

REVIEW: *LEGAL INTERPRETING – TEACHING, RESEARCH, AND PRACTICE*, BY JEREMY L. BRUNSON (ED.), GALLAUDET UNIVERSITY PRESS, 2022

Marco Furtado¹

CEOS.PP, ISCAP-P.PORTO

In legal settings including courtrooms, law offices, police stations, immigration offices, and other legal proceedings where the people involved do not speak the same language, legal interpreting can be defined as the process of rendering one spoken language into the other. Legal interpreters ensure that all parties involved understand each other and may fully participate in the legal process by facilitating communication between these parties who speak different languages. Pöchhacker (2016), highlights that, once law enforcement and justice administration organisations are established, legal translators and/or interpreters are hired to ensure that people who do not speak a country's official language(s) are taken into consideration. Apart from that, Pöchhacker also states that what is often referred to as legal interpreting in various jurisdictions include both interpreting in judicial and administrative proceedings as well as certified translation jobs.

Being a highly specialised area, legal interpreting necessitates extensive training and certification. In addition to being fluent in at least two – or more – languages, legal interpreters must have a thorough awareness of legal terminology and procedures in both the source and target languages. Thus, legal interpreters need to be highly proficient in their active working languages, culturally aware, and well-versed in the legal system. The meaning and intent of spoken words must be faithfully conveyed by these professionals without

¹ ORCID: <https://orcid.org/0000-0002-5297-1146>; Email: mfurtado@iscap.ipp.pt

additions or deletions in legal settings. Throughout the interpreting process, legal interpreters must uphold confidentiality and moral principles while being neutral and unbiased. Thus, they also must abide by ethical standards and professional norms of behaviour unique to legal interpreting.

As pointed out by Morris (1999), other questions of interest to the context of legal settings and the law include overall attitudes which are specific to a certain cultural context may change over time, but some of these issues are recurrent, for instance, a person's right to interpretation, whether interpretation is necessary, etc. Among many others, relevant issues also include attitudes to foreigners and deaf people, using an interpreter to provide testimony, language rights, due process, immigration issues, and being sensitive to the needs of those from different cultural and linguistic backgrounds as well as to those individuals who are struggling to communicate in the language of the proceedings.

This volume edited by Jeremy L. Brunson is the twelfth volume of the INTERPRETER EDUCATION SERIES, edited by Cynthia B. Roy (series editor). It highlights the specific issues regarding deaf interpreting in legal settings and the importance of ensuring effective communication and upholding the rights of deaf or hard of hearing individuals within a certain legal system. It also underlines the relevance of deaf individuals having the right to equal access to justice, just like any other individual. Without qualified and/or certified interpreters, they may not be able to fully understand legal proceedings or effectively communicate their needs, potentially leading to misunderstandings, unfair treatment, or denial of rights.

The book is divided into three main sections, and in conformity with this structure, the chapters gathered in this volume are broadly classified into three areas related to legal interpreting: 'Applied', 'Best Practices', and 'Research'. The contributions deal with pertinent concerns primarily with the education of upcoming legal interpreters.

The first section, ‘Applied’, includes three contributions. The first chapter, written by Jeremy Brunson and Gino Gouby, delves into the educational aspect of legal interpreting. They suggest that educators should focus not just on the technical aspects of legal interpreting but also on broader issues pertinent to the field. This includes topics such as the involvement of deaf interpreters, the importance of accuracy, understanding the interpreter’s role, building trust, and methods of assessment. Recognizing the eagerness of interpreting students to learn about legal interpreting, the chapter addresses the challenge of adequately preparing them for this specialized field without encouraging premature entry.

Risa Shaw’s chapter emphasizes the crucial role of monitoring in legal interpreting. She stresses the significance of a skilled monitor interpreter and the necessity for collaboration among legal professionals to ensure accurate interpretation. Shaw outlines the responsibilities of monitor interpreters, including the analysis of interpretation errors and effective communication with attorneys and clients. The chapter, hence, highlights the importance of collaboration in maintaining the integrity of legal proceedings.

Christopher Tester and Natalie Atlas propose a framework for constructing persuasive arguments in legal interpreting situations. They introduce the IRAC approach (issue, rule, application, conclusion) commonly used by attorneys, providing examples to empower interpreters to effectively advocate for optimal proceedings. This approach aims to maximize successful outcomes and enhance comprehension for all parties involved.

Overall, the chapters of the first part of this volume underscore the multifaceted nature of legal interpreting, emphasizing the importance of comprehensive education, collaboration, and effective communication. Educators are encouraged to provide students with a holistic understanding of legal interpreting, including technical skills, ethical considerations, and strategies for effective communication. By equipping interpreters with the necessary

knowledge and skills, they can confidently face the complexities of legal settings and uphold the principles of justice and fairness.

In the two chapters of the second part of this volume entitled ‘Best Practices’, the reader is provided with valuable insights into different aspects of legal interpreting. Mather’s discussion on interpreters as expert witnesses sheds light on the legal framework and challenges associated with this role, while Loos’s exploration of interpreter assessment emphasizes the importance of evaluating cultural literacy alongside linguistic proficiency. Together, these chapters contribute to a better understanding of the complexities and requirements of legal interpreting practice and education.

Carla Mather’s chapter discusses the role of interpreters as expert witnesses in legal proceedings. She explores the legal framework governing expert witness testimony, including the Federal Rules of Civil Procedure. Mather provides insights into the logistics of expert witness work, such as hiring, payment, report writing, and challenges faced by interpreters in this role. Another aspect of legal interpreting addressed by Mather is the possibility for interpreters – and their common experience – to serve as expert witnesses and provide testimony. In an adversarial legal system, like the one in the U.S., defence attorneys may question the quality of interpretation, leading to interpreters being called upon to testify about their work or explain best practices. Mather’s legal analysis aims at assisting interpreters, students, and educators in understanding the complexities of testifying in legal matters and offers valuable resources, enhancing legal interpreters’ understanding and preparedness for this aspect of their profession.

Scott Robert Loos’s chapter focuses on the assessment of interpreters, highlighting the need for a more formalised curriculum for professional admission into the field. He questions whether the innate bilingual skills of interpreters are sufficient for passing assessment tools, emphasizing the importance of assessing cultural literacy alongside

linguistic proficiency. Loos argues for a comprehensive assessment that evaluates interpreters' ability to understand and effectively communicate in both languages and cultures. He underscores the necessity of psychometrically sound assessments that accurately measure interpreters' abilities in all relevant domains, including cultural literacy.

Christopher Stone and Gene Mirus initiate the section on research by examining the hidden work of deaf lawyers and its implications for legal interpreting. They focus on the importance of interpreters understanding how deaf American Sign Language (ASL) users engage in legal discourse to tailor interpretations effectively. By delving into the intricate dynamics of legal conversations among deaf legal professionals, interpreters can better grasp the nuances and complexities of legal language, thereby enhancing access to justice for deaf ASL users. Furthermore, Stone and Mirus highlight the constant struggle for interpreters to appear native in at least two languages, emphasizing the importance of immersive experiences within the communities they serve. While immersion works well for everyday conversations, specialized discourse, such as legal discussions, requires interpreters to engage with language experts to hone their skills. The authors stress the benefits of studying how deaf attorneys communicate about the law, providing valuable insights for interpreter training programs.

Jemina Napier *et al.* delve into the *Justisigns* project, an innovative initiative aimed at improving sign language interpreters' competencies in police settings. This project, funded by the European Commission Lifelong Learning program, involved a consortium of researchers from across Europe with diverse experiences as users and practitioners of sign language. Through a mixed methods approach, the project identified barriers to accessing justice within police settings and developed training courses to address these challenges. The authors discuss the development of three key training courses as part of the above referred project. Firstly, a professional development workshop for deaf interpreters aimed to enhance

the skills of interpreters working in legal contexts. Secondly, a masterclass brought together deaf individuals, interpreters, and police officers to facilitate collaboration and understanding among stakeholders. Lastly, a curriculum for credit-based courses targeted police officers and interpreters, providing them with essential knowledge and skills for effective communication in legal settings.

In the next chapter, Jérôme Devaux and Robert G. Lee delve into the essential components of legal interpreter training, focusing on paralinguistic factors and interpreter role-space enactment. They argue that an awareness of these factors is crucial for successful interpreting, as interpreters must navigate complex linguistic and cultural dynamics within legal settings. By equipping interpreters with tools to anticipate and address challenges, training programs can enhance the quality and effectiveness of legal interpretation.

LeWana Clark's contribution centres on a study examining the relationship between teaming models and discourse type in court interpreting. The study raises questions about the impact of teaming practices on deaf defendants' Constitutional rights, particularly regarding speaker identification markers. This study highlights the importance of critically evaluating courtroom teaming practices to ensure that interpretations uphold defendants' rights to confront witnesses and receive fair trials.

In a separate chapter by Jemina Napier *et al.*, another crucial aspect of legal interpreting explored is the role of interpreters in facilitating jury participation for deaf individuals. Through interdisciplinary studies and collaborative research, the authors shed light on the experiences of deaf jurors and the challenges they face in understanding legal proceedings. By providing evidence-based training for interpreters working with deaf jurors, interpreter educators can help dispel myths and misconceptions, thereby enhancing the accessibility and fairness of the jury process.

Finally, Deborah Russell discusses a community-based approach to legal interpreter training, focusing on building partnerships with professional associations and designing learning programs tailored to the needs of interpreters. Through collaborative efforts with the Association of Sign Language Interpreters of Alberta (ASLIA), the author developed learning programs aimed at enhancing interpreters' skills for courtroom experiences. This community-learning approach emphasizes the importance of understanding and addressing the unique challenges of legal interpreting through targeted training initiatives.

Overall, the last section of the volume underscores by means of research the importance of understanding specialised legal discourse, addressing unique challenges in legal settings, and equipping interpreters with the necessary skills and knowledge to ensure access to justice for all parties involved.

Despite the fact that the chapters' order of appearance in the table of contents does not follow the editor's preface – both chapters by Jemina Napier *et al.* in the last section are swapped – the book is written in an enjoyable style. Moreover, the signed video summaries of most contributions, which can be accessed by scanning the corresponding QR codes, are crucial for accessibility as they provide concise visual information using sign language. They cater to deaf and hard of hearing individuals who rely on sign language for communication the summaries of the complex topics and important content covered in this volume in a format that is accessible and easy to understand.

The present volume highlights to a large readership how legal matters often involve complex language, terminology, proceedings, etc. It also stresses that in legal settings, accurate communication is essential to ensure due process and fairness. Deaf individuals have the right to understand and participate in legal proceedings, including court hearings, consultations with law professionals, law enforcement officers, etc. Deaf interpreters play a critical role in facilitating communication between deaf individuals and legal professionals,

ensuring on the one hand that these individuals can fully exercise their legal rights and make informed decisions. On the other hand, they help to uphold the integrity of legal proceedings.

Due to the fact that many jurisdictions lack clear laws and/or regulations mandating the provision of qualified and/or sworn-in interpreters for deaf individuals in legal settings, *Legal Interpreting – Teaching, Research, and Practice* serves as well as an urgent appeal to the official status of qualified deaf interpreters who ensure that information is accurately conveyed between deaf individuals and legal professionals, reducing the risk of misinterpretation or misunderstanding, avoiding the failure to provide adequate interpretation services which can lead to legal challenges and violations of anti-discrimination laws, protecting the legal rights of deaf individuals, and ensuring fair and equitable treatment for all individuals within a legal system.

References

Brunson, J. L. (Ed.). (2022). *Legal Interpreting – Teaching, Research, and Practice*. Gallaudet University Press.

Morris, R. (1999). The Face of Justice: Historical Aspects of Court Interpreting. *Interpreting*, 4(1), 99-123.

Pöchhacker, F. (2016). *Introducing Interpreting Studies* (2nd ed.). Routledge.