEIR EXAMINATION AND TURNS IT OVER TO THE DEFENDING ATTORNEY AND ALMOST ALWAYS THEY SAY I HAVE NO QUESTIONS.

THEY WILL TYPICALLY GO BACK AND CLEAN STUFF UP, BUT I WOULD DO IT WHEN I KNEW I HAD A MOTION COMING AND NEEDED SPECIFIC ADMISSIONS. THE BEST PLACE TO SEE THAT KIND OF THING IS PROBABLY JUST COURTROOM TESTIMONY, OR I KNOW THAT THERE ARE A NUMBER OF DEPOSITIONS ON YOUTUBE THAT YOU CAN LOOK AT.

NATALIE HAS TWO IME, THE INDEPENDENT MEDICAL EXAMINER IN THE PERSONAL INJURY CASE -- TWO IME QUESTIONS.

I'M NOT SURE IF THE DOCTOR PAYS FOR THE INTERPRETER OR THE ATTORNEY WHO PAYS FOR THE INTERPRET.

I DID HAVE AN OPPORTUNITY TO INTERPRET AN IME WITHIN THE LAST YEAR, BUT I WAS IN MY OFFICE AND I DON'T REMEMBER OR I DON'T KNOW THAT THEY TOLD ME WHO WAS PAYING FOR IT.

AND SECONDLY, IF I INTERPRET AN IME, I HAVE INTERPRETED PART OF THE INVESTIGATION AND THEREFORE, I AM EXCLUDED FROM DOING THE PROCEEDINGS WORK, CORRECT.

YES.

CORRECT.

THAT IS PART OF THE INVESTIGATION.

AGAIN, OUR HEARSAY RULES APPLY.

THE IME CANNOT TESTIFY BECAUSE THE IME DOESN'T HAVE PERSONAL KNOWLEDGE WHAT THE DEAF PERSON SAID.

IN ORDER TO GET THE TESTIMONY IN, IF THE ATTORNEYS ARE FOLLOWING THE RULES OF EVIDENCE, THEY WOULD NEED TO CALL THE INTERPRETER FROM THE IME IN ORDER FOR THE DOCTOR TO GIVE AN OPINION.

RACHEL HAS TYPED IN AND SAID THAT THE IME IS USUALLY PAID FOR BY THE INSURANCE COMPANY, WHO ALSO PAYS FOR THE INTERPRETER. SO THAT IS A GOOD EXAMPLE OF US USING OUR COLLECTIVE KNOWLEDGE TO UNDERSTAND A LITTLE BIT MORE OF THAT CONSULTATIVE AREA OF LAW.

I KNOW WE HAVE FIVE MINUTES LEFT AND CARRIE HAS SOME CLOSING REMARKS TO GIVE TO YOU. SO I WILL JUST SHOW YOU THIS FINAL SLIDE.

IF YOU ARE INTERESTED IN MORE IN-DEPTH LEGAL TRAINING AND KNOW THAT THE MARIE CENTER HAS A 18-MONTH TRAINING PROGRAM.

SOME OF YOU ON THIS WEBINAR TODAY HAVE GONE THROUGH THE PROGRAM AND SOME OF YOU ARE IN THE PROGRAM AS WE SPEAK. SO IF YOU WANT MORE INFORMATION ON IT, GO TO THE MARIE CENTER'S WEBSITE AND THERE YOU MAY ALSO SEE THE ARCHIVED SESSIONS AND CAROLYN IS GOING TO TALK TO YOU ABOUT THE CEUS.

I APPRECIATE YOUR ATTENTION AND IT'S BEEN AN INTERESTING RIDE FOR THESE FIVE SUMMER SERIES WEBINARS THAT ANNA REALLY PUT TOGETHER. SO THANK YOU VERY MUCH FOR HAVING ME, AND CARRIE, SHE IS ALL YOURS.

>> THANK YOU VERY MUCH, CARLA.

I WOULD ALSO LIKE TO THANK OUR COLLABORATION PARTNER, THE CATIE CENTER AND OUR INTERPRETERS, KIRK AND TERRI, AND CAROL OUR CAPTIONER AND JESSIE ZHU AND THE NCRTM TEAM.

YOU CAN COMPLETE THE FORM AFTER THE SATISFACTION SURVEY IS COMPLETED.

THE SURVEY WILL OPEN UP ONCE YOU CLOSE OUT OF THE WEBINAR SOFTWARE.

SUBMIT THE SURVEY AND YOU WILL SEE A SCREEN TO CLICK ON FORM TO REQUEST CEUS.

THIS FORM MUST BE FILLED OUT TO RECEIVE CEUS.

IF THE SURVEY DOES NOT POP UP, PLEASE EMAIL ME AND I WILL SEND IT TO YOU.

ALSO, IF THE SURVEY DOESN'T COME UP, YOU CAN ALSO GO TO THE WEB PAGE FOR THE WEBINAR PROVIDED TO YOU IN THE EMAIL.

THERE IS THE LINK TO ACCESS THE WEBINAR TONIGHT AND YOU WILL SEE THE LINK FOR THE SURVEY THERE AT THE BOTTOM OF THE PAGE. A GROUP SIGN-IN PAGE WAS ATTACHED TO THE EMAIL.

IF YOU WATCHED AS A GROUP, PLEASE HAVE EVERYONE SIGN-IN AND SEND THE FORM TO ME.

I ENCOURAGE EVERYONE TO COMPLETE THE SURVEY EVEN IF YOU USE THE SIGN-IN SHEET.

THERE IS A LIST SERVE THAT WILL BE OPENED FOR TWO WEEKS.

I WILL SEND OUT AN EMAIL TOMORROW OR ELSE MONDAY ON THE WEBINAR INTEREST LIST.

IF YOU WANT TO JOIN OUR WEBINAR INTEREST LIST, PLEASE VISIT THE MARIE WEBSITE AND I THINK THAT IS ALL.

IF YOU SIGNED UP FOR OUR WEBINAR INTEREST, YOU WILL GET MORE PROMOTIONS ON FUTURE WEBINARS.

THANK YOU VERY MUCH.

HAVE A GOOD DAY.