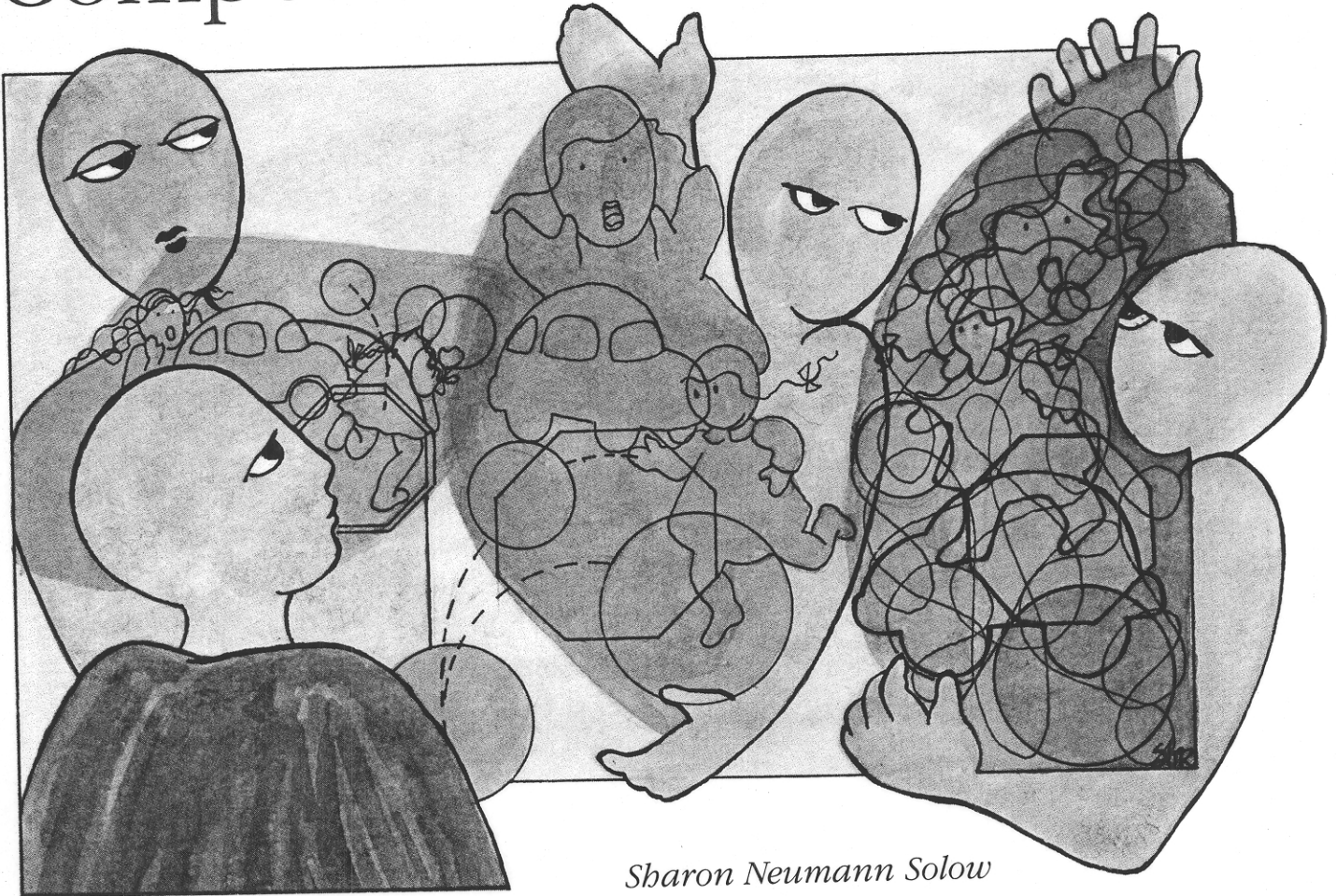


Interpreting for Minimally Linguistically Competent Individuals



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When a deaf individual is involved in courtroom proceedings, the natural assumption is that the services needed are those of a sign-language interpreter. This is probably accurate; however, it has been my experience that the deaf person often

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has a more complex communication profile. Cases arise in which the expectation that signing will solve the communication problem does not in fact come to fruition.

In this article, I would like to discuss deaf individuals with limited or nonexistent linguistic skills. I hope this information will be helpful not only to interpreters but also to those within the legal setting who may come into contact with Minimal Language Competence (MLC) individuals. These individuals are from a variety of

populations (for example, those who have had little or no contact with other people, individuals who have had limited exposure and virtually no education, and those who are mentally retarded). The individual's intelligence may easily remain an unknown variable for some time, language being the most direct route to awareness of one's intelligence. Because of this difficulty, individuals with minimal language competence are sometimes treated as though they were mentally re-

tarded, whether or not that is the case. Another temptation to avoid is treating these individuals as though they were children because their language is childlike. The most isolated and linguistically incompetent individuals may not have the communication skills necessary for any meaningful level of questioning or discussion at all. Such individuals are beyond the interpreter's scope and may have to be given intensive language therapy and lessons to testify at all. These cases are the rarer ones. However, it is important to keep this limitation in mind.

Individuals with limited language skills are often isolated. They may have been cared for within the family structure all their lives and have simply not had to negotiate a great deal with the outside world. They have generally fallen through the cracks of an educational system if there was any schooling at all. These individuals may recognize a few English words, including basic survival words as *stop*. They are likely to have developed a highly simplified form of communication idiosyncratic to their small world of contacts.

This system of communication may be only partially transparent to even the most skilled interpreter accustomed to this type of communication. This is because signs will be based on extremely personal and sometimes cultural aspects of one individual's life experience. For example, one such individual used eyeblinks to indicate the passing of days. This is such a tiny gesture that it took the interpreter several days to discover the regularity of this pattern and to then realize that it had lexical value to the client. Another example involves the

names of people in the deaf person's environment. Parents, siblings, neighbors, friends, and individuals involved in the case being tried may each have a ritualized gesture that the client uses referentially. Such an individual is also probably capable of gestural communication of the general sort that travelers might use in another country with a language unfamiliar to them: pointing, pantomiming, drawing pictures, and using a few basic vocabulary items. Often, a person who has had to rely on such gestural and pictorial communication for outside contact has actually become quite skilled at it. These individuals may be in contact with the outside world regularly due to a job or a circle of friends developed in adulthood; therefore, they have become skilled at this rudimentary form of communication.

Many times, immigrants to this country who have not yet learned American Sign Language can be confused with MLC individuals. It is essential to investigate the possibility that the individual is fluent in a foreign sign language or spoken language that is simply unfamiliar to the people involved in the particular case. If such can be discovered, then a search must be undertaken to locate an interpreter who is fluent in that particular sign or spoken language. One possibility might be that the client has oral skills in a foreign language and can read lips and use speech to communicate. This might present quite a challenge to communication. It may be necessary to find an individual who is fluent in the spoken language and who can understand the particular speech patterns of the deaf client. More likely, an interpreter who is

well versed in the client's spoken and sign languages will be the most effective conduit.

It may be that the client has had limited education in his or her native land as well and is not actually fluent in any language. This has proven to be true for some people from Third World countries where education of deaf individuals is not necessarily common. Deaf individuals from the same country who have also learned American Sign Language, or deaf travelers from this country already fluent in American Sign Language, may be fluent in the client's native language and can be drafted into service along with an American Sign Language (ASL)-English interpreter. The setup is a relay where the ASL-English interpreter passes information to the ASL-foreign-sign-language interpreter who passes the information on to the client and vice versa. When the deaf client signs, the deaf interpreter re-signs the utterance into American Sign Language and the hearing interpreter speaks the same utterance in English. When a hearing member of the proceedings speaks, the opposite occurs, the hearing interpreter signs the utterance into American Sign Language and the deaf interpreter re-signs the utterance into the native sign language of the client.

The technique mentioned above, relay interpretation, has been used with success in cases involving MLC-deaf clients as well as with those who use a foreign sign language. Sometimes, it is most effective to hire a deaf person who is skilled in this special kind of communication as the conduit between the MLC client and the ASL-English interpreter. In these cases, the benefits

have been that the deaf client is often much more capable of understanding the deaf interpreter because there is likely to be a great deal of shared experience and possibly a certain amount of shared culture or community.

Even highly linguistically competent deaf adults have a great deal of experience with this form of communication as they negotiate their way through a world that does not speak their language. They are regularly placed in a position requiring them to pantomime their requests and other daily exchanges with hearing people in the workaday world. This type of communication is far from foreign to such an individual. The other advantage seems to be a sense of trust and comfort at being in contact with another deaf person.

Deaf individuals from all walks of life come together at some of the regular social events within the deaf community. Naturally, people who are well educated and those who are not at all educated and people of very different social strata are not likely to socialize regularly in one another's homes, but they tend to have some contact in public deaf community affairs. Each case is, of course, unique as to who may be the most effective communication facilitator, but keep the resource of a deaf intermediary interpreter in mind. Such a person is best able to serve the situation if he or she is also well versed in the information and ethics of the interpreting professional. The ASL-English interpreter is generally in a good position to be aware of the need for an intermediary interpreter.

Many interpreters are accustomed to interpreting simultaneously in the courtroom. These

cases generally require consecutive interpretation, meaning that the interpreter waits until a break in the utterance and then interprets, followed by more of the utterance and then interpretation, and so on. The interpreter must operate on a slow, concept-by-concept process. Each new concept may take quite some time to establish in the client's understanding. References to that concept must be reestablished in the client's memory and the relationship to the new concept must then be made clear. The movement in such interpretation looks very much like the old "one step forward, two steps backward." Sometimes, fortunately, it does move two steps forward and one step backward, hurrying merely confuses all involved.

The painstaking effort and time put in at the beginning and into the entire process makes for a clear pattern and keeps the channels of communication as unclouded as possible. Questioners can help by speaking one concept at a time and keeping their communication, grammar, and lexicon as simple as possible. Repetitions for clarification are very helpful, as are referents with lots of memory-provoking details. Staying in chronological order helps when that is possible in questioning. If it is necessary to step out of chronological order, it helps to give the interpreter sufficient time to clarify the change in time reference. The chart accompanying this article offers hints and advice for interpreting for MLC deaf individuals

It is essential for the interpreter to meet with the client ahead of time and discern the client's communication style and level of comfort the interpreter has with the client. I have met with a client

and thought he used American Sign Language when he was merely mimicking my signs with intelligent facial expressions. To ascertain the level of communication, it is important for the client to spontaneously offer an utterance that allows the interpreter to observe the style and level of communication. This takes extra time but may well pay off in the long run.

Often, the interpreter is concerned and possibly confused as to whether the problem is one's language and interpretation skills or the deaf person's language skills or mental problems. It is relatively easy to mistake confused language for MLC behavior. In relatively rare cases, the problem lies with the deaf person's mental state, causing confused language of a psychotic type. The problem for the interpreter is that a person in distress (for example, one who has recently been arrested or the recent victim of a crime) may exhibit confused language out of crisis modality and extreme nervousness. This is the reason that interpreters may need to work in teams or with language consultants. It may also be necessary to call in a psychological consultant to verify the mental state of the client as well. There are individuals who are well versed in the linguistic background and cultural or community aspects of deafness who can be of valuable assistance in such cases. Many a case has been carried to conclusion only with the aid of a skilled team of interpreters and consultants. The interpreters focused on the actual communication while the consultant gave information about the communication and comprehension capacity or mental state of the client.

One must realize that there will be times, far too frequently in these cases, when even the most competent of interpreters and teams will not get a clear picture of some of the details or even the overall case. This form of inter-

pretation does not function in the same reasonably predictable and regular way that simple language-to-language interpretation operates. Many cases have left the legal process without a firm sense of who did what to whom. The

action can often be demonstrated and even elicited, but the great difficulty lies in determining the perpetrator and the victim, or the witness versus the perpetrator. Sometimes, even the action can be difficult to determine. Is the person describing a body part or how that body part was touched? It is sometimes nearly impossible to find out what a certain movement represents, the location or the action done at that location, the way the action might have been done, or that the action was done.

An example might help here: A man is accused of stabbing another man. The attorney asks, "Did you stab that man?" The interpreter gestures, the deaf man responds with a vigorous nod and gestures the action of stabbing. They look at stick drawings together and the deaf man points to the pictures of one person stabbing another and nods again and points to himself. Does he mean that he did indeed stab someone or that he saw this happen? That is the type of question that can take hours, even days, to resolve. It is also the kind of question that, after days, there may still remain some doubt as to the answer. Obviously, all parties involved, including the interpreter, must employ creative solutions and approaches to the fact-finding process.

The essential point is that there are individuals who can individually or in a team solve many of the communication problems that arise out of unusual cases regarding communication. It is important that interpreters be selected carefully and given resources, assistance, and time so that these communication problems can be dealt with thoroughly and responsibly. CM

Some pointers for communicating with MLC adults

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1. Establishing your role is important. State your function immediately.
2. Set up clearly who is talking and to whom. The interpreter should use third person, "he or she said..." when voicing the MLC person's communication so that the interpreter can interject comments such as "I believe he is referring to the day of the incident."
3. Areas that may be familiar to the deaf client may be very different from areas that the interpreter knows a great deal about. It helps to know the client's background or experience as a basis for comparison and communication.
4. There may be some temptation to treat MLC adults like children. We must treat them as adults and always treat them with appropriate respect.
5. Facial and body expression are very important. They will likely be read before any gesture or sign.
6. Use any and all objects in the room as props. Pointing is very helpful and clear.
7. Use pictures and props if possible, (i.e., a clock and a calendar are helpful for time reference). Bring along 3 x 5 cards and lots of paper to draw on (even simple stick figures), colored pens or pencils, and the like. You can also write simple words, names of places and people, and even simple words from their home language if it is not English.
8. Often we can use rudimentary signs (often like "home signs") as well as "hearing signs," meaning those we use in a noisy room, and universal gestures.
9. Pantomime can be heavily incorporated with any signs used for graphic demonstrations.
10. Constantly monitor the vocabulary of the deaf client and use signs and gestures he or she introduces.
11. Avoid the finger spelling as much as possible. Watch the client's expression for how much or little is comfortable for him or her.
12. It is often helpful to first establish a baseline fact and then ask questions or build upon that fact (i.e., "You live here now. Where die you live last year?").
13. Leave in all repetitions and use repetition for clarity, particularly questions, negation, emphasis, and key ideas or words.
14. Be consistent in time references and try to keep things in time sequence. Keep time as simple as possible. This must often be clarified for the hearing person involved for better communication.
15. A nod of the head does not necessarily mean that the client understands nor does it necessarily mean that the client has answered "yes."
16. Try to keep the atmosphere as comfortable as possible.
17. Constantly monitor for understanding. If there is confusion or a breakdown in communication, refer to *your* problem or *the* problem as opposed to the client's problem (i.e., "I'm not clear," "I don't seem to be getting through," "May I try that thought again?," or even, "This isn't working").
18. Take all the time you need and don't let anything pressure you. Communication takes time. CM