Legal Interpreting Skill Development:
Reading and Understanding Court Decisions

Court Decisions

The legal system adheres to the doctrine of STARE DECISIS, which is Latin for "stand by decided matters." This means that a court will be bound to rule in accordance with a previously made ruling on the <u>same type of case</u>. Precedent, or case law, <u>is binding on courts of the same or lower level</u> and applies only if there is no legislative statute created, or higher court ruling, that overrules it.

Example of case law application provided by the Content Team of Legal Dictionary (2016)

> Stacy, a tenant in a duplex owned by Martin, filed a civil lawsuit against her landlord, claiming he had not given her enough notice before raising her rent, citing a new state law that requires a minimum of 90 days' notice. Martin argues that the new law applies only to landlords of large multi-tenant properties. When the state court hearing the case reviews the law, he finds that, while it mentions large multi-tenant properties in some context, it is actually quite vague about whether the 90-day provision applies to all landlords. The judge, based on the specific circumstances of Stacy's case, decides that all landlords are held to the 90-day notice requirement, and rules in Stacy's favor.

> A year later, Frank and Adel have a similar problem. When they sue their landlord, the court must use the previous court's decision in applying the law. This example of case law refers to two cases heard in the state court, at the same level. The ruling of the first court created case law that must be followed by other courts within the same jurisdiction until or unless either new law is created, or a higher court rules differently ("Example of Case Law Application").

For the purpose of the Toolkit for Legal Interpreters, case studies are documented specific real-life legal situation/scenario – such as a document that summarizes a court decision - 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 court decision 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. Case analysis will assist interpreters in gaining an understanding of the role of CASE LAW within the court system.

Reading and Analyzing Court Decisions

The following questions and brief narrative were adapted from an online case guide posted by the University of Albany. The adaptation provides you with steps to get the most out of a case - in terms of understanding the case itself, of comprehending how it relates to other cases, and to considering the implications for interpreting. There are six (6) different levels of inquiry, though you may be able to develop a good grasp of cases using more or fewer groups of questions as you practice the process. If you can answer all these questions, you can be assured that you have a thorough understanding of the case.

Levels of Inquiry:

1. *What is the background of the case?*

You want to place the case in its proper context, which will enable you to understand its relationships to other cases more easily once you've read the case.

To get a good grasp of the background, ask yourself the following questions:

- From where is the case?
- When was the case decided?
- Is it a federal or state case?
  - If it is a federal case, in what circuit was it decided?
- At what level is the case? Is it a district court case, circuit court case, or Supreme Court case?
- Are there any legal terms in the case that I do not understand?

2. What are the facts of the case?

You want to make sure you understand what is going on in the case. You need to have a thorough grasp of the facts of the case so that you can understand how the legal rulings apply.

To get a good grasp of the facts, ask yourself the following questions:

- Who is the plaintiff?
  - What did the plaintiff claim as his legal injury?
  - What kind of remedy was he seeking from the court?
- Who is the defendant?
  - What kind of defense did she present against the plaintiff's claims?
- What side did the court seem to find to be more convincing?
  - Even if the court's explanation of the facts seems relatively neutral, can you identify points at which a close question of factual interpretation went one way or the other?

3. *What is the legal question in the case and how does the court answer it?*

This is the heart of your analysis. You want to identify the case's holding, or the main principle for which future judges will follow or distinguish this case.

To identify the holding, ask yourself the following questions:

- Around what legal questions does the court seem to be centering its analysis?
- What legal question(s) is the key determining factor in the court's decision about the outcome of the case?
- How does the court answer this legal question?
  - With a yes/no answer? Or with an elaborate test that it suggests for future courts to use? Something in between?
- Do the legal question(s) and answer fit together convincingly?

4. What reasoning supports the court's decision?

You want to develop an understanding of the court's legal reasoning. The point of an opinion is for the court to explain why it has decided a case in a particular way.

To understand the legal reasoning in the case, ask yourself the following questions:

- What, at bottom, does the case really seem to be about?
- What arguments does the court use to justify its answer to the legal question you've identified?
- What other cases does the court cite for support?
  - Does it distinguish other cases?
- On what basis does it rely on some cases and distinguish others?

5. How does the decision fit in with other cases or my general world knowledge?

Once you have analyzed the case thoroughly, figure out how the case fits in with other cases you have read or cases you have heard about. This will help you to get a sense of how legal doctrine develops and changes over time.

To understand how the decision fits into a particular line of doctrine, ask yourself the following questions:

- In what way does this case address issues that I've seen or heard about before?
  - Of what cases do the facts in this case remind me?
  - Of what cases do the legal issues in this case remind me?
- To what extent does this case extend or modify legal reasoning that was employed in earlier cases?
  - Can I tell a story about the development of case law in this area that takes into account changes in legal tests over time?
- What issues does this case leave unresolved?
  - What kinds of questions do I expect to arise in the next case dealing with this doctrinal area?

6. How does/might the decision impact the work of interpreters and/or impact linguistic access for Deaf individuals?

To understand how the decision impacts interpreters and Deaf people in the legal setting, ask yourself the following questions:

- What implications of this case exist for interpreters?
  - Does it impact our practice in anyway? Perhaps how we practice within a specific context - such as a police interrogation or a hospital setting? If so, discuss.
- How does the information discussed in this case impact the work of interpreters and/or effect their interactions with the court and Deaf consumers of legal interpreting services?
- How does or might the decision of the court impact Deaf individuals in terms of linguistic access and/or fundamental human rights?
- If the court decision was in favor of the Deaf individuals involved in the case, what reasoning was used?

- o Does this reasoning advance the recognition of the linguistic and/or human rights of Deaf individuals? If so, in what way?
- If the court did not decide in favor of the Deaf individuals involved in the case, what reasoning was used?
  - o Does this reasoning represent any of the faulty logic associated with institutional oppression of Deaf individuals and/or other marginalized individuals? What markers indicate that?

Once you have gone through these levels of inquiry and have answers to the questions, the next part of the process is to create your summary and reflections. Your summary and reflection can be shared with a mentor and/or peers.

Prepare a Summary:

This is a synopsis of the decision in your own words generated in either written English or ASL (taped). Create an accurate and concise description of the case - What is the citation of the matter; what is the legal issue(s) being decided by the court; 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 Court's decision?

Attempt to identify what the court viewed as the compelling reasons for the decision that was made. Typically, this will involve some discussion of the CASE LAW that the attorneys used to support their position on the issue(s). In the court's decision, the judge will discuss whether the court agrees that the CASE LAW[1] cited during the trial in fact applies or not.

Summarize Your Observations:

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?

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[1] Case Law, often used interchangeably with the term Common Law, refers to the precedents and authority set by previous court rulings, judicial decisions and administrative legal findings or rulings. Case law has particular importance in the United States. Case law in this sense means the written opinions of appellate courts deciding a point of law. When judges have to make decisions on matters of law they must follow the decisions of their predecessors and superiors. The decision cited for precedent by the attorneys representing a particular orientation to the issues must be from a court higher than the one hearing the current case. And in fact, case law is most often established by appellate courts. The use of the appeal process to review what happened in a lower court is one reason why the accuracy of the trial record - the transcript - is so important.

Group Exercises:

A group of interpreters (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 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 others about the same case.

One small group can present their case analysis to another small group who analyzed a different case and they can each discuss their observations and questions. Each group presents its case analysis to the other group for feedback and discussion.

Interpreters can exchange their final case analysis with one another and provide feedback to each other. In providing feedback, 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?

Reference

Content team. (2016, April 28). *Case law*. Legal Dictionary. https://legaldictionary.net/case-law/