



# MODL5101

## Interpreting in Legal Settings

Term One // 2019

## Course Overview

### Staff Contact Details

#### Convenors

Name	Email	Availability	Location	Phone
Sandra Hale	s.hale@unsw.edu.au	Mondays 4-5pm by appointment by email	Morven Brown 207	+61 2 9385 1279

#### Tutors

Name	Email	Availability	Location	Phone
Xiang (Sean) Cheng	sean.cx@unsw.edu.au	TBA	TBA	TBA
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Celine Guerin	c.guerin@unsw.edu.au	TBA	TBA	TBA

### School Contact Information

School of Humanities and Languages

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## **Course Details**

**Credit Points 6**

### **Summary of the Course**

Interpreting in legal settings requires the acquisition of highly specialised knowledge relating to the law, legal language and discourses, legal interpreting theory and practical interpreting skills. This course will introduce students to the contextual knowledge needed to operate in diverse legal settings such as the courtroom, tribunals and the police. You will develop the interpreting and linguistic skills necessary to work as a professional legal interpreter. The course will combine theory and practice and will inform you about contemporary research into legal interpreting.

### **Course Learning Outcomes**

1. identify fundamental principles of the Australian legal system
2. analyse legal discourse and the strategic use of language in legal settings
3. explain the theories that underpin accurate interpreting in legal settings
4. apply legal interpreting theories and research to critically evaluate own performance and justify interpreting choices
5. apply interpreting skills in the following modes: short and long consecutive, chuchotage/simultaneous and sight translation
6. demonstrate awareness of the potential impact of interpreting choices on the outcome of legal cases

### **Teaching Strategies**

This course includes lectures and interactive tutorials in which students undertake role plays and peer and self-evaluation in language-specific interpreting practice.

## Assessment

### Assessment Tasks

Assessment task	Weight	Due Date	Student Learning Outcomes Assessed
Continuous assessment	30%	Not Applicable	3,4,5
Court observation project	30%	23/04/2019 11:00 PM	1,2,6
Viva examination	40%	TBA	2,4,5

### Assessment Details

#### Assessment 1: Continuous assessment

**Start date:** Not Applicable

**Details:** In-class assessment of interpreting skills (Dialogue interpreting and sight translation) and legal terminology test. Students will be assessed at least three times in the term as they carry out activities in class and receive written feedback of their performance a week later.

**Turnitin setting:** This is not a Turnitin assignment

#### Assessment 2: Court observation project

**Start date:** Not Applicable

**Details:** Observe two hearings in different courts or tribunals and write a 1000 word report. Written feedback will be provided as well as oral in class.

**Submission notes:** Detailed guidelines on Moodle

**Turnitin setting:** This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

#### Assessment 3: Viva examination

**Start date:** TBA

**Details:** Live interpreting examination simulating a dialogue in a legal setting. Students will be assessed as they perform the interpreting task. Individual feedback will be provided after the completion of the course.

**Turnitin setting:** This is not a Turnitin assignment

## Attendance Requirements

Students are strongly encouraged to attend all classes and review lecture recordings.

## Course Schedule

[View class timetable](#)

### Timetable

Date	Type	Content
Week 1: 18 February - 24 February	Lecture	<p>Introduction to the course</p> <p>Introduction to the Australian legal system</p> <ul style="list-style-type: none"> <li>• Description of legal settings where interpreters work: legal conferences, police, tribunals, courts</li> <li>• Differences between criminal and civil jurisdictions</li> <li>• The Adversarial System</li> <li>• Hierarchy of courts</li> <li>• The Criminal process</li> <li>• Burden of Proof, Standard of Proof</li> <li>• Types of offences</li> <li>• Liability and damages</li> <li>• Dispute resolution</li> </ul> <p>Readings</p> <p>Hale, S. (2007). Community Interpreting. Basingstoke: Palgrave Macmillan (Chapter 3)</p>
	Tutorial	<ul style="list-style-type: none"> <li>• Discuss legal terminology used in lecture</li> <li>• Discuss legal systems in country/ies where the LOTE is spoken</li> <li>• Discuss different perceptions of law and order in the relevant countries and potential ethical dilemmas</li> <li>• Practice dialogue interpreting (Legal conferences)</li> <li>• Practice sight translation (charges, summons, subpoenas)</li> </ul>
Week 2: 25 February - 3 March	Lecture	<p>The language of the courtroom: questions &amp; answers</p> <p>Courtroom Questions</p> <ul style="list-style-type: none"> <li>• The discourse structure of court hearings</li> </ul>

		<p>and trials</p> <ul style="list-style-type: none"> <li>• Strategic use of language in courtroom questions</li> <li>• Differences between examination-in-chief and cross-examination questions</li> <li>• Discourse markers in questions</li> <li>• Seeking clarification</li> </ul> <p>Courtroom Answers</p> <ul style="list-style-type: none"> <li>• Different witness styles</li> <li>• Impact of witness style on credibility</li> <li>• Issues of admissibility</li> <li>• Seeking clarification</li> </ul> <p>Readings</p> <p>Hale, S. (2004). <i>The discourse of court interpreting</i>. Amsterdam: JB (Chapters 3-6)</p> <p>Liu, X., &amp; Hale, S. (2018). Achieving accuracy in a bilingual courtroom: the effectiveness of specialised legal interpreter training. <i>The Interpreter &amp; Translator Trainer</i>, 112(3), 299-321.</p> <p>Wei Teng, J., Burn, A. &amp; Crezee, I. (2018). I'm asking you again! Chinese student interpreters' performance when interpreting declaratives with tag question in the legal interpreting classroom. <i>Perspectives</i>, 26:5, 745-766.</p>
	Tutorial	<ul style="list-style-type: none"> <li>• Discuss question types and practice interpreting them into LOTE</li> <li>• Discuss pragmatic effect of discourse markers in courtroom questions and practice interpreting them</li> <li>• Practise interpreting different witness answer styles</li> <li>• Practice court protocols for seeking clarification, repetition and other management skills</li> <li>• Practice simultaneous whispering interpreting (Chuchotage) in a court setting</li> <li>• Practise sight translation (Bonds, bail applications, bail conditions)</li> </ul>
Week 3: 4 March - 10 March	Lecture	Working with the NSW Police, the NSW Crimes Commission and the Australian Federal Police

- The different roles of the NSW Police, the AFT and the Crimes Commission
- The record of interview
- The discourse of police interviewing
- Research into police interpreting
- Copspeak
- Video and discussion

#### Readings

Australian Federal Police <http://www.afp.gov.au/>

Berk-Seligson, S.(2009) *Coerced confessions. The discourse of bilingual police interrogations.* Berlin/NY: Mouton de Gruyter

Haworth, K. (2011). "Police interviews in the judicial process" in M. Coulthard & A. Johnson (eds), *The Routledge Handbook of Forensic Linguistics.* London/New York: Routledge, (pp169-181)

Heydon, G. (2005). *The Language of Police Interviewing. A critical analysis.* Basingstoke: Palgrave Macmillan (Chapter 3)

Kredens, K. & Morris, R. (2011). "Interpreting outside the courtroom" in M. Coulthard & A. Johnson (eds), *The Routledge Handbook of Forensic Linguistics.* London/New York: Routledge, (pp 455-469)

Mulayim, S. & Lai, M. (2017). *Ethics for Police Translators and Interpreters.* London & NY: CRC Press.

Mulayim, S., Lai, M. & Norma, C. (2015). *Police Investigative Interviews and Interpreting. Context, Challenges and Strategies.* London & NY: CRC Press.

NSW Police Department  
<http://www.police.nsw.gov.au/>

NSW Crimes Commission  
<https://www.crimecommission.nsw.gov.au>

	Tutorial	<ul style="list-style-type: none"> <li>• Discuss terminology arising from the lecture</li> <li>• Practice dialogue interpreting (police record of interview)</li> <li>• Discuss difficulties in interpreting specifics of police interviewing</li> <li>• Practice sight translation (police statements, fact sheets, jurats)</li> </ul>
Week 4: 11 March - 17 March	Lecture	<p>Interpreting for victims and perpetrators of domestic &amp; family violence and Sexual assault &amp; Family Law</p> <ul style="list-style-type: none"> <li>• Types of domestic violence and sexual offences</li> <li>• Introduction to ECAV</li> <li>• Importance of interpreters' ethics</li> </ul> <p>The Family Law Act 1975</p> <ul style="list-style-type: none"> <li>• Amendments 1996</li> <li>• Divorce, residence, contact, parental responsibility, property settlement</li> </ul> <p>Readings</p> <p>ECAV - <a href="http://www.ecav.health.nsw.gov.au">http://www.ecav.health.nsw.gov.au</a></p> <p>The Law Handbook (Chapter 4: Family Relations) (There are different editions available in the library, chose the relevant chapter)</p> <p>Family Court's website <a href="http://www.familylawcourts.gov.au/">http://www.familylawcourts.gov.au/</a></p>
	Tutorial	<ul style="list-style-type: none"> <li>• Practice dialogues on sexual assault and domestic violence topics</li> <li>• Practice lawyer/client interviews relating to family law</li> <li>• Practice court hearing in the Family Court</li> <li>• Practice sight translation of Family Law related documents</li> </ul>



<p>Week 5: 18 March - 24 March</p>	<p>Lecture</p>	<p>Administrative Law: Tribunals, Commissions, Mediations and Arbitrations</p> <ul style="list-style-type: none"> <li>• The NSW Civil and Administrative Tribunal (NCAT)</li> <li>• Migration &amp; Refugee Division</li> <li>• Tenancy</li> <li>• Consumer claims</li> <li>• Guardianship</li> </ul> <p>Readings</p> <p>MRT/RRT Interpreters' Handbook</p> <p>Become familiar with the contents of the following websites:</p> <p><a href="http://www.ncat.nsw.gov.au">http://www.ncat.nsw.gov.au</a></p> <p><a href="http://www.aat.gov.au/migration-and-refugee-division">http://www.aat.gov.au/migration-and-refugee-division</a></p>
<p>Week 6: 25 March - 31 March</p>	<p>Tutorial</p>	<ul style="list-style-type: none"> <li>• Discuss question types and practice interpreting them into LOTE</li> <li>• Discuss pragmatic effect of discourse markers in courtroom questions and practice interpreting them</li> <li>• Practise sight translation (Bonds, bail applications, bail conditions)</li> <li>• Practice Consecutive interpreting of court related topics</li> </ul> <p>Court interpreting ethics, protocols and national standards</p> <ul style="list-style-type: none"> <li>• Ethical considerations in legal interpreting</li> <li>• The role of the legal interpreter</li> <li>• Recommended National Standards for Working with Interpreters in Courts and Tribunals</li> <li>• Interpreter introduction</li> <li>• Asking for clarification</li> <li>• Expert evidence</li> <li>• Video discussion</li> </ul> <p>Readings</p> <p>AUSIT Code of Ethics <a href="http://www.ausit.org">www.ausit.org</a></p>

		<p>Hale, S. (2008), Controversies over the role of the court interpreter, in Valero Garces &amp; Martin, eds.</p> <p>Mikkelson, H. (2008). Evolving views of the court interpreter's role, in Valero Garces &amp; Martin, eds.</p> <p><a href="http://www.youtube.com/watch?v=Z_UhNAtSyto">http://www.youtube.com/watch?v=Z_UhNAtSyto</a></p> <p><a href="http://www.youtube.com/watch?v=YSzZpGcKLG1">http://www.youtube.com/watch?v=YSzZpGcKLG1</a></p> <p><a href="http://www.youtube.com/watch?v=SgiofAJ-9FA">http://www.youtube.com/watch?v=SgiofAJ-9FA</a></p> <p>Recommended National Standards for working with interpreters in courts and tribunals</p> <p>The Law Handbook (Chapter 18: Criminal Offences) (There are different editions available in the library, chose the relevant chapter)</p>
Week 7: 1 April - 7 April	Fieldwork	No Lectures - Student directed Court / Tribunal Observation
	Tutorial	<p>Interpreting protocols &amp; national standards</p> <ul style="list-style-type: none"> <li>• Interpreting in court hearings &amp; trials</li> <li>• Use the Recommended Standards to base your exercises on</li> <li>• Practice all modes of interpreting</li> </ul> <p>Readings</p> <p>Recommended National Standards for Working with Interpreters in Courts and Tribunals</p> <p><a href="https://jccd.org.au/publications/">https://jccd.org.au/publications/</a></p>
Week 8: 8 April - 14 April	Fieldwork	No lecture - Self directed Court / Tribunal Observation
	Tutorial	<ul style="list-style-type: none"> <li>• Practice Telephone &amp; remote interpreting using mobile phones and skype</li> </ul> <p>Readings</p> <p>Recommended National Standards for Working with Interpreters in Courts and Tribunals</p> <p><a href="https://jccd.org.au/publications/">https://jccd.org.au/publications/</a></p>
Week 9: 15 April - 21 April	Reading	No lecture - reading week
	Group Work	No scheduled tutorial - Students are encouraged to meet in their tutorial groups for self directed practice.

## Resources

### Prescribed Resources

- Hale, S. (2004). *The discourse of court interpreting*. Amsterdam: John Benjamins P/C
- JCCD (2017). *Recommended National Standards for Working with Interpreters in Courts and Tribunals*. <https://jccd.org.au/publications/>

### Recommended Resources

- Coulthard, M. & A. Johnson (eds), *The Routledge Handbook of Forensic Linguistics*. London/New York: Routledge
- Barry, R.(ed). (2003). *The law handbook: your practical guide to the law in New South Wales*. Redfern: Redfern Legal Centre. (or later editions found in the library)
- Berk-Seligson, S. (2000). *The bilingual courtroom*. Chicago: Chicago University Press
- Berk-Seligson, S.(2009) *Coerced confessions. The discourse of bilingual police interrogations*. Berlin/NY: Mouton de Gruyter
- Durant, A. & Leung, J. (2016). *Language and Law*. London & NY: Routledge.
- Hale, S. (2007). *Community Interpreting*. Basingstoke: Palgrave Macmillan
- Lee, J. & Buzo, A. (2009). *Community Language Interpreting. A workbook*. Melbourne: Federation Press.
- Mulayim, S. & Lai, M. (2017). *Ethics for Police Translators and Interpreters*. London & NY: CRC Press.
- Mulayim, S., Lai,M.& Norma, C. (2015). *Police Investigative Interviews and Interpreting. Context, Challenges and Strategies*. London & NY: CRC Press.
- Russell, D. & S. Hale (2009). *Interpreting in legal settings*. Washington DC: Gallaudet University Press.
- Tipton, R. & Furmanek, O. (2016). *Dialogue Interpreting. A guide to interpreting in public services and the community*. London & NY: Routledge.
- Valero-Garcés, C. & A. Martin (eds), *Crossing borders in community interpreting. Definitions and dilemmas*. Amsterdam: John Benjamins.

- Recommended National Standards for Working with Interpreters in Courts and Tribunals

<http://jccd.org.au/wp-content/uploads/2017/08/Recommended-National-Standards-for-Working-with-Interpreters-in-Courts-and-Tribunals.pdf>

- NSW Department of Justice and Attorney General

<http://www.lawlink.nsw.gov.au/>

- NSW Civil and Administrative Tribunal

<http://www.ncat.nsw.gov.au>

- Family Court of Australia <http://www.familycourt.gov.au/>

- NSW Police Department <http://www.police.nsw.gov.au/>
- Australian Federal Police <http://www.afp.gov.au/>
- Australian Crime Commission <http://www.crimecommission.gov.au/>
- AUSIT [www.ausit.org](http://www.ausit.org)

## **Course Evaluation and Development**

Courses are periodically reviewed and students' feedback is used to improve them.

Feedback is gathered from students using myExperience. Students are encouraged to complete their surveys by accessing the personalised web link via the Moodle course site.

## **Submission of Assessment Tasks**

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### **Turnitin Submission**

If you encounter a problem when attempting to submit your assignment through Turnitin, please telephone External Support on 9385 3331 or email them on [externalteltsupport@unsw.edu.au](mailto:externalteltsupport@unsw.edu.au) . Support hours are 8:00am – 10:00pm on weekdays and 9:00am – 5:00pm on weekends (365 days a year). If you are unable to submit your assignment due to a fault with Turnitin you may apply for an extension, but you must retain your ticket number from External Support (along with any other relevant documents) to include as evidence to support your extension application. If you email External Support you will automatically receive a ticket number, but if you telephone you will need to specifically ask for one. Turnitin also provides updates on their system status on Twitter.

Generally, assessment tasks must be submitted electronically via either Turnitin or a Moodle assignment. In instances where this is not possible, it will be stated on your course's Moodle site with alternative submission details.

For information on how to submit assignments online via Moodle: <https://student.unsw.edu.au/how-submit-assignment-moodle>

## Academic Honesty and Plagiarism

Plagiarism is using the words or ideas of others and presenting them as your own. It can take many forms, from deliberate cheating to accidentally copying from a source without acknowledgement.

UNSW groups plagiarism into the following categories:

**Copying:** using the same or very similar words to the original text or idea without acknowledging the source or using quotation marks. This also applies to images, art and design projects, as well as presentations where someone presents another's ideas or words without credit.

**Inappropriate paraphrasing:** Changing a few words and phrases while mostly retaining the original structure and/or progression of ideas of the original, and information without acknowledgement. This also applies in presentations where someone paraphrases another's ideas or words without credit and to piecing together quotes and paraphrases into a new whole, without appropriate referencing.

**Collusion:** working with others but passing off the work as a person's individual work. Collusion also includes providing your work to another student before the due date, or for the purpose of them plagiarising at any time, paying another person to perform an academic task, stealing or acquiring another person's academic work and copying it, offering to complete another person's work or seeking payment for completing academic work.

**Inappropriate citation:** Citing sources which have not been read, without acknowledging the "secondary" source from which knowledge of them has been obtained.

**Duplication ("self-plagiarism"):** submitting your own work, in whole or in part, where it has previously been prepared or submitted for another assessment or course at UNSW or another university.

Correct referencing practices:

- Paraphrasing, summarising, essay writing and time management
- Appropriate use of and attribution for a range of materials including text, images, formulae and concepts.

Individual assistance is available on request from The Learning Centre (<http://www.lc.unsw.edu.au/>). Students are also reminded that careful time management is an important part of study and one of the identified causes of plagiarism is poor time management. Students should allow sufficient time for research, drafting and proper referencing of sources in preparing all assessment items.

UNSW Library also has the ELISE tool available to assist you with your study at UNSW. ELISE is designed to introduce new students to studying at UNSW but it can also be a great refresher during your study.

Completing the ELISE tutorial and quiz will enable you to:

- analyse topics, plan responses and organise research for academic writing and other assessment tasks
- effectively and efficiently find appropriate information sources and evaluate relevance to your needs
- use and manage information effectively to accomplish a specific purpose
- better manage your time

- understand your rights and responsibilities as a student at UNSW
- be aware of plagiarism, copyright, UNSW Student Code of Conduct and Acceptable Use of UNSW ICT Resources Policy
- be aware of the standards of behaviour expected of everyone in the UNSW community
- locate services and information about UNSW and UNSW Library

Some of these areas will be familiar to you, others will be new. Gaining a solid understanding of all the related aspects of ELISE will help you make the most of your studies at UNSW.

<http://subjectguides.library.unsw.edu.au/elise/aboutelise>

## **Academic Information**

For essential student information relating to:

- requests for extension;
- late submissions guidelines;
- review of marks;
- UNSW Health and Safety policies;
- examination procedures;
- special consideration in the event of illness or misadventure;
- student equity and disability;
- and other essential academic information, see

<https://www.arts.unsw.edu.au/current-students/academic-information/protocols-guidelines/>

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