Legal Interpreting Skill Development:
Case Study Analysis

What is Case Study Analysis?

For the purpose of the Toolkit for Legal Interpreting, CASE STUDIES are documented specific real-life legal situation/scenario - such as a transcript of an actual trial - used as a teaching tool in helping interpreters gain a deeper understanding of some aspect of the legal system and their work as interpreters within that system. A case study that involves a transcript of an actual trial can also help interpreters gain a deeper understanding of the law and its application to specific legal issues, as well as an appreciation for legal procedure and processes. If the CASE STUDY involves an ethical dilemma that legal interpreters might confront, then the process of analysis enables interpreters to gain a greater understanding of how to apply ethical standards and practices to interpreting in the legal system.

The process of analysis requires interpreters to identify key elements of the case and to discuss the implications for interpreting and/or possible actions an interpreter must take as part of their interpretation process, and requires that they support their findings by the line of reasoning employed and assumptions made.

Exercises

1. Preparing a Case Study Analysis

- **Select one of the trial transcripts from the Toolkit to analyze.**

  Many of the cases are not specific to Deaf individuals, but rather focus on an issue of law that is important for interpreters to understand. <u>As an alternative, you can do an internet search for a trial of your interest to use for the purpose of analysis.</u> For example, here is a link to the transcripts for both the criminal and civil trial of O.J. Simpson. https://simpson.walraven.org. As well, there are a selection of trial transcripts available at http://guides.lib.jjay.cuny.edu/SpecialCollections/TrialTranscripts.

- **Read through the transcript.**

  As you read through the transcript, take notes, highlight relevant facts, and underline legal terminology. Where in doubt, look up the meaning of the legal terms and consider the application of the meaning to the particular case you are analyzing. This will expand your understanding of the case.

- **Prepare an Executive Summary.**

  This is a synopsis of the trial generated in either written English or ASL (taped). Create an accurate and concise description of the trial/case OR the portion of a trial or case you are reviewing - What is the citation of the trial; what is the legal issue(s) being tried; what are the compelling facts related to the issue; what is the central position of each side of the issue (the position of the plaintiff/prosecutor and the position of the defendant) and what are the key points to their argument; what is the outcome of the trial? Also provide a list of the primary "players" - the names and gender of the attorneys, plaintiffs, defendants, judge, witnesses. If expert witnesses were used, identify their area of expertise and which side of the case called them. Provide a brief summary of what the focus of their expert testimony was and what it contributed to the matter before the court.

  NOTE: These are samples of a citation of a case.

United States of America, Plaintiff v. James Graystone and Phillip Myers, Defendants
Criminal Case #2016-10327-GOA

Marcia Smith Polinski, Plaintiff v. Harold Richard Polinski, Defendant
Civil Case #98-20334

- **Discuss the Case from the Perspective of an Interpreter.**

  The case you are studying may or may not have Deaf individuals involved. However, for the purpose of the analysis, discuss the implications of the case from the perspective of an interpreter - assuming there are Deaf individuals involved in some capacity as a witness, victim/plaintiff, defendant, or juror. Answer the following questions. These questions can be answered in written English or ASL (taped).

  - What are the primary factors to consider when staffing this case with an interpreting team? How would the factors differ if the Deaf individual(s) involved was/were the plaintiff, the defendant, a witness, an expert witness, juror or interested person observing the trial.
  - Assuming the role of the proceedings interpreter, what are the primary issues and/or challenges to consider and what would you need to do to prepare for in interpreting this particular case? Prove each issue or challenge you have identified is genuinely a concern by providing supporting evidence you have discovered in the case study and by discussing theory and/or what you have learned from your course content.
  - What tools and/or resources would you require to assist you in your work as a proceedings interpreter? What is the rationale/reasoning for using the specific tools and resources you identified?
  - What cultural, linguistic, or racial issues surfaced or might surface in this particular case? What is the implication of these issues for the interpreter, the consumers, the jury?
  - What matters of law or questions of legal and/or interpreting procedure do you have as a result of studying this case? How can you go about finding the information you seek? Select two of the legal or procedural questions you identified and do the research/outreach necessary to find the answers and provide a summary of your findings.
  - Cite the references and/or expert informants you relied upon in formulating your responses to these questions.

- **Summarize Your Observations.**

  As with the other sections, you can convey your summary in written English or ASL (taped). In the summary, reflect on the analysis process and respond to the following questions:
  - What is your reaction to the case as a whole? How does the case and the outcome impact you as an individual - separate from your work as an interpreter? Are there experiences you have had in your life that give you a particular observation or reaction to this case? How might these observations and reactions impact your work as an interpreter? As you leave this case, what impressions do you have about the legal system, the outcome of the case, and the work of interpreters within the legal system?
  - What new information about the law, legal system and/or interpreting did you learn as a result of analyzing this case? How do you see yourself applying this information as an individual and interpreter practitioner?
  - What questions still remain for you as a result of this case analysis? How can you go about finding the answers to these questions?

2. Group Exercises (all of these could be done with one individual student working with another individual student as well)

- A group of students (3-4) can be assigned this task and divide up the elements of the analysis and then work together to discuss their findings and create the final analysis to submit to the mentor.
- Multiple groups of students can analyze the same case and then engage in a facilitated discussion to identify their similarities and differences. Everyone's understanding of the case will be expanded by listening to the perspectives and findings of other students about the same case.
- One small group of students can present their case analysis to another small group of students who analyzed a different case and they can each discuss their observations and questions. Each group of students presents its case analysis to the other group for feedback and discussion.
- Students can argue one perspective on the case, almost in a debate format - the plaintiff/prosecutor or the defendant's perspective - offering facts and evidence drawn from the case analysis. Ideally, students will have the opportunity to argue a perspective that is different from their own some of the time so that they can strengthen their understanding of legal principles and strategy.
- Students can exchange their final case analysis with one another and provide feedback to each other. In providing feedback, students will consider the following.
  - Did the case analysis address all the required elements? Sufficiently? Why or why not? What gaps exist or what elements could have been developed more completely/thoroughly?
  - What were the parts of the analysis you felt were the strongest and most impactful and why?
  - What were the parts of the analysis you felt were the weakest and least impactful and why?
  - What new insight did you, as the reviewer, take away from the analysis?