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Training Interpreters for Legal Specialization

A Case for Training Signed Language Interpreters for Legal Specialization

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Abstract

Interpreting in legal settings has become a specialized area of practice that requires specific training and ongoing professional development. This study examined the training and professional development needs of ASL–English interpreters in North America. The 1,995 participants in an online survey included interpreters who provide services in legal settings and those who do not. The data suggest that interpreters desire certificate programs that are delivered in multiple formats, including face-to-face intensive experiences, online distance learning, and regional and local mentoring experiences. The training content areas participants wanted most include specialized interactions; legal discourse across a range of settings including police, domestic violence, depositions, and jury trials; interpreting techniques when working in deaf/hearing teams, using consecutive interpreting and error identification and correction; and ethics and decision making. All of the data analyzed offer insight into how best to design learning events that are meaningful for interpreters who want to work with legal discourse and interactions in a variety of settings, including courtrooms. Recommendations for educational institutions, professional organizations, and individual practitioners follow from the data.

Key Words: legal interpreting, signed language interpreting, team interpreting, deaf interpreting, training content, sequence of courses, curriculum design, interpreter educators

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A Case for Training Signed Language Interpreters for Legal Specialization

1. Introduction

Interpreting in legal settings is a distinct area of practice that requires specialized skills and training (Hale, 2002, 2007; Lee, 2009; Russell, 2002, 2008). The development of specialized skills and the participation in training focused on specific knowledge and skill sets leads a general practitioner to become a specialist. Bontempo and Napier (2007) surveyed interpreter practitioners about their perceptions of the skills needed for effective practice, along with their self-reports of competence. The findings revealed significant gaps in the skills required by interpreters, which has implications for ongoing professional development in order to move interpreters from generalists to specialists. A *specialist* is defined as a “practitioner who, through advanced training, acquisition of specialized skills, knowledge, and experience, distinguishes him or herself as being uniquely qualified for the demands of the specialized interpreting work” (Witter-Merithew & Nicodemus, 2011, p. 57). Witter-Merithew and Nicodemus (2011) further suggest that in order to protect the interests of consumers who rely on the services of interpreters with specialized competencies, the field of interpreting must be intentional in developing specializations in interpreting.

In North America, organizations such as the Registry of Interpreters for the Deaf (RID) have promoted interpreting in legal settings as a distinct, specialized field of signed language interpreting that requires both advanced skills and training. RID developed a specialist’s certificate in legal interpreting known as the Specialist Certificate: Legal (SC:L). In Canada, the Association of Visual Language Interpreters of Canada (AVLIC) produced a guide for signed language interpreters in legal settings in 1994, the *AVLIC Position Paper on Legal Interpreting*, that identified the specialized skills and knowledge necessary to interpreting in such settings. In 2011, AVLIC updated the document (AVLIC, 2012), encouraging interpreters to acquire the necessary advanced discourse, protocol, and process knowledge prior to working in interactions that involve legal discourse. The document emphasizes managing legal discourse as opposed to settings. This is critical given that legal discourse can occur in many interactions, such as a video remote service call, a doctor’s interview, or a real estate or insurance transaction.

Approaches to providing specialized training for interpreting in legal settings have varied within North American and European contexts. For American Sign Language (ASL)–English interpreters in the U.S., acquiring the advanced training needed to achieve the RID specialist certification often has meant attending a series of workshops provided by state or regional interpreting organizations. Other interpreters have chosen to participate in courses designed for spoken language interpreters as well as language-specific courses for ASL–English interpreters. Another option available to ASL–English interpreters is to take the Legal Interpreter Training Program offered by the Distance Opportunities for Interpreter Training (DO IT) Center at the University of Northern Colorado. This program is offered over four semesters, comprising three knowledge courses delivered online and an intensive fourth course delivered in a face-to-face format that is focused on the interpreting skills necessary for this specialized area. For European interpreters wishing to specialize in legal interpreting, there are

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numerous courses across several countries. Since 2009, the European Legal Interpreters and Translators Association (EULITA) has offered comprehensive training for spoken and signed language interpreters and translators; typically these interpreters and translators possess an undergraduate or graduate degree prior to specialization.

In 2009, the authors launched a research project in North America to gather data from certified and noncertified sign language interpreters who provide interpreting services in legal settings and from other interpreters who choose not to work in legal settings. (For a more complete review of this data, see Roberson, Russell, & Shaw, 2011.) It was clear from the study that throughout North America, the demand for interpreters with specialized training for legal settings far exceeds the supply of such qualified interpreters. As a result, a great proportion of legal interpreting services are provided by individuals who are certified as generalist practitioners, with or without comprehensive training in legal discourse, legal protocol, and legal systems (Roberson, Russell, & Shaw, 2011).

Participants identified professional development related to interpreting in legal settings in which they had participated and what they believe they needed in order to be more prepared for specialized legal discourse and interactions. The respondents also provided input on the format and structure of training opportunities they felt would be most useful to them. Hence, this article describes the findings as they pertain to the training desired and/or needed in order to enhance the pool of interpreters qualified to work in settings and/or interactions that involve legal discourse. The research questions from the larger study that are pertinent to this article include:

1. What training in legal interpreting have interpreters who provide legal interpreting services had?
2. What training in legal interpreting do certified interpreters need in order to provide legal interpreting services?

In addition to reporting the findings, we discuss implications and provide recommendations for individuals, educational institutions, and professional organizations to provide experiences that would enhance the skills and knowledge of interpreters working in legal settings, thus allowing them to gain and demonstrate the skills needed for legal interactions. Although the data were derived from North American participants interpreting ASL–English, the findings and recommendations may be relevant to other countries, especially when contrasted with similar findings and directions of the Reflection Forum on Multilingualism and Interpreter Training (European Commission, 2009).

2. Review of the Literature

What follows is an overview of literature relevant to specialization of interpreting in legal settings, interpreter training models in general, and interpreter training specific to legal settings and research that frames current adult education development. This literature will situate the relevant sections of the study reported in this article.

2.1. *Specialization Within the Field of Interpretation*

Specialization within the field of interpreting has been an area of interest for the past two decades. During 2005–2010, the (U.S.) National Consortium of Interpreter Education Centers (NCIEC) examined the development of specialized competencies through a variety of research projects. Witter-Merithew and Johnson (2005) reported on a North American study that revealed that as deaf people gain greater access to education, employment, and other aspects of social inclusion, the demand for qualified and competent interpreters grows. Hauser, Finch, and Hauser (2008), in their edited volume on designated interpreters, highlighted the specialized competencies and strategies needed to work with deaf doctors, lawyers, academics, and senior executives, to name but a few areas of specialization where designated interpreters are emerging. Mathers and Witter-Merithew (2008) further pointed to the advanced competencies required by the interpreting demands related to deaf people who are semilingual (or alingual) as a result of educational, social, or linguistic deprivation.

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The NCIEC produced several research papers that define competencies for interpreters specializing in legal, medical, mental health, and video remote interpreting (VRI) settings (Witter-Merithew, 2010). However, Witter-Merithew and Johnson (2005) found that there are many interpreters who do not possess the competencies required by a generalist practitioner, let alone possess the abilities required for specialized areas. Bontempo and Napier (2007) reported similar findings that indicated significant gaps in the skills required by interpreters for effective practice. Further developments of the NCIEC Effective Practices Team (EPT) led to the development of a broader conceptual framework for understanding the need for specialization and some of the necessary factors needed for an interpreter to achieve specialization (Witter-Merithew, 2010). As part of that work, specific recommendations emphasized the importance of addressing specialization within legal interpreting and steps to be taken in order to advance this area of specialization.

Other authors have underscored the need to view interpreting in legal settings as a distinct area of practice that requires specialized skills and training (Hale, 2002; 2007; Lee, 2009; Russell, 2002, 2008; Walker & Shaw, 2011).

2.2. *Specialization Credentialing and Training*

North American legislation has supported spoken and signed language interpreters in their efforts to define interpreting in legal settings as a specialized area of interpreting practice. Mikkelsen (1998) identified numerous federal and state statutes in the U.S. that helped define the role of the court interpreter and led to the development of standards of conduct for interpreters in legal settings. Canada, an officially bilingual nation, ensures access to court proceedings in English or French; and, in areas of Canada where there are large numbers of First Nations people, language rights legislation ensures services in multiple aboriginal languages. In more recent years, an increasing number of countries, in accordance with the United Nations Conventions of the Rights of Disabled Persons (UNCRDP), are officially recognizing the signed language(s) of their countries. These events have served to advance the profession of interpreting and to require improved standards of practice. These standards of practice include the development of codes of ethics, guiding documents, and accreditation procedures.

In addition to legislation, the field of sign language interpreting in both Canada and the U.S. has worked with hiring agencies to develop the minimum qualifications to practice in courts. There are entities providing interpreting services in the U.S. that require interpreters to demonstrate a high level of specialized expertise (Witter-Merithew & Nicodemus, 2010). In addition, several state courts now require the RID Specialist Certification (e.g., Maine, California, and Ohio), whereas other states do not require specialist certification but may require the RID Generalist Certificate. Although there is inconsistency in applying the standard, increasingly we see professional organizations working with the justice system to recognize the specialized qualification.

There are two accrediting bodies for signed language interpreters in North America: RID in the U.S. and AVLIC in Canada. Both organizations have two-part knowledge and performance testing processes, and both grant certification to those candidates demonstrating the skills and knowledge deemed satisfactory. What differs between the two organizations is that since 1980, RID has offered a specialist's certificate in interpreting in legal settings, the SC:L, whereas AVLIC offers a generalist certificate only. AVLIC also has a guide for interpreters working with legal discourse, identifying the specialized skills and knowledge necessary to interpret in such settings, urging courts and legal personnel to hire certified interpreters who possess additional training in interpreting in legal settings. AVLIC encourages interpreters to acquire the necessary advanced discourse, protocol, and process knowledge prior to working in interactions that involve legal discourse. The AVLIC document also places an emphasis on managing legal discourse as opposed to settings, reflecting a current understanding that legal discourse occurs across multiple settings.

The European Legal Interpreters and Translators Association (EULITA) was founded in 2009 as a result of a 2-year project under the European Union's Criminal Justice Program, in which three associations of professional legal interpreters and translators (both spoken and signed), three universities training legal interpreters and translators, and two experts from the International Association of Conference Interpreters (AICC) and the International Federation of Translators (FIT) cooperated to prepare the foundation of a European association of legal interpreters and translators.

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EULITA shares the RID and AVLIC's goal of improving the quality of training available for interpreters and translators working in legal settings and moving the specialization forward in an organized manner, which includes addressing accreditation processes used within Europe. The 2010 report of the European Judicial Systems, *Efficiency and Quality of Justice*, included court interpreting for the first time, citing that a growing concern for Europe is efficient access to quality translation and interpreting services (Council of Europe, 2010).

2.3. Generalist Interpreter Training Models

Within the U.S., ASL–English interpreter education has expanded from short-term programs in the 1970s to well-established diploma and bachelor degree programs, and in more recent years, to graduate programs at the master's and PhD levels. An important move in advancing the education of signed language interpreters in the U.S. was the decision made by RID to require a bachelor's degree prior to sitting for certification exams. This change, which went into effect in July 2012, resulted in numerous changes in the configuration of programs and the dismantling of some 2-year programs in favor of 4-year programs.

Canadian ASL–English interpreter education has merged into 3- or 4-year tracks of training, depending on the postsecondary institution. Most students complete a full-time 1-year Deaf Studies program, followed by 2 years of full-time studies in ASL–English interpreting. Throughout North America, the programs focus on providing a generalist education, graduating practitioners who can work in a range of community-based settings. Once interpreters have a solid interpreting foundation, built on education and experience, they are then ready to specialize in an area of practice, such as interpreting in legal settings.

2.4. Training Models for Interpreting in Legal Settings

Specialized training approaches for interpreting in legal settings have varied within North America and in Europe. Witter-Merithew (2010) reviewed the history of preparation opportunities for ASL–English interpreters to work in legal settings. From the first training in 1974–1976 at Wayne State University Law School to the development of 3-week intensive courses offered by Gallaudet University and California State University Northridge and followed by combined training for Spanish–English and ASL–English interpreters in 1986, interpreting in legal settings has been viewed as an area requiring specialized training. The training available continued to expand beyond the 3-week format to an expanded program of coursework, and in 2001, the DO IT Center expanded the scope and sequence to begin delivering a series of four courses leading to a specialty certificate (Witter-Merithew, 2010).

For ASL–English interpreters in the U.S., acquiring the advanced training needed to achieve the RID specialist certification has often meant a series of workshops provided by state or regional interpreting organizations. Other interpreters have chosen to participate in courses designed for spoken language interpreters, such as the Legal Interpreting program housed at Boston University, as well as language-specific courses for ASL–English interpreters. In Canada, ASL–English interpreters have pursued advanced training by participating in U.S. offerings and short-term workshops available on an ad hoc basis in Canada.

For European interpreters wishing to specialize in interpreting in legal settings, there are numerous courses across several countries. Since 2009, EULITA has offered comprehensive training for both spoken and signed language interpreters and translators, and typically these interpreters and translators possess an undergraduate or graduate degree prior to specialization. A core curriculum has been developed for the training of interpreters and translators working in legal domains, and EULITA is currently addressing guidelines for the certification and recertification of interpreters and translators in legal settings.

2.5. Technology and Interpreter Education

Over the past few years, the use of emerging technologies has influenced the delivery of interpreter education, moving the traditional face-to-face classes to virtual classrooms in which students can participate in the learning regardless of geography (Carr & Steyn, 2000). Blasco Mayer and Jimenez Ivars (2007) identified that new

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software developments have allowed digital laboratories to dramatically change how spoken language interpreting is taught, bringing the lab to students' home computers and, allowing them access to practice materials 24 hours a day. Similarly, Gorm Hansen and Shlesinger (2007) suggested that digital technologies could serve to reduce anxiety for interpreting students while facilitating self-paced and self-monitored practice.

Many interpreter education programs have moved to blend technology into existing programming, using platforms such as Blackboard and Moodle to design learning environments that take advantage of the opportunities that exist and bringing classroom discussions, readings, and activities into a virtual space. One of the earliest providers of distance education for ASL–English interpreters in the U.S. was the DO IT Center in Colorado, which began offering training for interpreters in educational settings using online courses, distance tutors, and mentors, and summer face-to-face programming. The Master Mentor Program, operated by Dr. Betsy Winston while she was at Northeastern University in Massachusetts, was an early model of ongoing professional development in the form of distance education for signed language interpreters in the U.S. In Australia, postgraduate diploma programs in interpreting and translation for spoken and signed language interpreters have also relied on blending distance and face-to-face learning opportunities (Napier, 2006).

2.6. *Adult Education and Program Development*

Program development from an adult education perspective and teaching activities for adult-related learning have framed many translation and interpreting programs. The European Higher Education Area (EHEA) has influenced European programs by emphasizing that students must be active in their learning processes (Sanchez-Gijon, Aguilar-Amat, Mesa-Lao, & Pahisa Sole, 2009). Building on constructivist principles and problem-based learning techniques, interpreting students bring forward their learning needs in order to work collaboratively in teams and small groups (Napier, 2006; Sanchez-Gijon et al., 2009). This approach to learning is widely practiced throughout Canada, the U.S., Australia, New Zealand, and the U.K., capitalizing on the adult education literature and approaches. Napier (2006) summarized the literature that is relevant in this area, suggesting that effective pedagogy must be built on active learning, student-centered learning, and experiential learning, and there must be an interface between learning and the demands of the workplace. Seeking input from the learners in designing and implementing programs, whether professional development in structure or formal degree programs, is key to successful planning and learner satisfaction.

3. Methodology

The findings that form the foundation for this article are based on a survey conducted by three researchers in North America. The survey was designed to collect demographic and relevant information on signed language interpreters relative to the provision of interpreting services in legal settings in North America. Data were collected on the type of practices interpreters used in their work in legal settings, their training related to interpreting in legal settings, and what they believed to be training needs that had not been met. It is this latter set of data related to training, both received and needed, that is presented in this article.

The three researchers, representing three different educational institutions in North America, obtained ethical approval from institutional review boards at each of their institutions prior to conducting the study. The research team developed the questionnaire that was used to collect the data and obtained feedback on the content and design of the survey instrument from a small group of three individuals, interpreters who specialized in interpreting in legal settings and experienced researchers. (To view the questionnaire, please contact the researchers at len.roberson@unf.edu.)

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3.1. Participants

Participants were ASL–English interpreters in the U.S. and Canada. The study targeted current certified signed language interpreters (deaf and hearing) and other noncertified interpreters in both countries, many of whom currently provide interpreting services in legal settings. The sample included interpreters who did not work in legal settings, and data were obtained regarding their reasons for not working in these settings. Potential participants were identified from the RID and AVLIC membership rosters. In the U.S., the entire certified membership of RID was used. The list of names and email addresses was purchased from RID. In addition, noncertified interpreters in the U.S. who were deaf were also invited to participate by an invitation sent to the Deaf Caucus Member section of RID. In Canada, the entire membership was invited to participate via email communication from AVLIC to its members.

The names and email addresses of all potential participants were entered into the online survey tool Vovici, housed at the University of North Florida. A total of 6,657 participants were invited to participate in the study via an electronic invitation sent by the Vovici survey system. The invitation was a request for the recipient's participation in the study and an explanation of the study, including information about anonymity. Participation in the research study was voluntary, and no payment was offered to those who completed the survey. Included in the email was a hyperlink to the online survey. After 4 weeks, a follow-up email was sent reminding individuals who had not yet completed the survey about the request for their participation. The follow-up email again explained the study and the value of participant input and requested that they complete the survey. One additional follow-up contact was made 2 weeks after the first follow-up, making it 6 weeks following the initial contact. This last reminder was sent only to those who had not yet completed the survey. After six weeks, the survey was discontinued. In the end, 1,995 individuals completed the survey between March and May 2009. This represents a 30% response rate, which is a robust rate for survey research (Creswell, 2002).

3.2. Instrument

The survey consisted of 64 questions and was developed using the Vovici online survey tool. The question formats included closed questions, multiple choice questions, and open-ended questions. Nine questions related specifically to the training, education, and preparation of interpreters for legal specialization. The survey was divided into eight parts, including general information; interpreting in legal settings experience; interpreting in legal settings training; interpreting in legal settings practices to include use of simultaneous and consecutive interpreting, preparation, deaf and hearing teams, and protocols; and a concluding section seeking final thoughts and recommendations from the participants.

3.3. Procedures and Data Analysis Approaches

Survey data were analyzed using SPSS and the statistical processes built into Vovici. The researchers wanted the content to be analyzed for themes that emerged in the data, and for the participants' perspectives to be retained in their original words, so the qualitative data were analyzed using a software program known as NVivo 9.

4. Findings

The following section highlights the findings pertinent to the preparation of interpreters who work in this specialized area. Findings are also reported regarding the reasons why those interpreters who do not work in legal settings choose not to do so. Please note that when asked for comments, participants provided a large volume of comments. We have chosen quotes that are representative of the data collected and which speak to the themes below.

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4.1. Years of General Interpreting Experience and Interpreting in Legal Settings Experience

Information relative to participants' interpreting experience, both in general and legal settings, was requested. Table 1 presents data on the number of years participants had provided interpreting services in general. One third of the respondents (33.3%) had between 11 and 20 years of interpreting experience. Over one third had 21 or more years experience as interpreters. Table 2 highlights the respondents' experience with interpreting in legal settings; 46% indicated they provided interpreting in legal settings services, with the majority (55.6%) providing interpreting services in legal settings for 10 years or fewer.

Table 1: Years providing interpreting services in general

Years	%
1– 10	28.7
11– 20	33.3
21– 30	25.7
31– 40	11
41– 45	1.3

Table 2: Years providing interpreting services in legal settings

Years	%
1– 10	55.6
11– 20	25.9
21– 30	12.4
31– 40	5.5
41– 45	.4

4.2. Reasons Behind Not Interpreting in Legal Settings

Participants were asked whether or not they provided interpreting services in legal settings, and 54% indicated they did not. There were many reasons behind the decision to not interpret in legal settings (see Table 3). The primary reason was lack of training, with the second most cited reason being lack of knowledge of legal discourse.

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The third most frequent reason why participants did not provide interpreting services in legal settings was a “concern about the consequences of potential errors.” Participants also indicated that a lack of knowledge in key areas related to this specialization in interpreting prevented them from providing services in legal settings. These key areas included legal systems and legal settings. It is worth noting that of those who did not provide interpreting in legal settings, 48% did not do so because they lack the specialty certification in interpreting in legal settings. It is also worth noting that 1.1% stated they are not willing to have their work monitored as a reason for not interpreting in legal settings.

Table 3: Reasons for not interpreting in legal settings

Reason	Frequency (%)
Lack of training	67.8
Lack of knowledge of legal discourse	62.0
Concern about consequences of potential errors	60.7
Lack of knowledge of legal systems	49.6
Lack of certification	48.0
Lack of knowledge of legal settings	46.5
Work fulltime in other settings	44.9
Concern about potential liability issues	37.1
Lack of confidence	35.7
Availability of more experienced interpreters	26.1
High levels of stress	23.4
Other	16.0
Legal systems unwilling to provide team interpreters	5.2
Prior unpleasant experience	4.8
Insufficient pay in my region	3.8
Unwillingness to be monitored	1.1

Note: Values represent percentages of total responses.

The following statements from participants illustrate some of the reasons why they do not interpret in legal settings:

I am not qualified due to lack of training—i.e., knowing signs, etc. I am familiar with legal settings and know and understand the terminology in English but do not sufficiently know the sign vocabulary to render messages faithfully.

I do not feel that I have a sufficient knowledge of how to navigate the legal system to ensure that I can provide adequate interpreting services. I also do not feel confident in my understanding of the content that I would be interpreting.

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Need legal training before I work in a legal setting to feel confident and knowledgeable while interpreting. I would not feel comfortable in a setting using language I do not understand or know the signs for.

I need appropriate training in the area of legal interpreting to be able to do a successful, competent job in that arena.

...lack of training, lack of confidence and concern about potential liability issues.

I am not interested in legal interpreting. I work in the VRS setting, and because of the inability to match assignments to my existing skill set, I seek training in the basics to help me provide legal interpreting to the extent that it exists on the phone.

One theme found in the data was how the lack of mentoring has influenced individuals to not interpret in legal settings. The following sentiments were shared by participants related to mentoring:

I do not provide interpreting in legal settings due to the inability to get appropriate mentoring opportunities.

There is simply insufficient mentoring for legal settings.

I don't feel trained enough in this field therefore there is no certificate that I have obtained. No one is willing to mentor in that field. Believe me, I've tried to find mentors.

I would like to participate in a legal practicum course—a guided way of getting involved in legal interpreting through observation, discussion, and mentoring.

4.3. *Academic Preparation: General and Specific*

The data indicated that 43% of the respondents had a 4-year degree as their highest academic degree and 27.6% had a graduate degree (master's or doctorate) as their highest degree. In addition, 29.4 % of the respondents held a 2-year degree as their highest academic degree (in any field). Participants were overwhelmingly interested (72%) in taking college or university courses in interpreting in legal settings if offered for credit. There was an overwhelming response to this question, with several hundred comments provided. The statements below are representative of those responses and support the idea of academic preparation in the field of interpreting in legal settings:

I would like intensive legal training providing theoretical and mock practical work including lecture, group discussions which apply theory, observation of real interpreted situations, and mentorship.

I would like a year-long college program that would be offered online or a once a week night program that is offered at a college close to my home. There is so much information involved with

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legal interpreting that there would need to be at least a year to learn all that is required of the interpreter and to gain the confidence needed to interpret in those settings.

A program that led to a master's degree or could be part of a broader master's program that focused on legal interpreting.

A legal "track" would be ideal. Something that accommodates working professional interpreters looking for more intense training.

For those who have a 4-yr degree a master's program would be nice, otherwise there's no point in paying for credit hrs. Also, my VRS company will not reimburse for credit programs, so my preference would be an intensive online program w/o college credit.

There should be a master's degree program offered with different emphasis. Most AA and BA degrees are for educational or general interpreting. What is next? Why not have a MA degree in either legal interpreting, medical interpreting, or business interpreting?

4.4. Professional Development and Training Received

Participants were asked to identify topics in which they had received training and whether or not such training was helpful in their work interpreting in legal settings. Table 4 identifies the topics and whether the participants in this study who participated in trainings in the identified areas found them helpful.

Table 4: Helpfulness of training taken

Training Topic	Helpful	Not Helpful
Introduction to legal systems	95.2	4.8
Legal vocabulary	94.5	5.5
Overview of criminal law	94.2	5.8
Language use	93.9	6.1
Hearing/hearing teams	93.2	6.8
Deaf/hearing teams	92.9	7.1
Overview of civil law	92.7	7.3

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Qualifying the interpreter	92.2	7.8
Interpreting the Miranda	92.2	7.8
Preparation strategies	91.7	8.3
Mock trial experience	91.4	8.6
Proceedings interpreting	90.6	9.4
Working with children	90.4	9.6
Witness interpreting	90.3	9.7
Table interpreting	89.6	10.4
Overview of family law	88.3	11.7
Working as a monitor interpreter	86.1	13.9
Jury Trials with deaf jurors	85.3	14.7
Legal interpreting and VRS settings	81.0	19.0
Forensic assessment protocols	80.7	19.3
Overview of Young Offenders Act	79.6	20.4

Note: Values represent percentages of total responses.

4.5. Professional Development and Training needed

Participants were asked to identify topics about which they felt they needed additional training. Numerous topics were identified by interpreters, with the most frequently identified topics falling into the categories of legal discourse and processes, working with deaf/hearing teams, interpreting techniques, and ethics and decision making. Table 5 lists the themes that emerged from responses.

Table 5: Topics

Specialized legal language
 Children
 New immigrants

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Legal lexicon discourse in each of the following legal settings:

- Forensic events
- Domestic violence
- Depositions
- Law enforcement
- Jury trials with deaf jurors
- Courtroom procedures and protocol
- Reading of constitutional rights
- Overview of criminal, civil, and family law
- Witness interpreting

Interpreting techniques

- Consecutive interpreting
- Error correction
- Monitoring interpreting techniques
- Preparation strategies
- Working in teams (deaf/hearing, hearing/hearing)

VRS calls that involve legal discourse and/or interaction

Ethics and decision making

Error correction

Team composition (knowing when deaf interpreters are needed)

Qualifying as the interpreter

Interpreting or passing a VRS call

The data showed that interpreters recognized the need to be aware of the skills and knowledge required to work effectively in legal settings. In addition, participants indicated their need to obtain, maintain, and enhance their skills and knowledge. Participants indicated a strong desire for mock trial experiences as one way of applying knowledge gained in training and acquiring the skills necessary for this specialization.

Participants provided examples of how the interpreter's decisions and actions have consequences on the work they do and the people with whom they work. There was specific focus on the consequences of adequate preparation (or lack thereof). Study participants said the following about the overall impact of preparation:

Preparation, or lack thereof, influences all factors for interpreting in legal settings. The details of the case, the charges, the language/s need of the setting and/or deaf individual/s involved, the knowledge of what proceeding/s will occur, discovering specific items and actions when handling concepts such as "weapon/s" or "assault." There are several more ways, but those are some of the factors that preparation, or lack thereof, will influence.

When unprepared my confidence level drops significantly, which has a definite impact on my ability to understand signed testimony, etc., as well as impacting my clarity in expressing legal terms and expressions used by lawyers and judges.

Preparation gives more confidence and ability to judge my qualifications for the assignment.

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In addition, participants provided several statements that support the need for training in one or more of the areas listed above in Table 5. These statements are provided below.

I always prefer to have a deaf/hearing team in legal settings and am limited only by the tendency of the courts, attorneys, etc, to dismiss the benefit of using a deaf interpreter. However, I do more strongly advocate for a deaf interpreter when the deaf client lacks the language and exposure to information that would allow them to comprehend the legal system and the possible outcomes of their case.

I refuse to do the job if the client is minimal language [sic], or foreign language without a deaf team. However there are times I feel a youth or certain deaf person would definitely benefit from a CDI, but since I live in a remote area and they come from 3 hours away, I have reserved the request for the most dire cases.

4.6. Preferred Delivery of Professional Development and Training

In an effort to explore how future training might be provided, participants were asked to indicate their preferred training delivery formats. The top three formats for training were, in order of preference, single weekend trainings, blended learning (defined as a combination of online learning and face-to-face learning), and distributed delivery where training occurs one weekend a month with practical application and learning activities in between the weekend meetings. Some of the comments provided by participants are presented below as a sample of the types of delivery desired:

If the program was offered near me, then something offering a series of night classes would be the best. Maybe 3-hour classes twice a week for two or three semesters. If the program was not located near me, then an intensive summer program would be nice. I don't think online classes would be effective for someone like myself with no legal experience.

Face-to-face with online work conducted between sessions. I would prefer whatever length of time needed to cover the topics in depth. For me it is important to make sure there is time between introducing new topics and then time to digest the information, before moving on to application. This is why I prefer an ongoing training that has some time between sessions, perhaps monthly.

I'd want weekend all-day training with online study courses during the week over the course of one month.

I would be able to participate in a program that was part time that allowed me to continue to work and not be away from my family too much.

I do prefer the semester-by-semester format online with a summer internship at the end. Since there is so much to learn, I think it would have to take some time to accomplish that.

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4.7. *Interpreting Legal Discourse in VRS or VRI settings*

Interpreting in VRS settings is relatively new to the field and has quickly become an often-used service in the U.S. Participants were asked whether or not they handled calls that were legal in nature (e.g., a call from an attorney to a deaf client, a call from Child Protective Services to a deaf parent) in their work as VRS or VRI interpreters. They also were asked whether or not they could pass calls for which they felt unprepared on to another interpreter. Of those participants who indicated they do work in VRS and VRI settings (50.8% of the study participants), 90.7% indicated that they do receive calls that are legal in nature. 46.1% said they take calls of a legal nature, and 61.8% indicated they felt prepared to handle the legal calls. 31.1% who work in VRS and take VRS calls of a legal nature will pass the call to another interpreter if they feel unprepared or uncomfortable, whereas 5.4% said they will not pass the call if they feel unprepared or uncomfortable. 4.7% said they do not take calls of a legal nature.

5. Discussion

We turn now to a discussion on the findings in order to consider the issues for the education, professional development, and training of interpreters in legal settings. There are a number of implications and recommendations that arise from the data that are situated in the North American context, and we believe these also will apply to other countries and other signed and spoken languages. What may differ is how they are addressed depending on organizations or educational institutions available in the country. We encourage readers to consider their specific region and country and how partnerships can be established across regions and across countries to further develop training available to interpreters who work in legal settings.

5.1. *Training: Content and Delivery Options and Outcomes*

The lack of training and knowledge, coupled with the consequences of potential errors, were the most frequent reasons practitioners gave for not interpreting in legal settings. It is advisable that major stakeholders, including professional organizations, educators, and educational institutions, address the type of training and information that practitioners need in order to increase their capacity to work in this specialty. Participants indicated preferences for delivery options for content and format.

5.1.1 Content

As seen in Table 5, participants specified the training that would be relevant for them. These content areas, combined with meaningful practical application, must be delivered by professional organizations and academic institutions in a coherent and sequenced manner and be accessible countrywide. Participants identified some training as more helpful than others. Once again, this should serve as a reminder to verify that the content, curriculum, and delivery method meet the needs of learners.

Participants indicated a strong desire for mock trial experience as a way to apply the knowledge and techniques gained through training. Their desire for practical interpreting experience applies to other legal events as well, such as depositions, attorney-client meetings, and interrogations. Training in deaf/hearing teams also is needed across all of these situations. This practical experience should include preparation strategies and protocol. The benefit of hands-on experience, analyzing one's own work coupled with feedback and supervision, and seeing the work modeled in order for practitioners to acquire the skills necessary for this specialized area of work cannot be overstated. This type of training and work also provides practitioners with information about the gaps in their skills and knowledge and the type of focus their individual learning requires.

A consistent theme across the study was the desire for mentoring opportunities in order to address the lack of confidence and need for ongoing training and supervision among interpreters who are reluctant to provide interpreting in legal settings. The participants in this study expressed a strong desire for this approach to learning,

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which supports what the NCIEC Best Practices document (2009) speaks to regarding mentoring interpreters working in legal settings. The document indicates the need for formal and informal approaches to mentoring and specified that organized mentor training for this specialization would be helpful for building capacity among our profession. Drawing on the blended delivery options cited earlier, the authors of the document recommend designing and implementing a training program for experienced practitioners in order to develop a pool of talented mentors with effective strategies for this specialized work. These mentors then could be used at the local, regional and national levels, depending on the nature of mentorship required by the practitioner needing to develop the readiness.

It is disconcerting that participants indicated they did not have the strategies for recognizing when they are not qualified to accept an assignment with legal discourse. We anticipated interpreters would have strategies from their generalist practice for dealing with this aspect of professional practice and ethics. In addition, respondents also commented on the need to have strategies to deal with requests from hiring bodies that pressure interpreters to accept work for which they have determined they are not qualified. This may include responding to colleagues and courts that point to national certification and years of experience as rationale for taking the work. For a field that is attempting to develop this specialization, both of these strategies result in unacceptable consequences and speak to the need of basic ethics and self-assessment training. Ultimately, this also points to a need to educate others about how to define “qualified interpreter” in this specialized area and how to recruit interpreters who are qualified.

Participants documented a need for specialized training in VRS/VRI situations related to recognizing calls of a legal nature and consequences of deciding to accept or turn over such a call (see Section 4.7). Specialized training for interpreters working in VRS environments must be supplemented so that interpreters can recognize when they are dealing with legal discourse and gain strategies for getting a team and dealing with the legal discourse and interaction, as well as for turning over the call should the interpreter not be suited to it. This study revealed that practitioners are interpreting in legal settings without any training in this specialized area, which has significant implications for VRS providers and for consumers (deaf and hearing) who may have no idea if the work is inaccurate.

Clearly the content areas identified in this study point to the need for interpreter educators, as a profession, to establish standardized curricula that will support the development of the skills and knowledge needed.

5.1.2 Delivery Options and Outcomes of Training

Since the early 1990s, the field has seen multiple delivery options and models in North America. Some examples of this approach are a 3-week face-to-face training in one location, workshops in home communities (2–5 days at a time), workshops during conferences and as pre- or postconference trainings, and conferences focused specifically on interpreting in legal settings. Trainings do not appear to use standardized curricula, nor do the workshops fit into a structured plan that would lead to academic credit or certificate credential. Most, if not all, have been created in response to a need for the training, in collaboration with the deaf community, workshop participants, trainers, and the legal community. We believe this model of collaboration must be maintained regardless of the design and delivery of training.

A dominant theme in the data was the desire for distance/online formats in combination with face-to-face components of training. It was also clear that the participants believe that solely online delivery is not the best option; they stressed the need for face-to-face training and simulated, hands-on experiences as ways to ensure the training is authentic and meaningful. As noted in the literature review, there are programs such as those offered by the DO IT Center that offer a structured blend of online and face-to-face classes, combining theory and practical elements, and resulting in a certificate. Given that this study was conducted in 2009, there have been technological changes that need to be considered when planning for a combination of multiple delivery options. These delivery options identified by the participants apply regardless of content.

Participants want credit courses delivered by academic institutions. Even though 43% of respondents have a 4-year degree and 27.6% have graduate degrees, 72% of the participants indicated they want additional academic credit courses in this specialty. It may be useful for academic institutions to consider postgraduate certificate programs as one way to meet this demand.

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The data also suggest that undergraduate interpreting programs could also begin with a minimum of one course, introducing learners to the setting and specialization. Gallaudet University and the University of North Florida provide these types of courses at the graduate level. In these courses, students focus on translation and interpreting in the consecutive mode while learning about the discourse and interactive features specific to legal settings. They also learn about specific ethical requirements and considerations in legal settings. These courses are described as introductory to the setting and students are explicitly encouraged to take all available additional training once they have several years of general interpreting experience prior to working in this setting.

Mentoring services can be delivered in several ways. For example, at the local level, mentoring could occur in teamed assignments, observations, and simulated practice sessions. At the regional level, mentoring could take advantage of technologies allowing mentors and mentees to be at a distance to hold mentorship conversations. These same approaches could be implemented for training mentors to do this work. The field could consider a certification for mentors in legal specialization.

In the U.S. and Canada there are various kinds of mentorship programs provided by universities, interpreting agencies, and professional organizations. Although these models exist, there is a need to collaborate on the development of a structured mentorship program for interpreters who are experienced in working in legal settings. For example, large video relay service providers currently operate mentorship programs in both Canada and the U.S. In addition, both national interpreter organizations advocate for and support mentorship opportunities and programs.

With over 18% of the participants having more than 21 years of interpreting experience in legal settings, it would be prudent for the field to capitalize on that experience as mentors and plan for knowledge transfer as people may move towards retirement. Seizing the opportunity to provide training in mentoring to more seasoned practitioners will advance the field in significant ways. Finally, there are opportunities to combine across countries as one way to collaborate and build effective training and delivery models.

5.2. *Qualities of Interpreter Educators and Mentors*

Institutions and organizations, as well as individual practitioners, must ensure that they that are engaging the services of educators and mentors who can teach and model effective and best practices for working with legal discourse and in legal settings. In order for this to occur, educators and mentors must consistently upgrade their own skills and stay current with knowledge in the specialty. With the content areas outlined above, content specialists need to be considered for each of the content areas. Legal content should be taught by legal experts, both deaf and hearing, and interpreting skills taught by interpreter educators, both deaf and hearing. Educators who are teaching interpreting skills must be able to analyze the interpretation product for accuracy and the interpreting process for effectiveness and be able to teach those skills to practitioners. In addition, they must be able to teach practitioners the skills of self-analysis. A structured, sequenced, and standardized curriculum that considers the content, delivery options, and training outcomes specified in this study must be designed and implemented.

5.3. *Closing Thoughts*

One of the most important themes that arose in this study is that interpreting in legal settings is not an area of work or specialty in which all practitioners are well suited or interested. As Witter-Merithew and Nicodemus (2011) stressed, interpreting in legal settings is a specialized area and, as such, significant investment of time is required on the part of the individual practitioner to acquire the skills and knowledge for this work. This is also a critical theme to be addressed by professional associations when lobbying employers for appropriate standards. The consequences of hiring interpreters who lack the necessary specialized skills and knowledge are grave and have profound implications on deaf people or other minority language consumers accessing the judicial system. Thus, all major stakeholders have a significant role in developing this area of specialization to ensure that the training required for the specialized training is available and meaningful for practitioners, and that employers and courts move to consistently hire interpreters who have these specialized skills.

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Almost half of the interpreters surveyed (46%) do not interpret in legal settings. This may be a potential pool of interpreters who could acquire the necessary skills and knowledge for this specialization, which may increase the capacity of the judicial system to meet the needs of the deaf community.

Of note, 56% of the respondents who interpret in legal settings report 10 years or fewer of interpreting experience. This invites conversation about the need for appropriate training for newer practitioners. A specialized area such as interpreting legal discourse requires a solid foundation of interpreting experience, and practitioners with insufficient experience may not possess exposure to language diversity and the range of experiences necessary to make immediate ethical decisions in complicated matters.

6. Recommendations

Witter-Merithew and Nicodemus (2011) stress that

without the intentional development of specialization and the ability of specialists to capture the unique patterns of practice that define specialization in interpreting, it will remain difficult—perhaps impossible—to protect the interest of consumers who rely on the services of interpreters with specialized competence. (p. 73)

Our recommendations from the findings in this study are as follows:

6.1. *Practitioner Competencies Needed*

Individual practitioners must seek out initial, current, and ongoing training and mentorship. This includes knowledge of legal systems, changing laws, new protocols and practices, and so forth. Practitioners may need to set up training opportunities for themselves or a group of interested interpreters when there are no institutional or organizational trainings offered. Although we recognize that some of these exist individually, we are recommending a consistent model of training be developed in which the content is delivered in a particular sequence on a regular schedule, so it is available to a broader pool of potential interpreters.

- a. Linguistic fluency and cultural adeptness are prerequisite skills in order to provide meaning-based interpretation to work in situations with legal consequences. Interpreters must seek out honest and accurate assessments from language and cultural experts of their language and cultural skills, and incorporate changes in these areas to modify and enhance their skills.
- b. Practitioners must be proficient in all modes of interpretation (translation, sight translation, consecutive interpreting, and simultaneous interpreting).
- c. In order to provide effective interpretations, interpreters must do accurate message analysis.
- d. Interpreters must perform error identification and correction.
- e. Interpreters must be skilled in self-analysis.
- f. Practitioners must be aware of the ethical consequences of their decisions and actions. This includes the consequences of:
 - i. Determining appropriateness for and accepting an assignment;
 - ii. Appropriate and thorough preparation (or the lack thereof)—determining what preparation is needed, how to conduct it, and how to prepare with the people with whom interpreters work;
 - iii. Training, experience, and skill in consecutive interpreting;

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- iv. Determining which mode(s) of interpretation will be most effective;
- v. When and how to work alone or as a team of interpreters, including as a team of deaf and hearing interpreters;
- vi. Ensuring that an event is preserved by video recording;
- vii. Identifying a situation that is legal in nature;
- viii. Turning back or turning over a VRS call; and
- ix. Not having the interpersonal skills required for this professional environment.

6.2. *Training for Educators and Mentors*

We recommend designing and delivering a specialized program for those educators and mentors who teach and mentor interpreters who work in legal settings. Those people conducting training must be able to offer ongoing modeling, assessment, and dialogue in their teaching and training to serve practitioners as well as prepare specialists to serve as educators, trainers, and mentors in the future.

Practitioners, educators, and mentors must be able model effective interpretation, assessing their work for accuracy, and decision-making skills, and make themselves available for observation and discussion.

6.3. *Content, Format, and Delivery*

Although the findings show a strong preference for a face-to-face mode of training, those providing training should consult potential participants to confirm the preferred preferences of potential participants. Given the small and dispersed number of people in many areas, regional approaches that include the use of blended technologies and a hybrid approach (a combination of face-to-face and remote/online) are preferred by many practitioners. A regional approach would be an effective way to capitalize on the resources in many areas.

6.4. *Sequence and Content*

Educational institutions must design and deliver specialized, systematic training that meets the current needs of interpreters. This may be in collaboration with professional organizations, be sponsored by professional organizations, or be taken on by individuals. We suggest the following systematic training sequence, which assumes prior linguistic and cultural competency:

1. Translation, sight translation, CI, and SI training (preparation in general, discourse and text analysis, error analysis, self-assessment, and ethics and decision making)
2. Team processes, and specifically deaf/hearing teams
3. Orientation to the legal system*
4. Legal discourse and interactions*
5. Types of law and laws pertaining to interpreters*
6. Protocol (videotaping, qualifying, conflict of interest checks, preparation strategies, and ethics and decision making)
7. Case preparation (preparing the individuals involved, establishing working conditions, materials preparation, ethics and decision making, etc.)
8. Message analysis and error correction specific to legal settings

*These items will be country specific, which includes the country and local culture(s).

We recommend collaboration between signed and spoken language interpreting communities in order to determine which courses could be made available to interpreters regardless of language pairs and which courses

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need to be language specific. Such an approach would foster collegiality among interpreters from different language communities and bring consistency to the training available to the legal system.

6.5. *Academic Recognition and Specialized Certification*

Educational institutions, in collaboration with professional organizations, should determine the options available for academic credit or a post-diploma program. For countries with generalist certification, we recommend exploration of a specialized certificate that determines the competencies of interpreters working in legal settings.

6.6. *Collaboration Among Stakeholders*

Based on our findings from this study that emphasize the need for training, we recommend collaboration among all stakeholders, including local deaf organizations and communities. We recommend that professional interpreting and deaf organizations in collaboration with local deaf communities implement ongoing education programs. These programs should be designed to assist courts and other legal personnel in understanding the consequences of hiring/using interpreters who are not qualified.

7. Conclusion

This research examined the experiences of Canadian and American interpreters related to legal interpreting, with particular focus on training and ongoing professional development needs. The data included responses from interpreters who currently provide interpreting in such areas and those who do not. The findings provide a context for understanding the needs of interpreters who would provide service in legal settings, if they had training. As well, the findings address the ongoing professional development needs in order for interpreters to maintain or enhance their skills in this specialized domain. The data show the topical areas most desired by interpreters in order to prepare for this specialized area of interpreting, and the formats preferred by the respondents. The majority of participants stressed the need for flexible training formats, which include face-to-face intensive experiences, online distance learning opportunities, and local and regional mentoring opportunities. The qualities most sought in mentors included the ability to model interpreting strategies and decision making that contribute to effective practice, and the ability to analyze the interpretation from a lens of linguistic effectiveness. Participants identified the content and topical areas that would be helpful to them. These included working within deaf/hearing teams, using consecutive interpreting, identifying and correcting errors, ethical decision making across a range of settings, and specialized training for dealing with issues of domestic violence, police interactions, depositions, and jury trials. The findings also point to the opportunities for collaboration among stakeholders involved (deaf community organizations, interpreting organizations, spoken language interpreters, justice system personnel, etc.) to plan for models of training that meet the needs of all and make effective use of the resources available.

The findings reveal that many practitioners understand the value of acquiring current knowledge specific to legal discourse and legal interactions, and in the practice of interpreting. However, the format of the training and content may either draw interpreters or prevent them from taking the training. Further, the data indicated that exposure to legal settings and understanding potential consequences in peoples' lives is a first step for interpreters in deciding if they wish to undertake this type of work. The fact that the data showed that *not* interpreting in legal settings is a conscious choice is an important decision to be aware of and to foster in all practitioners. Practitioners, when provided with opportunities to explore competencies required in an area of specialization, will be in a better position to make more conscious decisions about the work for which they are qualified.

Although the list of recommendations may appear lengthy, this is the type of work that must occur if the field is to develop the maturity and specialization that the people and communities we serve envision and deserve. Despite differences in legal systems and the status of interpreting as a profession across countries, there are opportunities for both regional and international collaborations in the area of developing training models and

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effective interpreting practices. Such a program of standardized professional development would serve consumers well and advance the field of both signed and spoken language communities, and could be realized in a coherent, organized fashion.

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