

# Who is “I”? Pronoun Choice and Bilingual Identity in Court Interpreting \*

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## 1 Introduction

In situations of language contact, interpreters often play a crucial role in facilitating interactions between members of different language communities. As pointed out by Valdés and Angelelli (2003: 58), “interpreters are individuals who, as the locus of language contact, have much to teach us about the nature of this contact and about the characteristics of bilingual individuals who broker interactions between monolingual members of groups in contact.”

When interpreters broker interactions between monolinguals, they translate and represent the speech of others, and by doing so, they inevitably take stances towards these individuals. Arguably, these stances also reflect the interpreters’ attitudes towards the respective communities. In this paper, I investigate the ways in which interpreters mark their stances towards others linguistically and how this may be taken to reflect their identity as bilinguals in an interethnic interaction.

## 2 Court Interpreting

Interpreting has increasingly become the subject of linguistic research. While interpreting studies have traditionally focused on conference interpreting (Pöchhacker 2004: 30-6), a growing body of research in discourse analysis and sociolinguistics has studied interpreting in face-to-face interactions, in a variety of contexts, from hospitals to political-asylum interviews (Berk-Seligson 1990, Wadensjö 1998, Roy 2000, Davidson 2000, Meyer 2004, Hale 2004). From a sociolinguistic perspective, court interpreting represents an especially fruitful ground for research, because in court interpreting, the social inequality between language communities is mirrored by the relative status that the languages have in the courtroom.

O’Barr and Atkins (1980) famously identified that a speech style which

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they called “powerless language” caused witnesses to be perceived negatively by jurors. Since then, sociolinguists have been acutely aware of the role of linguistic variation in the courtroom and of its potential social and legal implications. Therefore, studies of court interpreting have often been conducted with the aim of assessing the degree to which interpreter performance has an effect on the outcome of a trial. Most notably, Berk-Seligson (1990) built on O’Barr’s and Atkins’s (1980) findings by showing in experiments with mock jurors that the perception of a person who is being interpreted is affected by the interpreter’s speech style.

### 3 Variation in Interpreters’ Speech Style

One aspect of interpreters’ speech style that has received particular attention from linguists as well as from authors writing from a legal perspective is the question whether interpreters translate another person’s speech in the first person or in the third person. In other words do they speak *as* the person whose speech they are translating, or do they speak *about* him or her? For example, if a male witness says in Spanish *Yo juro decir la verdad*, the interpreter could translate this as *I swear to tell the truth*. But alternatively, the interpreter could say *He swears to tell the truth*, or could even use reported speech by saying *He says he swears to tell the truth*.

Obviously, these variants give quite different impressions of what was said, and of the interpreter’s stance toward the source speaker. As a result, this is a variable that has received a lot of attention from people writing about interpreting, even though, to my knowledge, it has not been approached from a variationist perspective.

From the perspective of the American legal system, there are very clear institutional norms in this respect. The interpreter is viewed as a conduit who is supposed to translate verbatim everything that is being said. This has important legal implications, for example, in official transcripts of trials, which do not include utterances made in a language other than English. Instead, the voice of the interpreter has become the voice of the person whose speech is being translated. Consequently, guidebooks for interpreters emphasize that interpreters should always use first person to refer to the person for whom they are translating (e.g. Edwards 1995: 83, Colin and Morris 1996: 146). Likewise, Berk-Seligson (1990: 53-4) states that the interpreter should be “invisible” and “should not exist as a verbal participant in her own right,” speaking “solely in place of the other participants.” To use Goffman’s (1981: 144) terminology of speaker roles, this ideal interpreter is only the *animator* of the translated utterances, but not the *author* or the *principal*.

However, the speaker roles change when interpreters use reported

speech, and refer to a source speaker in the third person. In these cases, we can speak with Bakhtin (1981: 324) of a double-voiced discourse that "serves two speakers at the same time and expresses simultaneously two different intentions," namely the intention of the translated source speaker, as well as that of the interpreter him- or herself. This use of third person is criticized as unprofessional behavior by legal and educational observers (see Pöchhacker 2004: 151-2), as well as by some linguists (e.g. Berk-Seligson 1990: 65). Wadensjö (1998: 6-7) refrains from taking such a judgmental position, problematizing the notion that interpreters can remain neutral at all. She views the use of first person as an act of "*relaying by replaying*" which is "*re-presenting* the whole appearance of another person's utterance" (p. 19). By contrast, she describes third person reference as "*relaying by displaying*" that is "*presenting* the other's words and simultaneously emphasizing personal non-involvement in what they voice."

It follows that the choice of third person reference can be regarded as a resource that the interpreter has for expressing non-involvement with the voice of the other. In contrast, the choice of first person reflects either and adherence to court norms or involvement with the speaker (or both).<sup>1</sup> Thus we can ask as sociolinguists when it is that interpreters signal their non-involvement with another voice. Which speakers do interpreters identify with, and which speakers they do not identify with? And what can that tell us about the identity of court interpreters as bilinguals who are brokering between members of different linguistic communities in a situation of conflict? To answer these questions, I have conducted a quantitative analysis of this variation in the speech of interpreters, based on data gathered from court interpreters in New York City.

## 4 Data

This study is based on extensive fieldwork which I conducted in three Small Claims Courts in New York City. These courts deal with civil lawsuits involving claims of up to \$5,000. Most cases are heard and decided by arbitrators (volunteering lawyers), and most people suing or being sued are not represented by attorneys. Most importantly, arbitration differs from other court settings in that it is relatively informal. At times, this informality leads interpreters, who are provided by the court, to engage in activities that go beyond translation, from administrative tasks for the court to coaching of non-English-speaking litigants. Furthermore, because of the informality of

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<sup>1</sup>For example, Lang (1976: 338) sees the first person usage as incompatible with an interpreter assuming the role of an intermediary.

arbitration, the interpreter's speech is less regulated and less supervised than it would be in a formal trial.

Typical cases brought to Small Claims Court involve claims for outstanding payments or reimbursements. Most commonly, they are brought by tenants suing former landlords for the return of a security deposit; by workers suing former employers for outstanding wages; by consumers suing businesses for refunds; or by individuals suing another for compensation for damages (e.g. car accident). In these cases, the person suing is very often someone who is economically disadvantaged compared to the person being sued. In cases with an interpreter, it is usually the person suing who speaks a language other than English (LOTE, cf. Garcia 1997), while the person being sued usually does speak English.

During my fieldwork I recorded 52 court proceedings that included interpreters for Spanish, Russian, Polish, or Haitian Creole. The results presented in this paper are based on a subset of ten hearings, with six different interpreters. The hearings were transcribed and each turn by an interpreter was coded for the way in which it represented the speech of a translated participant.<sup>2</sup>

Type of reference	Tokens	
1st person reference	299 (67%)	(see example 1)
3rd person reference	71 (16%)	(see example 2)
No reference to the speaker	73 (16%)	(see example 3)
Type of reference unclear	6 (1%)	(e.g. <i>necesitaba</i> 'I/he needed')
<b>TOTAL</b>	<b>449</b>	

Table 1: Interpreter turns translating a source-speaker utterance with first person reference to the speaker.

As tokens, I counted all turns by an interpreter that were a translation of an utterance whose speaker had used first person. I used turns as a unit of analysis, because I assumed that choice of reference would be consistent within turns. This was almost always the case, except for a few very long turns.<sup>3</sup> All in all, the ten court proceedings considered in this study contained

<sup>2</sup>Transcribing was done in collaboration with assistants who were native or near-native in the respective languages.

<sup>3</sup>Turns can be identified straightforwardly during consecutive interpreting, which occurs whenever interpreters translate between speaker and addressee. However, turns are harder to identify when interpreters translate simultaneously, which is usually found when interpreters translate talk between two English speakers for the benefit of a non-English-speaking overhearer. Simultaneous interpreting is not part of

449 such tokens. As shown in table 1, 67 percent of the tokens were in the first person, and 16 percent each were in the third person or avoided a person-reference to the source speaker.

An example for a first person token is given in (1), from a hearing with a Russian interpreter, a case about a car accident.

(1) Source 1st → Translation 1st<sup>4</sup>

- 1 Defendant: Ja exal po Coney Isl [//] po Kings Highway.  
 { 'I was going on Coney Island-- Kings Highway.' }
- 2 Interpreter: So what happened was,
- 3 I was riding down ah Kings Highway.

As can be seen, the defendant uses the Russian 1st person subject pronoun *ja* in line 1, which the interpreter renders as *I* in line 3. An example for a third person token is given in (2), from a hearing with a Polish interpreter. The excerpt is from a case in which two workers were suing a restaurant owner for outstanding wages.

(2) Source 1st → Translation 3rd

- 1 Arbitrator: Okay. And what kind of work do you do?
- 2 Interpreter: # Jaką pracę wyście robili tam?  
 { 'what job did you do over there?' }
- 3 Claimant B: # Pierogi (i blintze).
- 4 Claimant A: My robiły pierogi i blintze.  
 { 'we made pierogies and blintzes' }
- 5 Interpreter: They did blintzes
- 6 [and # pierogies.
- 7 Arbitrator: [Oh, she's a cook?

In (2), one of the two claimants uses the Polish 1st person plural subject pronoun *my* in line 4, but the interpreter translates it as *they* in line 5. This example also illustrates the way in which the interpreter's stance interacts with that of the other participants. In line 1, the arbitrator addresses the claimant as *you*, but then, after the interpreter has used third person in line 5, the arbi-

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the same conversational floor as the source talk, i.e. English speakers do not pause for an interpreter's turn. Thus, in simultaneous interpreting, interpreter turns were identified on the basis of their correspondence to source turns.

<sup>4</sup>Transcription conventions: # brief pause, /emphasis, (unclear segment), (xxx) inaudible segment, [overlap, [//] retracing with correction, +/. interrupted utterance, { 'English translation' }.

trator also talks about her instead of to her, as he says *Oh she's a cook*, in line 7. This phenomenon, that English-speakers treat the interpreter as the addressee rather than the person who is being interpreted, has been described by Urciuoli (1996). In general, it is not characteristic of the arbitrators in my sample, but it is fairly common in the speech of attorneys, in cases where one side is represented by a lawyer, but the interpreted person is not.

Example 3 illustrates a case where the interpreter avoids a person-reference altogether. This time it is a translation from English, and the Spanish interpreter translates *my decision* as *la decisión*, the decision.

(3) Source 1st → Translation 0-reference

- |                |  |
|----------------|--|
| 1 Arbitrator:  | You'll get <u>my</u> decision in the mail.                                       |
| 2 Interpreter: | Okay, [la decisión llegará por correo.<br>{ 'the decision will arrive by mail' } |
| 3 Claimant:    | [No +/.  |

In (3), it appears that the interpreter avoids first-person so as to signal his personal non-involvement with the legal decision making. This behavior in (3) is characteristic of many interpreters that I observed and it corresponds to an observation by Berk-Seligson (1990: 115), who states that it is "particularly common" for interpreters to avoid the subject pronoun *I* "in the interpretation of judges' speech to defendants, especially during the time of sentencing."

## 5 Results and Discussion

To identify the factors that condition the variation between types of reference in the speech of interpreters, I conducted a multivariate analysis using Goldvarb. While each type was analyzed separately, I focus on the use of third person reference in this paper. The results are shown in table 2. Two factor groups were significant, namely who the interpreter is and whose speech is being translated.

As can be seen in table 2, there are significant differences between the six interpreters when it comes to using third person reference in translation. One of them, Javier, a Spanish interpreter, doesn't use third person at all.<sup>5</sup> Three other interpreters use it comparatively rarely, but two interpreters use it more than 40% of the time, namely Yves, a Haitian Creole interpreter, and Jerzy, a Polish interpreter.

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<sup>5</sup>All names are pseudonyms.

	Factor Weight	Percent	n
<u>Interpreter (Language)</u>			
Jerzy (Polish)	.897	44%	34/78
Yves (Haitian Creole)	.824	40%	24/60
Igor (Russian)	.478	11%	8/71
Juan (Spanish)	.217	5%	4/81
Irina (Russian)	.088	2%	1/65
Javier (Spanish)	k.o.	0%	(0/88)
<u>Interpreted participant</u>			
English-speaking litigant	.752	34%	33/97
Arbitrator	.744	27%	26/94
LOTE-speaking litigant	.220	7%	12/164
<u>Total:</u>	Input .089	20%	71/355
Log likelihood = -116.639	Significance = 0.000		

Table 2: Goldvarb results, use of third person in translating utterances with first person reference to the speaker

What accounts for the differences between interpreters shown in table 2? As only one or two hearings were considered for each interpreter, it is possible that the circumstances of a particular case led an interpreter to stray from the institutional norm. Nevertheless, some generalizations can be made.

All interpreters in this sample are state-certified court interpreters, that is they have received a certain amount of training, which includes the instruction to use first person reference. However, they differ with respect to their status at court, as some interpreters are full-time staff members, while others are employed on a part time basis. The three interpreters who use third person reference the least (Irina, Juan, and Javier), are all staff interpreters who are employed by a particular courthouse. By contrast, Jerzy, the interpreter who uses third person reference the most, is a part-time freelancer, a so-called *per diem* interpreter. He is employed by the court system, but he is sent to different courts all over the city, depending on where he might be needed. On the day when I recorded him the arbitration hearing was the only Small Claims case that he interpreted in, and he had specifically traveled to the courthouse for it. In contrast, the other interpreters in the sample each translated in multiple cases on the days when I recorded them.<sup>6</sup>

<sup>6</sup>Anker (1991) and Inghilleri (2003) have previously noted that staff interpreters

However, the interpreter factor group cannot be analyzed independently of the second significant factor group, namely that of the source speaker who is being translated. This is shown in table 3, which represents a cross tabulation of the two factor groups.

Source-speaker Interpreter	LOTE- speaking litigant	English- speaking litigant	Arbitrator	TOTAL
Javier	0% (53)	N/A	0% (35)	0% (88)
Irina	0% (31)	0% (6)	4% (28)	2% (65)
Juan	0% (31)	0% (38)	33% (12)	5% (81)
Igor	5% (37)	0% (10)	25% (24)	11% (71)
Yves	4% (23)	65% (23)	57% (14)	40% (60)
Jerzy	21% (42)	90% (20)	44% (16)	44% (78)
TOTAL	6% (217)	34% (97)	20% (129)	16% (443)

Table 3: Third person usage of interpreters, for groups of source-speakers

As is evident from tables 2 and 3, the interpreters are generally not likely to use third person when they translate the speech of litigants who speak a language other than English (LOTE). In this respect, it is important to note that the interpreters are all immigrants themselves, that is they are native speakers of the respective LOTE, but generally not of English. Also, they usually share an ethnicity with the people they are translating for. This is particularly true of the interpreters for Russian, Polish and Haitian Creole, but less so for the Spanish interpreters, who often come from different countries than the people they are translating for. In any case, if the choice of third person reference is taken to mean that the interpreter wishes to disassociate him- or herself from the translated person, it appears that interpreters generally don't see a need to disassociate themselves from the litigants who speak their language, and who are often their compatriots.

Knapp & Knapp-Potthoff (1985: 453) argue that interpreters have a tendency to feel an affinity towards participants who are native speakers of their own first language, but also that they may want to come to the aid of a weaker party. Both aspects could be relevant here, as they suggest that the interpreter is more likely to identify with the non-English-speaking litigant. However, it has also been noted, for example by Lang (1976), that interpreters use third person when they act as an advocate for the source-speaker, because acting as an advocate requires them to bring in their own voice, re-

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are less likely to use third person than are interpreters who are contracted for a specific case.



serving the first person for themselves. This could perhaps explain the comparatively high rate of third person usage in Jerzy's translation of the two Polish claimants (21%). During the hearing, there are several instances in which he takes on functions of a legal advisor, and where he talks about the claimants on their behalf, rather than speaking as them.<sup>7</sup>

In contrast to their translation of LOTE-speaking litigants, the interpreters in the sample are much more likely to use third person when they translate an utterance made by an English speaker. Some interpreters (Irina, Igor and Juan) use third person (almost) exclusively when translating the speech of the arbitrator. This can be interpreted along the same lines as example (3) above, as an attempt to deemphasize their involvement with the decision-making process. By contrast, Yves and Jerzy, the two interpreters who use the third person most, also use it heavily when they translate the voice of an English-speaking litigant. In particular, they tend to frame their translation as reported speech. This is illustrated in example (4), from a case with a Haitian claimant, a customer who wants a refund from a computer store.

- (4) 1 Defendant: Ah the day we delivered we informed him that ah  
 2 this is not appropriate for a computer to be like this.  
 3 Interpreter: Li di (ah ke) jou ke l te [delivre yo ba ou a  
 { 'he says that the day he delivered' }  
 4 Arbitrator: [Did he tell you when he +/.  
 5 Interpreter: li te di ou li pat apropiye  
 { 'he told you that it was not appropriate' }  
 6 pou te fè l konsa.  
 { 'to be done like this' }

By using reported speech (line 3) and speaking about the defendant instead of assuming his voice, the interpreter is avoiding any personal identification with him and his position in the dispute. In this conflict between a Haitian man and a West Indian store owner, the Haitian interpreter is making it clear

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<sup>7</sup>Some Spanish interpreters (university-educated men of Cuban or Argentine background) expressed negative opinions to me about some of the litigants they were translating for and the varieties of Spanish spoken by them (e.g. Dominican Spanish). Thus, it cannot be claimed that they identified with these litigants. However, this lack of identification with litigants does not manifest itself in third person usage, presumably because Spanish interpreters are the most invested in the court and in the interpreting norms upheld by it, and thus maintain first person usage when translating litigants' voices into English. This illustrates that, while the use of third person reference can be understood as an act of distancing, the use of first person does not automatically imply that the interpreter identifies with the source speaker.

to his compatriot that he is not taking the opponent's side. This use of reported speech thus can be interpreted as a resource for signaling solidarity in an interethnic conflict situation. For both Jerzy and Yves it is the default form they use when translating the speech of someone who is the opposing party of their compatriot.

The use of third person when translating into the LOTE may also be a reflection of community-specific norms of interpreting in settings outside the courtroom. For example, Harris (1990: 115-116) claims that third person usage is characteristic of non-professional interpreting (see also Valdés 2003 on child interpreters). In fact, some litigants are confused by verbatim interpreting, prompting the interpreter to explain "I'm only translating."<sup>8</sup> However, if this were the only motivation for interpreters to use third person reference, we would not expect to find different rates of its use in the translation of arbitrators and opponents, as we do for Jerzy.<sup>9</sup>

However, apart from questions of the interpreter's stances towards the other participants, one also needs to consider the direction of translation, i.e. whether the interpreter is translating *into* English or *from* English. As can be seen, the interpreters are far more likely to use third person when they are translating from English, into a language that is understood only by the person they are translating for. Their third person usage is therefore not likely to be detected by anyone who would recognize it as violating the norms of court interpreting.

This is not quite true for the Spanish interpreters. When they are translating into Spanish, they may be understood by other participants, as there are arbitrators and court staff who understand Spanish. Also, perhaps most importantly, the people who supervise and evaluate interpreters at the courts are themselves former Spanish interpreters, so that Spanish interpreters are subject to more detailed institutional scrutiny than interpreters for other languages.

For all interpreters it is true that when they are translating into English, third person usage can be noticed by the arbitrator, by other interpreters, or

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<sup>8</sup>For example, it happens often that litigants think that they are addressed when a question addressed to the other party is translated verbatim with 2nd person address forms.

<sup>9</sup>The use of the term solidarity raises the questions whether these acts of distancing are deliberate or whether interpreters are unaware of their occurrence. While it cannot be addressed here, the reported prevalence of third person usage in non-professional interpreting, as well as the occasional need for interpreters to refer to themselves in the first person, suggests that third person translation may be more basic, while consistent maintenance of first person translation may require a more conscious effort.

by anyone else affiliated with the court. Interpreters are conscious of this fact, as is evident when they are found to self-correct from third- to first-person usage, as shown in (5), from the same hearing as example (2).

- (5) 1 Arbitrator: And you worked when he opened the restaurant?  
 2 Claimant B: Yes.  
 3 Interpreter: Ah, wyście pracowali od początku  
 {*You were working since the beginning*}  
 4 Claimant A: [Tak.  
 {'Yes.'}  
 5 Claimant B: [Tak.  
 {'Yes.'}  
 6 Interpreter: [kiedy on otworzył restaurację?  
 {'when he opened the restaurant'}  
 7 Claimant B: Tak.  
 {'Yes.'}  
 8 Attorney: [(xxx).  
 9 Claimant B: [Poprzednio żeśmy pracowali u poprzedniego bossa.  
 {'Before we worked for the previous boss.'}  
 → 10 Interpreter: They work +/.  
 11 Claimant B: Piętnaście lat.  
 {'Fifteen years'}  
 → 12 We work # /prior to that  
 13 Defendant: [(xxx).  
 14 Interpreter: [for [//] maybe for fifteen years  
 15 prior to the /previous owner.

In line 12, the interpreter (Jerzy) self-corrects his translation from third person (*they work*) in line 10, to first person (*we work*) in line 12. The example shows that despite being a freelance interpreter, he is well aware of what is expected of him, as his self-correction points towards the institutional norm.<sup>10</sup> In my data, there are other examples of such norm-affirming self-corrections with other interpreters, but they occur only when the translation is into English.

<sup>10</sup>In one case that was not included in this data sample, another Spanish interpreter was found to self-correct towards third person as he translated testimony by an English-speaking litigant into Spanish. This Spanish interpreter was also a heavy user of reported speech. His self-correction away from the institutional norm suggests that interpreters may also adapt towards what they perceive as the preferences of non-English-speaking litigants.

In this respect it is interesting to note the results for Yves, the Haitian Creole interpreter, in table 3. As a staff interpreter, he adheres closely to the norms of court interpreting when he translates into English, but does not do so at all when he translates from English into Haitian Creole. By using third person and reported speech when translating into Haitian Creole, but using first person when translating from Haitian Creole into English, he is simultaneously able to maintain the appearance of adhering to the institutional norms of court interpreting, and to signal solidarity to his fellow Haitian immigrants. Yves's speech style is not typical for that of the other interpreters in the sample, but in a way he occupies a middle ground between two extreme positions: on the one hand there is Jerzy, who frequently uses third person, even when translating into English, and on the other hand, there are the four other interpreters who more or less refrain from using third person at all, except occasionally when they are translating the voice of the arbitrator, thus presumably when they want to signal that they are not responsible for the legal decision.

By occupying this middle ground, Yves's interpreting style illustrates nicely the way in which interpreters can act as a buffer between the different participants, and by extension between the spheres of the different linguistic communities that are in contact in the courtroom. Yves is a bilingual who knows how to act appropriately in both spheres, projecting the image of a professional interpreter in the English-speaking sphere of the court, and at the same time acting as an ally to his compatriot in the Haitian Creole-speaking sphere of Haitian court users. By doing so, he arguably facilitates the interaction and contributes to mitigating the conflict.

## 6 Conclusion

In conclusion, this study illustrates how an interpreter may act as intermediary, transforming the speech of other participants in ways that are socially acceptable to the respective target audiences. In doing so interpreters balance their own competing allegiances as bilinguals in a multilingual, multiethnic society. As the data show, this balance may tilt in either direction, depending on an interpreter's investment with the court or with the litigants, though some, like Yves, may be able to find a way to signal allegiance to both sides.

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