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Interdisciplinarity: Community Interpreting in the Legal Context

This chapter:

- Describes the main legal settings in which interpreters work.
- Outlines the most salient issues surrounding interpreting in the legal setting.
- Presents the findings of research into legal interpreting and discusses their implication for practice.
- Discusses some of the proposed roles for each of the sub-settings.
- Highlights the strategic use of language in this setting and the need for interpreters to take this into account when deciding on how to interpret.
- Stresses the need for mutual understanding and collaboration between legal interpreters and other professionals working in the legal field to achieve optimum results.

3.1 Introduction

Quote 3.1  The role of interpreters in the legal process

...interpreters have become an indispensable part of the legal process. Unfortunately, many people who work in legal settings have little or no understanding of interpreting and its complexities. Not infrequently they treat interpreters with suspicion, distrust and a lack of respect for the skills which they bring to the job. It must also be acknowledged that the people engaged to interpret are not always skilled, experienced or fully competent.

(Colin and Morris, 1996: 15)
In chapter 2 we discussed the need for interpreters and other professionals to work collaboratively in order to perform their respective duties effectively. This need is reinforced by Colin and Morris (1996, see above), who lament the lack of understanding on the part of interpreters and lawyers about each other’s work. Understanding the other’s roles, expectations and needs is crucial in achieving an effective working relationship. Chapter 2 concentrated on interpreting in the medical context; in this chapter we concentrate on interpreting in the legal context. Although there is much in common to these two settings, there are also significant differences that impinge on the practice of the interpreter, as mentioned in chapter 2. This specialised branch of Community Interpreting is often referred to as Legal Interpreting, which comprises a variety of legal domains such as police interviews and interrogations, lawyer–client conferences, tribunal hearings and court hearings and trials. These different domains share the underlying legal system they serve, legal concepts and some of their discourses. However, each domain differs in terms of the relationship between interlocutors, the goal of the interaction, the privacy and the formality of the event, the roles of the participants, the role of language, and as a consequence, the implications for interpreters. Although most of the research into legal interpreting has been conducted in the context of the courtroom, the other domains present particular issues and challenges that are worth addressing.

Table 3.1 outlines the main legal domains in the English-speaking world where the services of interpreters may be required. This will not cover all the systems around the world, but may serve as a general guide to a number of common settings. Each of these settings is discussed below, drawing on the relevant literature.

### 3.2 Police interviews and interrogations

This initial phase of the legal process should not be underestimated. As Cotterill states when speaking of the importance of language in witness testimonies, ‘the accounts presented form part of a chain of forensic narratives extending back to the original police interviews and forwards to potential future appeal proceedings’ (2004: 149). Witness statements or suspects’ records of interview form a very important part of the legal process. Although they are taken outside the courtroom setting, a written version of the interview, supposedly in the form of a verbatim transcript, commonly forms the basis of a case and is presented in court as crucial evidence (Coulthard, 2004). However, it is not only the content of these