THE INTERNATIONAL ASSOCIATION OF FORENSIC LINGUISTS
TENTH BIENNIAL CONFERENCE
ASTON UNIVERSITY, 11-14TH JULY 2011
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WELCOME TO ASTON UNIVERSITY

We are delighted and honoured to be hosting the 10th IAFL Biennial Conference at Aston’s Centre for Forensic Linguistics. It will be a wonderful opportunity to meet old friends, make new ones and of course listen to a few papers. Seriously, we are very impressed with the quality and variety of the research to be reported over the next four days and are convinced this will be a stimulating and enjoyable conference.

We have done our utmost to avoid clashes between papers in closely related areas, and by keeping all sessions within the Lakeside Centre participants will have no difficulty in moving from one session to another in time to hear the next paper.

We feel everything is now in place for a great conference – although its ultimate success depends on you the delegates. We look forward to welcoming you, to listening to your formal papers and informal contributions and to chatting over coffee or a glass of wine.

THE LOCAL ORGANISING COMMITTEE

Malcolm Coulthard
Tim Grant
Kate Haworth
Krzysztof Kredens
Nicci Macleod
Samuel Tomblin
We are pleased to announce the publication of an online, refereed collection of papers presented at the conference:

- The collection will be hosted on the website of the Aston University Centre for Forensic Linguistics
- It will remain online until the next conference, IAFL11, in 2013
- Copyright will remain with you, so you will still be able to submit a version of your paper for publication elsewhere
- Papers will range from 4,000-6,000 words

We would like to invite you to submit a manuscript:

- The deadline for submissions is 31st August 2011 and we will send you feedback within four weeks of submission
- Your manuscript should be submitted to our Editorial Assistant, Andrea Nini, via e-mail: ninia@aston.ac.uk

We will be on hand to offer advice and discuss any questions you may have during the conference.

We look forward to reading your submission!

Samuel Tomblin
Malcolm Coulthard
Nicci MacLeod
Rui Sousa-Silva
### PROGRAMME

#### MONDAY, 11\(^{th}\) JULY

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<thead>
<tr>
<th>Time</th>
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<tr>
<td>0900-1100</td>
<td>Optional Visit to the Birmingham Victoria Law Courts</td>
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<td>Birmingham's Victoria Law Court is a red brick and terracotta Grade I listed building that houses the Birmingham Magistrates' Court. The foundation stone was laid by Queen Victoria in 1887. This tour will begin with the heritage courts before moving on to view some live cases, finishing in the historic Law Library for a question and answer session.</td>
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<td></td>
<td>Please e-mail Dr. Nicci MacLeod (<a href="mailto:n.macleod1@aston.ac.uk">n.macleod1@aston.ac.uk</a>) to book your place – there is a limited number of places</td>
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<tr>
<td>0930 – 1700</td>
<td>Conference Registration (Lakeside Conference Centre)</td>
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<tr>
<td>1300</td>
<td>Conference Opening: Malcolm Coulthard, Professor of Forensic Linguistics (Suite 5/6)</td>
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<tr>
<td>1315</td>
<td>PLENARY: ROGER SHUY (SUITE 5/6)</td>
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<tr>
<td></td>
<td>Analyzing Large Amounts of Language in Criminal and Civil Cases</td>
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<td>Chair: Malcolm Coulthard</td>
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<td>1430</td>
<td>Parallel Session 1 (Suite 1)</td>
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<td>Parallel Session 2 (Suite 4a)</td>
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<td>Parallel Session 3 (Suite 4b)</td>
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<td><strong>AUTHORSHIP</strong></td>
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<td>Chair: Rui Sousa-Silva</td>
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<tr>
<td>1430</td>
<td>Samuel Tomblin</td>
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<td>Exploring the Potential for Formulaic Language as a Marker of Authorship</td>
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<td><strong>EXPERT WITNESSES</strong></td>
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<tr>
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<td>Chair: Jill Anderson</td>
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<tr>
<td>1430</td>
<td>Reiko Ikeo</td>
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<td>Expert Witnesses' Role in Disputed Speech Presentation in a News Report</td>
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<td>Expert Witness Testimony: Negotiating control over the evidence</td>
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<td><strong>COURTROOM DISCOURSE</strong></td>
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<td>Chair: Eva Ng</td>
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<td>1500</td>
<td>Zhou Zhiyi</td>
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<td>Confessions &amp; Forgiveness: Forensic linguistic studies of the right to silence outlawed in the Criminal Procedure Law of the P.R. China</td>
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<tr>
<td>1500</td>
<td>Jieun Lee</td>
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<td>Questioning in Korean Courtroom Examinations</td>
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<td>Coffee Break (Suite 2/3)</td>
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<tr>
<td>1600</td>
<td>Gail Stygall</td>
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<td>Virtual Contracts: EULAs and TOSAs</td>
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<tr>
<td>1630</td>
<td>Peter Tiersma</td>
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<tr>
<td>1700</td>
<td>Lawrence Solan</td>
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<td>1730</td>
<td>Jill Anderson</td>
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**Postgraduate Whirlwind Session**

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<thead>
<tr>
<th>Time</th>
<th>Session</th>
<th>Reception and Poster Exhibition</th>
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<tbody>
<tr>
<td>1815 – 1930: Suite 1</td>
<td>1900 – 2000: Suite 2/3</td>
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<tr>
<td>See page 16.</td>
<td>For list of exhibitors please see page 17.</td>
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<tr>
<td>Chair: Tim Grant</td>
<td>(Posters will remain on display throughout the conference in Suite 2/3)</td>
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<tr>
<td>Time</td>
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| 0930  | **PLENARY: MARTHA KOMTER (SUITE 5/6)** <br> *The Career of a Suspect's Statement: Talk, text, and context*  
Chair: Janet Cotterill |
<p>| 1030  | Coffee Break (Suite 2/3)                                             |
| 1030  | Parallel Session 1 (Suite 1)                                         |
|       | Parallel Session 2 (Suite 4a)                                        |
|       | Parallel Session 3 (Suite 4b)                                        |
|       | <strong>INVESTIGATIVE INTERVIEWING</strong>                                       |
|       | Chair: Nicci MacLeod                                                |
|       | <strong>LEGAL LANGUAGE</strong>                                                   |
|       | Chair: Janet Ainsworth                                               |
|       | <strong>DECEPTION</strong>                                                        |
|       | Chair: Isabel Picornell                                              |
| 1100  | Frances Rock                                                        |
|       | From ‘I’d like to report’ to ‘they told me to ‘phone you up to report’: Metalinguistic dimensions of interactions in policing |
| 1130  | Georgina Heydon                                                     |
|       | Silence: Civil right or social privilege?                            |
| 1130  | Jingyu Zhang &amp; Qinglin Ma                                            |
|       | Reasonableness and “the Reasonable Person” in the Chinese Context    |
| 1200  | Michelle Aldridge &amp; June Luchjenbroers                               |
|       | Vulnerable Witnesses in England and Wales: Have we now achieved best evidence? |
| 1200  | Victor Gonzalez-Ruiz                                                |
|       | Getting Rid of Gobbledygook: Lawyers and plain language legal translations |
| 1230  | Lunch (Suite 2/3)                                                   |
| 1330  | Ning Ye &amp; Jixian Pang                                               |
|       | Police Interrogation and Identity Construction                       |
| 1330  | Luna Filipović                                                      |
|       | Language-specific Effects in Witness Judgement and Memory            |
| 1330  | Marty Laforest                                                      |
|       | The False Report During an Emergency Call: Using discourse analysis to detect deceit |</p>
<table>
<thead>
<tr>
<th>Time</th>
<th>Speaker(s)</th>
<th>Title</th>
<th>Chair</th>
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<tbody>
<tr>
<td>1400</td>
<td>Philip Gaines</td>
<td>Using <em>okay</em> for Task Management, Solidarity Overture, and Confrontation in a Police Interview</td>
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<td></td>
<td>Margaret van Naerssen</td>
<td>Faked or Truthful Second Language Proficiency: Assessing claims</td>
<td>Isabel Picornell</td>
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<tr>
<td>1430</td>
<td>Tessa van Charldorp</td>
<td>“You asked me what happened last night”: A comparison between first story solicitations in police interrogations and the text in the police records</td>
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<td></td>
<td>Sally Nelson</td>
<td>Beyond Plain English: Using narrativisation and context to improve comprehension of jury instructions in England and Wales</td>
<td>Zhanghong Xu</td>
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<tr>
<td>1500</td>
<td>Marisa Jenkins and Coral Dando</td>
<td>Computer-mediated Investigative Interviews: A potential screening tool for the detection of insider threat</td>
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<td></td>
<td>Bethany Dumas</td>
<td>Improving the Comprehensibility of Pattern Jury Instructions</td>
<td>Gillian Grebler</td>
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<td>(False) Confessions Become Compelling at Trial</td>
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<td>1530</td>
<td>Coffee Break (Suite 2/3)</td>
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<td>1600</td>
<td>Ron Butters</td>
<td>Imaginative Leaps</td>
<td>Ann Wennerstrom</td>
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<td>Marcia Del Corona</td>
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<td>Membership Categorisation and Place Formulation in Emergency Calls in Brazil</td>
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<td>1630</td>
<td>Chris Heffer</td>
<td>Forensic Discourse: A critical reflection</td>
<td>Judith Rosenhouse</td>
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<td>Transitivity Choices in Police and Court Transcripts: A forensic linguistic pilot study</td>
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<td>1715</td>
<td>PLENARY: RAY BULL (SUITE 5/6)</td>
<td>Psychological Insights Contributing to Police Interviewing Policy and Practice</td>
<td>Tim Grant</td>
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<tr>
<td>1815</td>
<td>IAFL Business Meeting (Suite 5/6)</td>
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<td>Ron Butters, IAFL President</td>
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<td>Time</td>
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<td>0900</td>
<td>1</td>
<td>Yvonne McGivern</td>
<td>An Historical Forensic Linguistic Analysis of Contested Letters in the Forrest Reid Collection</td>
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<td>3</td>
<td>Jess Shapero &amp; Sue Blackwell</td>
<td>“There are letters for you all on the sideboard”: What can linguists learn from multiple suicide-note writers?</td>
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<td>0930</td>
<td>1</td>
<td>Andrea Nini</td>
<td>Style, Systems and Genre: A theoretical base for stylistic approaches to authorship analysis</td>
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<td>2</td>
<td>Karolina Jarmołowska</td>
<td>Overlapping Voices in Police Records of Interpreted Interviews with Witnesses</td>
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<td>3</td>
<td>Dana Roemling</td>
<td>Genuine and Simulated Suicide Notes in German</td>
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<td>1000</td>
<td>1</td>
<td>James R. Fitzgerald &amp; Natalie Schilling</td>
<td>Uncovering Linguistic Disguise: Forensic linguistic analysis in three 2007 staged suicide attempts</td>
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<td>2</td>
<td>William Egginton, Troy Cox &amp; Seth Wood</td>
<td>The Consequences of Faked Comprehension in Interrogation Settings</td>
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<td>1100</td>
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<td>Mel Greenlee</td>
<td>I Object – Or Did I?</td>
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<td>Chuanyou Yuan</td>
<td>A Comparative Multimodal Analysis of Two Courtroom Discourses: Systemic-functional perspectives</td>
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<td>Le Cheng &amp; Winnie Cheng</td>
<td>Fair Comments in Hong Kong Defamation Cases</td>
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<td>1130</td>
<td>A Comparison of Questioning, Turn-taking and Code-switching in Malaysian Syariah and Common Law Courts</td>
<td>Azirah Hashim &amp; Richard Powell</td>
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<td>Liping Zhang</td>
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<td>Negotiating Solidarity as a Dispute Resolution Mechanism in Chinese Court: Confucian interpretation</td>
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<td>Giorgos V. Georgiou</td>
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<td>Language Struggle and Power Abuse Through Diglossia in a Murder Trial</td>
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<td>Litigants-in-Person as Intruders in Court</td>
<td>Tatiana Tkačuková</td>
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<td>Stanisław Goźdź-Roszkowski</td>
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<td>Meaningful Units and Knowledge Construction in Legal Genres</td>
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<td>Holly Anderson &amp; Robert A. Leonard</td>
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<td>Combining Linguistic and Psychological Theory to Analyze Legal Evidence</td>
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<td>1230</td>
<td>Lunch (Suite 2/3)</td>
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<td>PLENARY: DAVID ALLEN GREEN (SUITE 5/6)</td>
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<td>Libel and the Meaning of Words</td>
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<td>Chair: Krzysztof Kredens</td>
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<td>1430</td>
<td>The Use of Sequences of Linguistic Categories in Forensic Written Text Comparison Revisited</td>
<td>Núria Bel, Sheila Queralte Estevez, Maria Stefanova Spassova, M. Teresa Turell i Julià</td>
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<td>Eva Ng</td>
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<td>Garment, or Upper-garment? A Matter of Interpretation?</td>
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<td>Michael Walsh</td>
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<td>Experts as 'Vulnerable' Witnesses in Australian Aboriginal Land Claim and Native Title Cases</td>
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<td>1500</td>
<td>Language as Evidence: Cases on forensic authorship attribution</td>
<td>Rahma Al-Busafi</td>
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<td>Yvonne Fowler</td>
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<td>It's As If You Were Physically Present: Interpreters and prison video Link in the multilingual courtroom</td>
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<td>Natalie Stroud</td>
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<td>Non-Adversarial Justice: The changing role of courtroom participants in an indigenous sentencing court</td>
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<td>1600</td>
<td><strong>LANGUAGE IDEOLOGIES</strong></td>
<td><strong>Chair: Nicci MacLeod</strong></td>
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<td></td>
<td>Diana Eades</td>
<td>Bente Jacobsen</td>
<td>“Normal human beings”: Language ideologies in the interpretation of the character and credibility of witnesses</td>
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<td><strong>INTERPRETING IN FORENSIC CONTEXTS</strong></td>
<td><strong>Chair: Yvonne Fowler</strong></td>
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<td>Court Interpreting: Dealing with the unethical behaviour of primary participants</td>
<td><strong>Chair &amp; coordinator: Alison Johnson</strong></td>
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<tr>
<td>1630</td>
<td>Susan Berk-Seligson &amp; Mitchell A. Seligson</td>
<td>Ana Paula da Fonseca Lopes</td>
<td>Corpus Based Approaches to Forensic Linguistics</td>
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<td><em>Indígena, Blanca, Mestiza: Ethnic self-identification and attitudes toward the justice systems of Ecuador</em></td>
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<td>Introduction</td>
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<td><strong>COLOQUIUM</strong></td>
<td><em>David Wright</em></td>
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<td><strong>Corpus Based Approaches to Forensic Linguistics</strong></td>
<td><em>Stylistic Variation within Genre Conventions in the Enron Email Corpus: Developing a text-sensitive methodology for authorship research</em></td>
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<td><strong>Discussion</strong></td>
<td><em>Millicent Murdoch</em></td>
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<td>Eve Attenborough</td>
<td>Cara Attenborough</td>
<td>What’s in a Name? An investigation into authorship attribution</td>
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<td>Upsetting the Apple Cart: Developing a suitable linguistic methodology for use in trademark disputes</td>
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<td>1700</td>
<td>Emmanuel Satia</td>
<td>William Eggington, Troy Cox &amp; Seth Wood</td>
<td>Corpus Based Approaches to Forensic Linguistics</td>
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<td>Language and the Construction of a Positive Identity Among Inmates in Kenyan Jails</td>
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<td>Introduction</td>
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<td><strong>COLOQUIUM</strong></td>
<td><em>Claire Brodley</em></td>
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<td></td>
<td><strong>Corpus Based Approaches to Forensic Linguistics</strong></td>
<td><em>Representations of ‘monomania’ in Victorian Trials Surrounding the McNaughten Trial (1843)</em></td>
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<tr>
<td>1730</td>
<td>Martina Rienzner, Gabriele Slezk &amp; Karlheinz Spitz</td>
<td>Xinhong Zhang</td>
<td><strong>Discussion</strong></td>
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<td>Plurilingual Speakers in Unilingual Environments: Language rights and courtroom practices in Austria</td>
<td><strong>How do Chinese Courts do Justice in Foreigner-related Cases: A survey of court interpreting practice in China</strong></td>
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<tr>
<td>1915-1930</td>
<td>1915-1930: Coaches depart for Conference Dinner</td>
<td><strong>COLOQUIUM</strong></td>
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<td>2000</td>
<td><strong>CONFERENCE DINNER: ASTON VILLA FOOTBALL CLUB</strong></td>
<td><strong>Chair: Kate Haworth</strong></td>
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<td><strong>AFTER DINNER PLENARY: DANIEL GREENBERG</strong></td>
<td><em>The Three Myths of Plain English in Legal Language</em></td>
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<td><strong>Chair: Kate Haworth</strong></td>
<td><strong>Discussion</strong></td>
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CONFERENCE DINNER

The conference dinner is being held at Villa Park, home of Aston Villa Football Club. The 1874 Suite is an impressive venue with fantastic views over the famous pitch and Aston Parklands. For those who are less keen on English Premiership football, we hope that the fine 3-course banquet prepared by their award-winning chefs, with full vegetarian option, will serve as a distraction. The ticket price includes a three course banquet, coffee and chocolates, and coach transport to and from the venue. There will also be a cash bar.

Coaches will depart from Coleshill St (see campus map) at 7pm – please make sure that you are not late as we won’t be able to wait!

We regret that it will not be possible to attend the dinner if you did not book this with us in advance.
### THURSDAY, 14TH JULY

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<th>Time</th>
<th>Parallel Session 1 (Suite 5/6)</th>
<th>Parallel Session 2 (Suite 1)</th>
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<tr>
<td>0930</td>
<td><strong>LADO: Language Analysis in the Determination of Origins</strong>&lt;br&gt; (Coordinated by Diana Eades)&lt;br&gt;&lt;br&gt;&lt;b&gt;LADO Session 1a&lt;/b&gt;&lt;br&gt;&lt;br&gt;<strong>Susan Fitzmaurice</strong>&lt;br&gt;Linguistic Impersonation and the Problem of Identifying the Native Speaker in Asylum Seeker Cases&lt;br&gt;&lt;br&gt;<strong>Krzysztof Kredens</strong>&lt;br&gt;’The worst thing is that you killed him’ – Pragmatic meanings in forensic contexts&lt;br&gt;&lt;br&gt;<strong>Janet Cotterill</strong>&lt;br&gt;Mugshots and Motherhood: Media representations of female criminality in two high-profile cases of child abduction - Madeleine McCann and Shannon Matthews</td>
<td><strong>Determining Meaning</strong>&lt;br&gt;&lt;br&gt;<strong>Tim Grant</strong>&lt;br&gt;Duppying Yoots in a Dog Eat Dog World, kmt: Determining meaning at the Old Bailey</td>
<td><strong>Media Contexts</strong>&lt;br&gt;&lt;br&gt;<strong>Dominique Lagorgette</strong>&lt;br&gt;Linguists in the Courtroom in France: Oxymoron or perspective? Violent speech acts in the media</td>
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<td>1030</td>
<td>Coffee Break (Suite 2/3)</td>
<td><strong>Ángeles Orts Llopis &amp; Ángela Almela</strong>&lt;br&gt;Corruption in the Spanish News: Verbalizing crime for the public opinion</td>
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<td>1100</td>
<td><strong>LADO Session 1b</strong>&lt;br&gt;&lt;br&gt;<strong>Georgi Kapchits</strong>&lt;br&gt;The Daarood Dialects in Contemporary South Somalia</td>
<td><strong>Duncan Munala</strong>&lt;br&gt;About the Bajuni Language</td>
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<td>1130</td>
<td><strong>Tammy Gales</strong>&lt;br&gt;The Stance of Stalking: A corpus-based analysis of epistemic stance in threats</td>
<td><strong>Tammy Gales</strong>&lt;br&gt;The Stance of Stalking: A corpus-based analysis of epistemic stance in threats</td>
<td><strong>Ángeles Orts Llopis &amp; Ángela Almela</strong>&lt;br&gt;Corruption in the Spanish News: Verbalizing crime for the public opinion</td>
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<td>Time</td>
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<td>Speaker(s)</td>
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<tr>
<td>1215</td>
<td>PLENARY: PETER PATRICK (SUITE 5/6)</td>
<td><em>Language Analysis for the Determination of Origin: Recent Developments in the UK</em></td>
<td>Chair: Diana Eades</td>
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<td>1245</td>
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<td><em>Chair: Diana Eades</em></td>
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<tr>
<td>1315</td>
<td></td>
<td>Lunch (Suite 2/3)</td>
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<tr>
<td>1400</td>
<td>COLLOQUIUM</td>
<td><em>LADO Session 2</em></td>
<td><em>Anna de Graaf, Jen ten Thije &amp; Maaike Verrips</em></td>
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<td><em>Eliciting Spontaneous and Natural Speech for the Purpose of LADO</em></td>
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<tr>
<td>1430</td>
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<td><em>Kim Wilson &amp; Paul Foulkes</em></td>
<td><em>Language Analysis for the Determination of Origin: An empirical study of native speakers, LADO professionals and phoneticians</em></td>
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<tr>
<td>1500</td>
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<td><em>Petter Lövgren</em></td>
<td><em>Weight of Evidence of Language Analysis Reports in Tribunals</em> - An Overview*</td>
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<tr>
<td>1530</td>
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<td><em>Discussion of Issues Arising</em></td>
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<tr>
<td>1600</td>
<td>CLOSING PLENARY – RETIRING PRESIDENT’S ADDRESS: RON BUTTERS (SUITE 5/6)</td>
<td><em>Ethics, Standards, and Best Practices</em></td>
<td><em>Chair: Maite Teresa Turell</em></td>
</tr>
</tbody>
</table>
**FRIDAY, 15TH JULY**

**1030 – 1200: Optional Open-top Bus Tour**

A guided tour of Birmingham, including the Jewellery Quarter, international cricket ground and the Tolkien Trail.

£10. See page 22 for details.

Contact Nicci MacLeod (n.macleod1@aston.ac.uk) to book your place – all welcome!

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**POSTGRADUATE WHIRLWIND**

On Monday evening there will be a Postgraduate Whirlwind Session, starting at 6:15pm in Suite 1. This is an informal event designed to bring together current PhD researchers and postgraduates, and recent graduates are also encouraged to attend. It will be an opportunity to discuss research issues and share advice, as well as to make contacts with people who are (or have been) in the same boat as you. We aim to provide a friendly forum in which participants can meet and discuss topics relating to their research with as many other participants as possible.

No preparation is required for participation in this session, please feel free to just turn up. Refreshments will be supplied and there will be an emphasis on a relaxed, informal environment.

Please contact Ria Perkins (perkinrc@aston.ac.uk) if you’d like any further information.
POSTER EXHIBITORS

TARANNOM AFSHAR
Discourse of Power and Ideology in Criminal Courts of Iran

BRIGITTA BUSCH, MARTINA RIENZNER, WALTER SCHICHO, GABRIELE SLEZAK, KARLHEINZ SPITZL
When Plurilingual Speakers Encounter Unilingual Environments (PluS): Migrants from African Countries in Vienna: Language practices and institutional communication

JANKA DORANIĆ
A Synergy of Translation and Croatian Legal Terminology Development

SANDRA FERRARI DISNER AND SEAN FULOP
Individuating Vocal Characteristics with the Reassigned Spectrogram

NICCI MACLEOD & RUI SOUSA-SILVA
‘...and other words to this effecte’: Textual borrowing in 17th Century quasi-legal discourse

MIKHAIL OSADCHIY
The Tactics of Legal Risks Avoidance in Political and Business Communication in Modern Russia

LORENZO PATINO
Comprehensibility in Canadian Immigration Forms: An examination and comparison of Canadian legal language

NATASCHA ROHDE
German Legal System vs. Non-German Speaking Juveniles

LIJIN SHA & LE CHENG
Power, Control and Translation in Legal Settings

KONG WO TANG AND CHRISTOPHER N. CANDLIN
Discourse Practices, Focal Themes and Discourse Roles in the Australian Migration Review Tribunal (MRT)
**PRACTICAL INFORMATION**

If you have any questions or problems we will be available throughout the conference to assist you – please just ask. We hope the following information will also be useful.

**VENUE**

The entire conference (with the exception of the gala dinner) will be held in the Lakeside Centre. A floor plan can be found opposite. Lunch and coffee breaks will take place in Suite 2/3 at the times indicated. For other catering options please see pages 20 and 21.

**INTERNET ACCESS**

Wi-Fi is available free of charge in the Lakeside Centre on entering these details: Username – 452695; Password – 883716; Network – Conference Aston. Access vouchers can be purchased for use in the residential blocks. Wi-Fi is available in all bedrooms in the Business School. For printing and copying, please ask a volunteer.

**ATM / CASH MACHINES**

The nearest ATMs are located either side of the steps at the front of the Student Guild (see campus map).

**SHOPS**

The Student Guild shop is open from 10am until 5pm, and stocks magazines, newspapers, snacks, drinks and tobacco, as well as stationery and Aston University merchandise.

**SPORTS CENTRE**

The Sport Aston Gym is opposite the entrance to the Woodcock Centre in the Birmingham Science Park Aston. It is a modern 60+ station facility gym with a large selection of cardio, machine weights and free weights. Available free to all residential guests.

Opening hours: 06:45 - 22:00 Monday to Friday; 10:00 - 19:00 Saturday and Sunday.

**TRAVEL INFORMATION**

The Aston University website contains several helpful travel maps and guides – see [http://www1.aston.ac.uk/about/directions/](http://www1.aston.ac.uk/about/directions/). You can also find a campus map at the back of this programme.

**USEFUL WEB LINKS**

Conference website – www.forensiclinguistics.net/iafl10.html
Aston University – www.aston.ac.uk
Birmingham tourist attractions - www.visitbirmingham.com
CATERING, RESTAURANTS AND BARS ON CAMPUS

For all registered participants, tea, coffee and lunches are included in the package and will be served in the Lakeside Conference Centre.

On campus, we have a number of facilities available for you to use during your stay with us.

ASTON BUSINESS SCHOOL CONFERENCE CENTRE

The Conference Centre offers a choice of both formal and casual dining, catering for all dietary requirements and complemented by a thoughtfully selected wine list.

RESTAURANT:

Our restaurant is open at the following times:
Breakfast: 07.30 - 09.00
Lunch: 12.00 - 14.00
Dinner: 18.30 - 21.00

COURTYARD LOUNGE AND BAR:

The Courtyard Lounge and Bar at Aston Business School Conference Centre offers a fully licensed bar area with a selection of light refreshments and makes for relaxing surroundings to sit back and enjoy a glass of wine.

The bar is open until 00.30 for residential guests.
The bar menu is served between 17.30 and 21.00

The courtyard is the new focal point of the Conference Centre. This landscaped feature is a breath of fresh air away from the hustle and bustle of the busy city centre. In the summer evenings this is the perfect place to take a seat on the deck and enjoy the summer sunshine.

CAFÉ LIBRO, LIBRARY BUILDING

Located on the ground floor of the library, right next to the Lakeside Centre. Open from 10am to 3pm for coffee and sandwiches.

SACKS OF POTATOES PUB

Serves a range of real ales, wines, spirits, soft drinks and pub grub from 10am until 11pm.
WHERE TO EAT NEARBY

For a fuller guide see http://www1.aston.ac.uk/birmingham/city-living/eating-out/

ANNEXE

220 Corporation St, Birmingham B4 6QB. 0121 236 1171  www.annexe.co
Possibly our nearest off campus restaurant – just across the main road!

PIZZA EXPRESS (CORPORATION STREET)

The Citadel, 4 The Citadel, Birmingham, West Midlands B4 6QD
0121 236 0221
Just further down from Annexe.

CASPIAN PIZZA

If you want a simple meal in a hurry then Caspian Pizza (also on Corporation St) is generally quite good. They sell baguettes, paninis, jacket potatoes and of course pizza.

ASHAS

Edmund House, 12-22 Newhall Street, Birmingham, West Midlands B3 3LX
0121 200 2767 ashasuk.co.uk
A lovely bar and restaurant serving contemporary Indian Cuisine.

THE OLD CONTEMPTIBLES

176 Edmund Street, Birmingham B3 2HB (0121 200 3310)
http://www.nicholsonspubs.co.uk/theoldcontemptiblesedmundstreetbirmingham/
A great traditional English pub, with a great range of sausages and real ale.

BULLRING, MAILBOX, BROAD STREET

For a good choice of high street standards and interesting alternatives, head for these 3 areas of the city centre. The Bullring (www.bullring.co.uk) has a wide range of restaurants including Jamie’s Italian, Wagamamas, Café Rouge, Mount Fuji, plus the Selfridges Foodhall. The Mailbox (www.mailboxlife.com) describes itself as ‘Birmingham’s most stylish shopping and lifestyle destination’, and is home to a number of waterside restaurants and cafe bars with cuisines from around the world including Thai, Japanese, Indian, Mediterranean and Tapas. There are also a lot of bars and restaurants around Broad Street.

BALTI TRIANGLE

Birmingham is the curry capital of the nation, with arguably the best selection of Asian and Indian restaurants in the UK. The vast majority of Balti houses are situated in the Sparkbrook, Balsall Heath and Moseley areas of South Birmingham, which essentially forms the famous Balti Triangle (www.baltitriangle.com). This offers an unparalleled selection of Indian restaurants, and no stay in Birmingham is complete without a visit. It even made the Rough Guide’s top 25 ‘ultimate experiences in Britain and Ireland’. 20 minutes by bus from Corporation Street.

CHINESE QUARTER

There is a small Chinese Quarter in the city centre’s Southside, which is definitely worth a visit.
POST-CONFERENCE BUS TOUR

STICKING AROUND AFTER THE CONFERENCE? WHY NOT JOIN US FOR AN OPEN-TOP BUS TOUR?

A live guided exciting adventure through the UK’s second city, this tour takes you to the commercial heart of Birmingham. Following the road to the unique Jewellery Quarter – the reason Birmingham was known as ‘the city of a thousand trades’ in Victorian times – we then travel along Broad Street, known as Birmingham’s ‘Golden Mile’. Picking up the highway to Edgbaston – home to the manufacturers of the city and the international cricket ground – we link up with the Tolkien trail and the world famous Cardinal Newman Oratory. Entering the city from the East side, we get the full panoramic view of St Martin’s Parish Church and the state-of-the-art Bullring shopping complex with the iconic architecture of Selfridges.

Friday 15th July, 10.30am from Aston Street, just outside the Business School.

Cost: £10

Duration: 1.5 hours approx.

Contact Nicci MacLeod n.macleod1@aston.ac.uk or book at the conference reception desk.
ABSTRACTS
PLENARY SPEAKERS

PROF. RAY BULL

PROFESSOR OF FORENSIC PSYCHOLOGY, UNIVERSITY OF LEICESTER, UK

Professor Ray Bull has been at the forefront of investigative interviewing research for many years, having co-authored a number of seminal works in this area, including *Investigative Interviewing: Psychology and Practice* (with Dr Becky Milne) and most recently *Psychology and Law* (with Prof. Amina Memon and Prof. Aldert Vrij). He also conducts research on witness memory, including voice recognition, and has authored and co-authored over 180 scholarly articles on topics including comparative case analysis, interrogative suggestibility, interviewing children and other vulnerable witnesses, and witness identification. He has received numerous awards in recognition of his contributions to the field of forensic psychology from organisations including the International Investigative Interviewing Research Group, the London Metropolitan Police, and the European Association of Psychology and Law. This year Professor Bull was elected by acclaim as an Honorary Fellow of the British Psychological Society for his contribution to the discipline of psychology.

PROF. RON BUTTERS

PROFESSOR EMERITUS OF ENGLISH AND CULTURAL ANTHROPOLOGY, DUKE UNIVERSITY, USA; PRESIDENT, INTERNATIONAL ASSOCIATION OF FORENSIC LINGUISTS

Professor Ron Butters’ career chairing the Duke Linguistics Program spanned four decades, and his research has focused chiefly on current American English and linguistics & legal issues, with a special interest in trademarks, contracts & statutes, and defamation. He also pursues his interest in language & law questions as a legal consultant and expert witness. He is co-editor of *The International Journal of Speech, Language, and the Law*, and outgoing president of the International Association of Forensic Linguists. He has delivered talks and lectures in North America, Europe, Africa and Australia, and has published widely on the language of trademarks, as well as on topics relating to sociolinguistic variation and the law. His most recent publications include contributions on the language of trademarks to *The Routledge Handbook of Forensic Linguistics* (2010) and *The Encyclopedia of Applied Linguistics* (forthcoming 2013).
DAVID ALLEN GREEN
HEAD OF MEDIA PRACTICE, PREISKEL & CO.; LEGAL CORRESPONDENT, NEW STATESMAN

David Allen Green studied at the Universities of Oxford (Modern History) and Birmingham (Law), was called to the Bar in 1999, and became a solicitor in 2001. Also a writer, David blogs as Jack of Kent, covering many legal and policy areas from a liberal and critical perspective. The blog was shortlisted for the George Orwell prize for political blogging in 2010, and was named as both one of The Times’ top thirty science blogs and one of The Guardian’s hottest science blogs for its coverage of the BCA v Singh case. His media law practice includes defamation, copyright, confidentiality and privacy, pre-publication risk management, and other forms of content liability. This year The Lawyer magazine named him as one of their Hot 100 2011, for ‘astutely corrall[ing] the online world in reaction to the Twitter bomb trial’. First as a campaigner and then in his capacity as solicitor to Paul Chambers, David continues to play a pivotal role in the prosecution widely regarded as a test case for free speech and the internet. He is convener of Westminster Skeptics, who exist to promote an evidence-based approach and critical thinking in the areas of policy, media and law. David is also an active advocate for the reform of English libel law.

DANIEL GREENBERG
PARLIAMENTARY COUNSEL, BERWIN LEIGHTON PAISNER LLP

Daniel Greenberg was Parliamentary Counsel for the UK Government from 1991-2010, and is now General Editor of Annotated Statutes, Westlaw UK and Editor of Craies on Legislation, Stroud’s Judicial Dictionary and Jowitt’s Dictionary of English Law. A full-time civil servant from 1988 to 2008, starting in the Lord Chancellor's Department and moving to the Office of the Parliamentary Counsel in 1991, Daniel drafted Acts of Parliament in most fields of law, including tax, crime, public law, and commercial law. In 2009 he became a part-time civil servant in order to have more time to concentrate on Westlaw and his other writing and professional commitments. At Berwin Leighton Paisner he gives advice on statutory construction and works with trade and other interest groups on obtaining or reacting to changes to the law. He is also an Associate Research Fellow at the Institute of Advanced Legal Studies, University of London.
DR MARTHA KOMTER
LECTURER IN DUTCH LANGUAGE AND CULTURE, VU UNIVERSITY AMSTERDAM,
THE NETHERLANDS

The last 30 years have seen Dr Martha Komter publish widely on the topic of the language of interviews and courtroom interaction, including problems in interpreter-mediated police interviews, the dynamics of confession elicitation, the construction of police records, and the treatment of written statements by Dutch courtrooms. She is the author of a number of important titles, including *Dilemmas in the Courtroom: A Study of Trials of Violent Crime in the Netherlands*. Dr Komter supervises and coordinates the research program *Intertextuality in judicial settings: the interrelations between talk and written documents in police interrogations and criminal trials*, which aims to acquire insight into the interrelationship between spoken interaction and written documents in the criminal law process, and to develop theoretical notions for studying this relatively unknown field. She is on the editorial board of the International Journal of Speech, Language & the Law.

PROF. PETER PATRICK
PROFESSOR OF SOCIOLINGUISTICS, UNIVERSITY OF ESSEX, UK

Professor Peter Patrick began his academic career with an interest in Creole varieties, and has since published widely in this area as well as on topics including language variation and change, linguistic human rights, sociolinguistic methods, urban dialectology, and languages of the African diaspora. He has applied sociolinguistics to non-academic problems through testimony in criminal cases, studies of clinical communication, and interventions in the asylum process. At the University of Essex he is a member of the Human Rights Centre, and the Centre for Trauma, Asylum and Refugees. Together with Dr Diana Eades he convenes the Language and Asylum Research Group (LARG), whose aim is to stimulate research and promote best-practice for practitioners working in the field of Language Analysis for Determination of Origin (LADO). LARG follows up the work of the Language and National Origin Group (LNOG), who jointly authored the influential 2004 *Guidelines for the Use of Language Analysis in relation to Questions of National Origin in Refugee Cases*, now endorsed by national professional associations of linguists, both theoretical and applied, in Europe, Australasia and North America.
Professor Roger Shuy is one of the world’s leading forensic linguists, having consulted on some 500 cases over the past 40 years, and testified as a linguistics expert witness 54 times in criminal and civil trials across 26 states, as well as before the US Senate and US House of Representatives and in International Criminal Tribunal trials. He has also provided sworn affidavits and depositions in some 75 law cases. He has authored more than thirty books on linguistics, covering regional and social dialects, language teaching and medical communication, as well as a number of seminal titles in forensic linguistics. These include Language Crimes and most recently The Language of Perjury Cases. His service as professor of linguistics for 30 years at Georgetown University continues through his company, Roger W. Shuy, Inc., which provides linguistic analysis of recorded conversations, speeches and interviews, as well as written documents.
ABSTRACTS

TARANNOOM AFSHAR (POSTER)
Azad Islamic University

Discourse of Power and Ideology in Criminal Courts of Iran

Judges used to become judges through a process influenced by politics and ideology. In Iran the judicial educational system and the criteria for selecting judges are religiously ideological which affects the judicial behaviour of the judges. In addition, the suspension of the prosecution process for about 8 years (1995-2003) made Iranian judges take on the role of prosecutor as well. All these factors affect the impartiality of judges during the criminal process, and can lead to discrimination.

After observing and taking notes of more than 50 criminal cases both in the processes of interrogations at the prosecutor's office and trial court sessions, and focusing on the interaction between judges and witnesses and defendants, this poster describes the features of language and discourse which are ideological. It also studies mainly lexical meanings, presuppositions, implicatures, metaphors, and coherence in judges’ discourse to show how religion, culture and even the social class of judges can affect the whole process of prosecution and criminal judgement.

JANET AINSWORTH
Seattle University

The Construction of Admissions of Fault through American Rules of Evidence: Speech, silence, and significance in the legal creation of liability

The rules of evidence in law govern both the admissibility of evidence in trials and determine the scope of meaning to be accorded to that evidence. An examination of two American evidentiary rules—the rule governing adoptive admissions and the rule construing apologies as admissible evidence of actionable fault—reveals that both rules incorporate normative and ideological assumptions about language usage.

The evidence rule defining adoptive admissions provides that, when a person is confronted with an accusation of wrong-doing and fails to assertively deny it, the allegation is deemed to be admitted through the accused person’s silence. This rule is based on the assumption that anyone’s natural reaction upon hearing what could be seen as an accusation would invariably be an immediate and direct denial, such that silence can fairly be taken as a tacit confession. In doing so, this rule privileges assertive and confrontational modes of speech and ignores the ways in which power asymmetries impact choices in responding to accusation.

Likewise, the evidence rule construing apology as an admission of fault rather than an expression of empathy denigrates expressions of emotional solidarity in favor of a presumption that penalizes those who say ‘sorry’ by presuming that apologetic language means ‘I’m sorry I did something wrong’ rather than ‘I’m sorry that something bad has happened to you.’ Evidence rules such as these operate as ideological “gates” to channel and constrain the legal interpretation of language used by
juridical actors, and additionally serve as one of the means in which social identity is constructed, performed, and policed by state power.

RAHMA AL-BUSAFI

Colleges of Applied Sciences, Oman

**Language as Evidence: Cases on forensic authorship attribution**

This paper begins with a discussion on Forensic Linguistics in reference to the Omani context where some extracts from the Omani legislation scripts on language issues will be presented and analyzed. As any other legal system, the Omani legislations are subject to violations of different kinds not excluding what is called 'language crimes.' This might include criminal or civil cases that violate one of these laws:

* The Copyright Law (Royal Decree 65/2008)
* E-Transactions Law (Royal Decree 69/2008)
* Law of Trademarks (Royal Decree 82/2000)
* The Telecommunications Regulatory Law (Royal Decree 30/2002)

The presenter attempts to analyze some cases from Omani courts that violate Article (61) from the Telecommunications Regulatory Law. Article (61) is concerned with cases of using telecommunication devices for abusing and using offensive language against individuals or groups. The chosen cases are conducted using mobile phone texts.

MICHELLE ALDRIDGE¹ AND JUNE LUCHJENBROERS²

¹Cardiff University, ²Bangor University

**Vulnerable Witnesses in England and Wales: Have we now achieved best evidence?**

It's nearly twenty years since legislation was introduced to facilitate the pursuit of justice for children within the criminal justice system and nearly ten years since 'special measures' were available for all vulnerable witnesses in England and Wales. As we begin a new decade, then, it seems timely to review the experiences of vulnerable witnesses including children, rape victims and people with disabilities in the police interview and in the court room in England and Wales. Following on from reviews of the Memorandum (cf, Aldridge & Wood 2000, Davies & Westcott 2001 & Sternberg et al 2001 amongst others) we evaluate whether the implemented changes since 2002 have achieved equality for all. Beginning with the ‘special measures’, we will reflect on the advantages or otherwise of these for the witness and the jury. We will then turn our attention to the current document ‘Achieving Best Evidence’ (2002/2007). In our review, we evaluate the likely consequences of labelling witnesses as ‘vulnerable’ and then analyse whether the interview guidelines given to police interviewers really constitute best practice. We look, for example, at the impact of the ground rules, the transition between rapport and the narrative, the effectiveness of props and drawings and the questioning style of the interviewer who has the dual role of investigator and prosecutor. Our evaluation will be illustrated with data taken from police interviews from various vulnerable groups.
ÁNGELA ALMELA SÁNCHEZ-LAFUENTE

University of Murcia

**Telling the Truth, the Whole Truth, and... Anything More Than the Truth?**

The distinction between truth and lie has received considerable attention in the domains of formal logic and psychological research, while in the field of human kinetics, non-verbal communication has been claimed to play a key role in the detection of deception. However, little work has been done on the linguistic traits associated with the expression of lie, although Newman et al. (2003) undertook a qualitative study of true and false stories, and Zhou et al. (2004) identified a number of linguistic cues of deception in written texts.

More recently, Mihalcea and Strapparava (2009) have studied the applicability of automatic classification techniques to the recognition of written deceptive language. The corpus for analysis was compiled *ad hoc*, with participants who were asked to write true and false statements about abortion, the death penalty and their best friend. Within this framework, the present paper explores the nature of the language of deception in English using Mihalcea and Strapparava’s corpus. Specifically, the present author tries to address the question of whether the language of deception itself is sufficiently deviant to betray an insincere writer, which corresponds to the type of data most frequently found on the Web. One of the novelties of this study is that it sheds light on the similarities and differences between the cues of deception used by writers when expressing a false opinion and when lying about their personal experience and feelings.

The findings reported in this study may be especially useful for the detection of lies according to the nature of the text, a topic that has not been explored so far within the framework of Forensic Linguistics.


**HOLLY J. ANDERSON¹ AND ROBERT A. LEONARD²**

¹Aston University, ²Hofstra University

**Combining Linguistic and Psychological Theory to Analyze Legal Evidence**

What are the psychological correlates of linguistic power? The ISSFLA 2010 examined a case of Leonard’s that involved threats of suicide made by one person as a method of exercising power over another, and resulted in discussions of the linguistic manifestations of power and control. This in turn led to the discussion of another case, a death penalty appeal, wherein Shuy and Leonard were asked to examine whether in recorded conversations there was evidence that a murder was committed under the "substantial domination" of another, a "circumstance of the offense that mitigate[s] against imposition of the death sentence." (Title 18, United States Code, Section 3592 (8)) Shuy and Leonard analyzed domination based on power as it was evidenced in the language of the participants. Using the language evidence of those cases, the present paper seeks to apply psychological theories that can contribute to linguists’ understanding of power (dominance, obedience, control, persuasion, authority) in linguistic interchanges.

**JILL ANDERSON**

University of Connecticut School of Law

**The Americans with Disabilities Act as Discourse Failure**

In American disability law, a chasm has opened between the broad goals of its cornerstone antidiscrimination statute, the Americans with Disabilities Act, and the tortuous discourse of defining “disability” that has evolved in the courts. Advocates lament that very few claims manage to navigate the courts’ definitional inquiry as a threshold to proving discrimination. Moreover, even victories under the ADA come packaged to puzzlingly reductionist terms. In suits alleging discrimination based on mental illness, for example, it is common for the bulk of a judicial opinion to speak to the legal issue of “whether thinking is a ‘major life activity’.”

Disability rights advocates recently opted for a legislative fix for this problem: drafters of the newly enacted ADA Amendments Act attest to having “parsed every word” of the statute in order to broaden the class of people that can claim the ADA’s protection. While this reform may indeed boost the success rate of ADA claims, I argue that it is unlikely to change the fundamental character of the legal conversation around disability in the courts. This is because the gap between ADA goals and ADA discourse boils down to a matter of structural ambiguity in the statute’s definition of disability. The type of ambiguity phenomenon (sometimes referred to as the de dicto/de re distinction) is intuitively apparent to lay speakers and well-theorized by linguists, as a few simple examples will show. But it has gone undetected in law, where distinctions of meaning that are neither lexical nor syntactic tend to be overlooked or misanalyzed. In the case of the ADA, this distinction at the level of formal semantics maps onto different scenarios that could count as “good
examples” of disability discrimination. Perversely, the readings of the statute that the lawyers have missed are exactly those that correspond to the most sweepingly categorical discrimination, so that what would strike most observers as the “easiest cases” of anti-disability bias are the most difficult to prove. The recent legislative amendments did not affect this underlying ambiguity and are therefore likely to reinscribe rather than repair confusion over meaning. It is that confusion, apart from the practical failure of law to reflect equality norms, that gives American disability law the flavor of a failed conversation.

TAQUA BECHA

Research Unit in Discourse Analysis, Faculty of Letters and Humanities of Sfax, Tunisia

Transitivity Choices in Police and Court Transcripts: A forensic linguistic pilot study

Police and Court transcripts are naively believed to be a verbatim reproduction of the original statements and hearings. In reality, the transcriber has a wide range of options from which to choose; the choices made portray the way reporters see the world around them. TRANSITIVITY ANALYSIS (as developed in the Systemic Functional Grammar of M.A.K. Halliday) focuses on how the reporter represents what he has heard who acts (the agent /the actor) and who is acted upon (who is affected by the actions of others).

The reporter’s choice of a particular transitivity pattern at the expense of another may be intentionally and pragmatically motivated. Because every text could have been produced differently and the different versions can represent alternative points of view, transitivity analysis offers a means of uncovering instances of ‘verballing’ and manipulation which would frame the judge’s understanding and therefore color serious decisions related to the litigants.

In this pilot study, I examine transitivity preferences in selected portions of the entire corpus (both Police and Court transcripts) of a Tunisian criminal case (spoken in Tunisian Arabic and transcribed in Modern Standard Arabic), with the ultimate goal of accounting for their distribution (1) in the whole corpus in general and (2) in each text-type (e.g., testimony, interrogation, eye-to-eye confrontation), making also a comparison in frequency distribution of some patterns (process type and participation) in Police documents versus Court documents. Even at this preliminary stage, the analysis shows a conspicuous difference between the transitivity patterns found in Police versus First Instance versus Appeal transcripts. It is hypothesized that these discrepancies will be further verified in the whole corpus and then interpretable as related to the generic and institutional exigencies; the educational, intellectual, and social background of the reporters; their amount of freedom in choosing particular linguistic items over others; and their degree of involvement.

NÚRIA BEL, SHEILA QUERALT ESTEVEZ, MARIA STEFANOVA SPASSOVA AND M. TERESA TURELL I JULIÀ

Forensiclab/Lulaterm, Institut Universitari de Lingüística Aplicada, Universitat Pompeu Fabra

The Use of Sequences of Linguistic Categories in Forensic Written Text Comparison Revisited

In recent years, the possibility of studying syntax use through computer-aided queries of annotated corpora has led researchers working in the field of forensic written text comparison to explore a new
possible marker of authorship, namely, tag sequences as representation of combinations of linguistic categories. A series of studies carried out during the first research stage at ForensicLab (Institut Universitari de Lingüística Aplicada (IULA, UPF) using Spanish language data have shown that tag sequences show a significant discriminatory capacity and can be applied to authorship attribution tasks more effectively. In the second research stage reported in this paper, the analysis aims to identify specific traits of each linguistic category implemented in those tags within the exploited tag set which play a major role in the correct classification of texts and those which do not, without losing sight of the fact that either their exclusion or inclusion in tag composition can help to improve this forensic linguistic comparison method.

This paper reports on the findings from the statistical testing of several variants of the IULA´s tag set system and their evaluation in the context of authorship analysis. For testing purposes, a corpus of two types of written texts (novel fragments and newspaper articles), from six contemporary Spanish speaking novelists, was compiled. Furthermore, a subcorpus was used of texts written by one of the writers included in this study, whose authorship was anonymised. Preliminary studies show that, in both types of written texts, the use of trigrams throws up more statistically significant results than the use of bigrams, especially trigrams consisting of prepositional phrases and, to a lesser extent, verbal and compound adjective phrases.

SUSAN BERK-SELIGSON AND MITCHELL A. SELIGSON

Vanderbilt University

Indígena, Blanca, Mestiza: Ethnic self-identification and attitudes toward the justice systems of Ecuador

At a time when growing numbers of Latin American indigenous peoples are claiming the right to use their ancestral systems of justice, it is important to know how they and the dominant ethnic majority feel about the State justice system as well as about the alternative approaches to justice that are vying with it for legitimacy. This paper, which focuses on Ecuador, will analyze the responses to public opinion surveys conducted in that country (primarily in 2010 and 2006), each one representing the thoughts of 3,000 Ecuadorians. In their answers to questions on ethnic group self-identification, the languages they spoke at home as children, their degree of bilingualism, and their choice of Spanish versus Quichua as the language of the survey, they construct themselves as either indigenous peoples or members of the ethnic majority. The constellation of characteristics that indicate ethnic identity will be correlated with answers to such questions as: whether the police have mistreated the interviewee physically or verbally in the past year, whether the interviewee has had to pay a bribe to a lawyer in the past year, the ability of the judicial system to punish the guilty for crimes such as theft or assault, the trustworthiness of the judiciary, the interviewee’s ability to be treated fairly in court, the interviewee’s degree of confidence in the indigenous movements of the country, degree of approval/disapproval of people taking the law into their own hands, and the belief that indigenous peoples should have the right to administer justice to an indigenous person accused of a crime against a non-indigenous person if the crime occurred on indigenous lands.

Beyond uncovering the interrelations between ethnic identity construction and attitudes toward justice systems, the paper addresses the theoretical question “What does it mean to be indigenous?”
BRIGITTA BUSCH, MARTINA RIEZNZER, WALTER SCHICHO, GABRIELE SLEZAK AND KARLHEINZ SPITZL (POSTER)

Dept. of African Studies & Dept. of Linguistics, University of Vienna, Austria

When Plurilingual Speakers Encounter Unilingual Environments (PluS): Migrants from African countries in Vienna – Language practices and institutional communication

Public authorities and courts are pivotal actors in delivering services to society. Contacts between migrants and these bodies are particularly demanding in regard to communication. Meaningful communication largely depends upon mutual recognition of the participants' linguistic resources and competence. The consequences of possible failure are costly, time consuming, and detrimental to people and society. This project focuses on migrants from African countries who have been disproportionately represented in the public eye due to constant and excessive negative imagery in the media and in politics. Its objective is to make their plurilingual repertoire visible (voices heard) in order to ensure a proper choice of language according to Article 6 (3a) ECHR and equal access to the law.

The project bridges applied linguistics, African studies and human rights research in a transdisciplinary manner. The research questions to be addressed are: (1) What relevance do plurilingual repertoires have for functional communication with migrants from Africa in public administration and judiciary? (2) How do the participating agents assess this issue? (3) How and by what means can the topic of plurilingualism be promoted within the leading sociopolitical discourse in Vienna?

This project will apply educative methods of action research based on triangulation. A threefold approach has been adopted: establishing language biographies of the agents involved, participant observation through buddy programmes, and work with legal texts. The study is based on an innovative integrative approach of discourse analysis and biography research.

RON BUTTERS

Duke University

Imaginative Leaps

Trademarks are judged legally according to where they can be placed on a five-part continuum of lexico-semantic classes, including the forensically important suggestive and descriptive categories (the latter of which are afforded little or no legal protection). In American courts, linguists often testify about lexico-semantics in locating marks in the two categories. A problem, however, arises in the match-up between the legal concepts and linguistics, and the disjunction stands under-examined in forensic linguistic theory. Legally, the central issue is "imaginativeness": suggestive terms differ from merely descriptive ones in that they require a significant "cognitive" or "imaginative" "leap" to connect the name with the referent. But "imaginativeness" is a seldom-addressed concept in linguistic science. Uncertainty in the forensic linguistic application of such notions as "imaginative leap" thus creates under-determinacy of results, as for example in Shuy's reported testimony (Linguistic Battles in Trademark Disputes) that the phrase "long life" is a suggestive phrase when applied to antifreeze. I suggest that precision in formulating the forensic linguistic concept of "imaginativeness" lies in viewing putatively suggestive marks within the framework of linguistic notions of figurative language and phrasal anomalousness, drawing e.g. upon Seana Coulson's Semantic Leaps: Frame-Shifting and Conceptual Blending in Meaning Construction.
LE CHENG AND WINNIE CHENG

RCPCE, Department of English, The Hong Kong Polytechnic University

Fair Comments in Hong Kong Defamation Cases

According to Defamation Ordinance of Hong Kong, the difference between slander and libel lies in the duration of the defamatory statements. The essential elements of libel are: defamatory statements, identification (third-party recognition), publication (accessible to third party), fault (strict liability, actual malice or negligence in different stages and contexts), and falsity and injury to reputation. The defences to libel or slander may include statutes of limitation, truth, justification, fair comments and criticism, qualified privilege (fair report), and unintentional defamation with pre-action amends (See Defamation Ordinance of Hong Kong). The cases discussed in this paper are related to fair comments. Fair comments involve the right to make fair and honest comments on public matters and to discuss these matters fairly, freely and openly without fear of liability, which is a very important safeguard for the freedom of expression (Ma Ching Fat FACV 2002 [5]). It is prescribed by section 27 of Defamation Ordinance of Hong Kong that in an action for libel or slander in respect of words consisting partly of allegations of fact and partly of expression of opinion, a defence of fair comment shall not fail by reason only that the truth of every allegation of fact is not proved if the expression of opinion is fair comment having regard to such of the facts alleged or referred to in the words complained of as are proved. The indispensable elements of fair comments can be listed as objective tests and subjective exception (Cheng v Tse FACV [2000] 12). In our study, we found the courts in Hong Kong grant the media much greater leeway in commenting on matters of public interest as prior to these cases, publications have sometimes felt reluctant to comment on public figures such as powerful politicians and businessmen out of fear that they may face massive defamation suits.

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LARISSA COSTA KURTZ DOS SANTOS

Universidade Católica de Pelotas

When Clarification Is Needed: Embargos of declaration in Brazilian courts

This paper approaches the topic of legal language and focuses specifically on the comprehensibility of court decisions. The texts subjected to analysis are decisions against which embargos of declaration (embargos de declaração, in Portuguese) were filed.

In Brazilian procedural law, there is a specific appeal called embargos of declaration which can be filed whenever a court decision contains some kind of obscurity, contradiction or omission. Although this is a typically Luso-Brazilian institute, other legal systems have similar procedures in order to clarify or amend decisions.

In this paper, I analyze a number of cases where embargos were filed on the grounds of obscurity and contradiction in courts of the Brazilian state of Rio Grande do Sul. My main objective is to find out which are the most common language problems encountered, whether judges are able to adequately recognize their presence (or absence) and thus accept (or reject) the appeal, and how efficiently these problems are solved.
From the linguistic point of view, not only is it interesting to describe such occurrences, but also to understand whether a non-linguist can accurately identify and solve them. From the legal point of view, the relevance of this study lies in the fact that such language issues might slow down the judicial process, which is already very slow in Brazil due to the large number of appeals allowed. In addition, they can even change decisions, since the embargos may exceptionally have a modifying effect. It is therefore important that judges carefully avoid obscurity, contradiction or omission in their decisions, and a linguistic account of these problems can certainly be of use.

JANET COTTERILL
Centre for Language and Communication Research, Cardiff University

*Mugshots and Motherhood: Media representations of female criminality in two high-profile cases of child abduction - Madeleine McCann and Shannon Matthews*

Madeleine McCann was a three-year-old British girl who went missing in Portugal whilst on holiday with her parents and siblings in May 2007. Despite a huge campaign by both the family and the police to locate her, at the time of writing (December 2010), Madeline has unfortunately not yet been found. 9 months later, in a totally unrelated incident, Shannon Matthews, aged 9, went missing from home and was presumed to have been abducted. Following an unprecedented amount of both police and media attention, Shannon was subsequently found and was reunited with her family. Together, the two cases represent the highest profile crimes involving children during the noughties.

The two cases, although quite different in many respects, share one obvious similarity. They are both examples of crimes where a pre-adolescent female child goes missing and, as will be discussed, suspicion falls on the mother and her possible involvement. What was striking in the media coverage of the two cases was the hugely discrepant ways in which the print media in particular represented the two mothers concerned, from a variety of sociolinguistic and ideological perspectives. This paper uses a large corpus of newspaper articles gathered from the coverage of both cases to analyse the representations of female criminality. The evidence is that all mothers are not created equal and are certainly not treated as equal in media coverage of crime. As well as demonstrating contrasting coverage of the two cases, I will also discuss the potentially damaging implications of the media’s role in reporting this type of crime. My presentation should be relevant to those interested in language and law in the media, the reporting of crime, gender identities and female criminality.

*An article resulting from this study may be found in a special issue of the International Journal for the Semiotics of Law on Media and Law, of which I am the guest editor.

GORANKA CVIJANOVIĆ VUKOVIĆ AND JANKA DORANIĆ
Translation Centre, Ministry of Foreign Affairs and European Integration, Croatia

*Is Originality Always a Virtue? Some linguistic aspects of aligning Croatian legislation with EU legislation*

In legal discourse, language is used to regulate a particular legal issue, i.e., to achieve the goals of the legislator. For a translator of legal texts, being original in the choice of vocabulary and syntax, is undesirable. This paper focuses on the issue of consistency in law, shown against the contrasting background of originality.
For countries wishing to join the European Union (EU), alignment of national legislation with EU legislation is one of the major tasks of any candidate country, and is indeed a precondition for EU accession. In order to fulfil this task, the acquis communautaire has to be translated into the national language for the use of the legislator, while the national legislation is likewise translated into one of the official languages of the EU. During accession negotiations, the European Commission may then gain full insight into the state of the acceding country’s legislation and administration. It is then possible to evaluate the preparedness of the country for membership. Therefore, in translations of national legislations, identical terms appear, even as much as whole paragraphs from the acquis communautaire. Such translations are not regarded as “plagiarism” since originality is not at all an issue in legal language. It is even the feature of a high level of alignment and consistency of the candidate country’s legislation with that of the EU.

In this paper, examples of consistency will be given by comparing some pieces of Croatian legislation with EC regulations, showing how the Croatian version has been drafted following the translation of the acquis communautaire, and how such EU originals have been used for the translation of the Croatian text back into English. The analysis will indicate the necessary differences, but also the congruities that are the obvious consequence of alignment.

MARCIA DEL CORONA

UNISINOS

Membership Categorisation and Place Formulation in Emergency Calls in Brazil

It was long believed that prank calls were the greatest problem that call takers at a Brazilian emergency centre had to cope with and, consequently, large amounts were spent on campaigns against this practice. However, the analysis of two hundred phone calls from an Ethnomethodological Conversation Analytic perspective (GARFINKEL, 1967; SCHEGLOFF, 2007) showed that a great deal of time and effort was spent in trying to achieve a common understanding regarding the place to where help must be sent. While the call takers attend to bureaucratic procedures, such as filling in the electronic form with a street name and a house number recognizable by the software, the callers attend to their membership categories (SACKS, 1992) in order to formulate the place to which the police car must be dispatched. For Schegloff (1972) participants orient to their own membership categories (SACKS, 1992) as well as to those of their interlocutors’ when doing place formulation. The expectation that the term used will be properly recognized is closely related to the category to which this term is relevant.

Problems of common understanding arise when a wrong analysis is done or when the interlocutor is not a competent member of the category. Further questions are then asked in order to clarify the formulation initially offered. This study shows that most callers assign to the police an “omniscient” category, i.e. the condition of knowing every corner of a city, which makes the callers feel they do not need to give a full address. The call takers’ duty to obtain an address recognizable by the software in order to be able to dispatch help is frequently at odds with the callers’ choice of place formulation. As a result, the calls are often over-long, include tense interactions and indeed sometimes help is sent to the wrong place. We believe that investment should be made in campaigns to teach the population how to call an emergency service and in training call takers to cope with less than ideal strategies.
JANKA DORANIĆ (POSTER)

Ministry of Foreign Affairs and EU-Integration of Croatia

A Synergy of Translation and Croatian Legal Terminology Development

Croatia is situated in South-East Europe, its territory partly in the Central Europe and partly on the coasts of the Mediterranean. The majority of the 4.5 million population are Croats, a south Slav nation, and the language spoken is Croatian. Although in modern times Croatia has been a fully independent country only since 1991, throughout its history beginning in the 7th century, it enjoyed independence of various degrees and had continuous statehood. But being a small nation, Croatia was mostly dominated by its neighbouring, larger, countries, and this fact was also reflected on Croatia’s legal language. In the middle ages, like elsewhere in Europe, Latin was the main language of the law, but because Croatia has also its own script – the Glagolitic – legal documents are drafted also in Croatian. Therefore, medieval legal documents in Dalmatia are in Croatian, Latin and Italian. Northern Croatia is influenced by Hungary, and afterwards Austria. Translations of laws are important for the development of Croatian legal terminology, because they continuously stimulated its creation. So, during the Napoleonic conquest, translation of laws from French and Italian into Croatian was prescribed in order to facilitate administration. The first legal journal published ever in this region, (Il Regio Dalmata) holds here a pioneering position. After 1815 the Hapsburg Monarchy wanted to regain influence in its crown countries and its laws translated in almost all the languages of this multiethic and multilingual empire, including Croatian. From 1918 to 1991, during sovereignty of three states, Croatian legal language was swinging from strong influence of a closely-related Slav language, Serbian, to the extreme of strong purism in the sense of Haugen’s Ausbau-language. Today on the doorsteps on the EU membership, Croatia regained balance and continues to build on standing on the shoulders of its tradition in this field.

BETHANY DUMAS

University of Tennessee

Improving the Comprehensibility of Pattern Jury Instructions

This paper outlines a process whereby linguists can assist U.S. state bar associations to improve the comprehensibility of pattern jury instructions. Such associations represent the attorneys in specific U.S. states. They are typically responsible for administering state bar examinations, disciplining attorneys for practice violations, and related matters and also for producing the pattern or uniform jury instructions that typically provide the framework for jury charges, though they can be subject to modification. In the U.S. judicial system, jurors are triers of fact, while judges are triers of law. Jurors must sort through disputed accounts presented in evidence; their instructions provide the methods for arriving at their verdicts. A typical general instruction might read, “If you believe A (a set of facts), you must find X (a verdict). If you believe B (a competing set of facts), you must find Y (a different verdict).”

This paper draws upon findings of past social science research (e.g., Charrow and Charrow 1979) and experiences of linguists who have served on bar association committees (e.g., Tiersma 1993, 2010), and recognizes that not all forensic linguists are members of the bar. The process involves these steps: discover in past legal cases whether particular instructions, particular terms, legal or otherwise (burden of proof, captious) or syntactic patterns (use of the passive voice in subordinate clauses, multiple negatives within a sentence, sentence length) have presented problems; obtain a
full copy of the instructions; read the instructions, noting the problems; identify instructions that appear to present the greatest comprehension difficulty; and suggest editorial changes or rewritten versions of instructions based upon the foregoing steps. All steps will be illustrated with specific examples from the civil pattern instructions of a U.S. state in which a forensic linguist is serving on a bar association civil instructions committee.

DIANA EADES

University of New England, Australia

"Normal human beings": Language ideologies in the interpretation of the character and credibility of witnesses

Legal decision-making in criminal cases, such as judge or jury’s decision about the guilt of a defendant, involves evaluations of the character and credibility of defendants, complainants, and witnesses who give evidence in support of either prosecution or defence. Such evaluations inherently involve interpretations of what people say in court and how they say it, as well as their reported actions outside of the courtroom, including their language use. In this paper I examine the role of language ideologies in this process of interpretation of the character and credibility of people from minority sociocultural groups, focusing mainly on Australian Aboriginal speakers of varieties of English. In some instances, dialectal and cultural differences are unrecognised within the legal process, while in others they may be exploited. The following examples will be discussed: language ideologies about language use outside court (such as swearing), language ideologies about language use in court (such as the use of silence), and language ideologies involved in the discursive testing of witnesses’ stories in court. The analysis of these examples leads to consideration of the role of language ideologies in the denial of justice to people from minority sociocultural groups.

WILLIAM EGGINGTON, TROY COX AND SETH WOOD

Brigham Young University, Utah, USA

The Consequences of Faked Comprehension in Interrogation Settings

Second language speakers engaged in spoken discourse with a native speaker often provide feedback cues that give the impression that they are comprehending the flow of discourse when in fact they are not, with the hope that they will eventually approximate the native speaker’s meaning when further linguistic and non-linguistic input is provided. They are, in a real sense, faking comprehension as an ultimate comprehension strategy. In normal contexts, such faked-comprehension strategies result in either full or partial understanding of the discourse, or an eventual realization on the part of both speaker and listener that different communicative strategies need to be employed. In most cases, essential comprehension is achieved.

However, police interrogations are emotionally charged communicative events where there is a significant power differential, and where the consequences of an interviewee’s statements carry notable impact. In such settings, fake comprehension feedback on the part of the second language speakers can be misinterpreted as agreement to a proposition, or affirmation of a question, in some cases resulting in a false confession to a crime or the provision of incorrect information. This paper builds on research related to the consequences of faked comprehension strategies in interrogation settings originally conducted for, and presented at, the IAFL ’09 conference. I analyze a corpus
consisting of police transcripts and videos involving limited English speakers being interrogated by native English speaking police officers in order to identify fake comprehension markers that may be helpful in determining the veracity of provided information and false confessions.

WILLIAM EGGINGTON, TROY COX AND SETH WOOD

Brigham Young University, Utah, USA

Elicited Imitation as a Determiner of the Need for a Court Interpreter

In the United States, many courts have to cope with a marked increase in the communicative demands of non-native English speakers with limited English proficiency either in their capacity as defendants or witnesses. Often, a judge has to determine whether a court interpreter is needed. In some courts, this determination is made by a sitting judge through an informal interview of the non-native witness or defendant conducted in the court. As wise and experienced as some judges may be, their English language testing credentials are limited, thus resulting, at times, in inaccurate assessments of the English proficiency of non-native English speakers. Some judges are aware of this inadequacy and have sought for alternative language testing methodologies such as the Oral Proficiency Interview. However, these testing methods require the services of trained and certified language testers; they are also expensive and time consuming. Given limited budgets, judges regrettably usually rely on their own assessment. In this paper, we provide an alternative to the current situation in the form of “Elicited Imitation” testing, a method developed at a number of language testing research centers that provides quick and inexpensive, valid and reliable language proficiency testing which appears to be ideal of the court and other legal needs. We report on actual field testing of elicited imitation and evaluate its effectiveness with respect to existing alternatives such as Oral Proficiency Interviews and interviews conducted by judges.

LORNA FADDEN

Simon Fraser University

How (un)helpful is Prosody to Deception Research?

Research focusing on the identification of prosodic features associated with deception and veracity is often carried out in one of two ways. In one, creative and elaborate means are devised to elicit truthful and deceptive speech from participants, and prosodics, often in addition to gestural cues, are measured for comparison. In the other, police interview evidence is compared to other evidence once files are concluded, and probable truthful and deceptive passages are collected and compared. In response to this (admittedly simplified) take on the field of deception, this study takes a step back to examine the pause, tempo, and pitch properties of suspects’ speech in police interviews more generally.

In this study, first-time suspects and repeat suspects are compared on the basis of a set of response categories and it is shown that the two groups, and the type of information they produce under questioning can, in some cases, be characterized.

For example, pausal features—response latency, and pause-to-speech ratio—are found to differ across certain response categories in both groups. Among the temporal features, first-time suspects’ speech and articulation rates are lower when producing responses to open ended questions than
that of repeat suspects’ rates. Pitch characteristics show less distinction across response categories than pause and tempo, although first time suspects' pitch values cluster somewhat more consistently within response categories than repeat offenders', whose pitch values vary more widely.

Given that police interview discourse is of obvious interest in the field of deception, and this study is the first to take a global approach to the description of the prosodics of interviewees’ speech, the aim is to spark discussion on how to account for the differences across suspect type and response type when examining prosodically-based linguistic features in deception research.

SANDRA FERRARI DISNER AND SEAN FULOP (POSTER)

University of Southern California

Individuating Vocal Characteristics with the Reassigned Spectrogram

A reassigned spectrogram is a phase-enhanced graphic image of the acoustic output of the speaker’s vocal tract. Because it can focus in on several individual glottal pulses (as opposed to hundreds of such pulses, as in a conventional spectrogram), a reassigned spectrogram can provide a closer look at the fine details of phonation. Such details, which may serve to individuate the speaker, include the presence or absence of a voice bar, echoes of the primary impulse, period doubling, and formant frequency modulation. Reassigned spectrograms of the vowel \( [\ddot{a}] \) pronounced twice by each of 16 adult speakers of English, give evidence of high between-speaker variability and low within-speaker variability in the spectral characteristics of the glottal pulses.

LUNA FILIPOVIĆ

University of Cambridge

Language-specific Effects in Witness Judgement and Memory

Language-specific preferences driven by typological differences can have substantial effects on how speakers describe events they witness, how interpreters translate those descriptions and how witnesses remember event details. Using corpus and experimental evidence from two typologically different languages, English and Spanish, I demonstrate how forensic linguistic analysis helps us detect the language differences relevant for witness interrogation.

In this paper I focus on language-specific typological features that affect information content of the original text and its translation and as a result cause significant differences in the interpretation and memory of described events. I use original transcripts of witness testimonies and interviews in Spanish and their official translations into English by certified court interpreters. I analyse the ways speakers of English and Spanish describe MOTION events and CAUSATION events and how those accounts of events are rendered in translation. Spanish pattern for the lexicalization of motion events (cf. Talmy 1985; Slobin 2003, 2006) involves fewer and less detailed references to the manner in which the action is carried out whereas the English pattern “favours” detailed reference to the manner of motion due to the abundance of manner verbs and constructions available in that language. Furthermore, the two languages differ significantly in the availability and distribution of CAUSATIVE and non-causative constructions. I will show the effect of Spanish language-specific preference for impersonal affective dative constructions (e.g. ‘Se me rompió.’ = ‘To-me-it-happened-
that it broke.') on the interpretation of witnessed events and the difficulty of translation of these descriptions into English. The typological differences I highlight are responsible for consistent disparities between the information given in the original witness interview transcripts and their translation and I discuss the importance that this finding has for the understanding of witnessed events.

Finally, the study presented in this paper provides experimental psycholinguistic evidence for language-specific effects on witness judgment with regard to the intensity of the described events and agentive involvement of event participants as well as on event memory in a mock-witness experiment. I contrast the results from Spanish and English monolingual participants and bilingual Spanish and English participants. I demonstrate that language-specific typological differences underlie a number of aspects crucial for the witness interview process and explain how they can affect witness judgment and memory.

From a socio-cognitive point of view, I argue that a more precise analysis of general narrative habits entrenched in a language, such as the one I propose here, should be instrumental in the production of multilingual transcripts and witness interrogation.


JAMES R. FITZGERALD AND NATALIE SCHILLING
Academy Group, Inc., Georgetown University

Uncovering Linguistic Disguise: Forensic linguistic analysis in three 2007 staged suicide attempts

Although the academic analysis of suicide-related communications often centers on attempting to identify indicators of victim intent (e.g. actual suicide vs. ‘cry for help’), it is more important to first determine whether such communications were indeed authored by the victim or whether the apparent suicide and related communication(s) were staged in an attempt to cover up a murder or attempted murder. Hence, alleged written suicide communications should never be assessed in isolation but rather in comparison with known writings of the victim and, if the investigation dictates, with the known writings of others who may be suspects in the authorship of the communication and/or the actual death.

In 2007, three separate homicides/homicide attempts in Pennsylvania, New York, and Virginia were initially handled as suicides, as each crime scene included an alleged suicide communication. However, in each case factors emerged that suggested homicide (and, in one case, attempted homicide). In each case, forensic linguistic comparison of the alleged suicide communication with documents known to be authored by the victim and by suspected perpetrators yielded invaluable evidence indicative of inconsistency of the ‘suicide’ notes with the victims’ known writings and/or consistency with those of the suspects. Each case resulted in an arrest for the charge of homicide and an eventual successful conviction.
In this presentation, we outline the forensic linguistic analyses conducted in connection with these cases, demonstrating the efficacy of qualitative and quantitative forensic stylistic methods of authorial attribution focusing on such features as punctuation, orthography and lexical usages. We highlight linkages between forensic stylistics and sociolinguistic studies of stylistic variation and authorial imitation, as well as recent computational linguistic methods in authorial attribution of computer mediated communications, thereby demonstrating the solid linguistic basis as well as practical utility of the authorial attribution methods used in these three cases.

TOMMASO FORNACIARI

University of Trento, Italy

Detecting Deception in Italian Criminal Proceedings

In criminal proceedings, it is often difficult to assess the sincerity of testimonies. Methods helping this assessment would provide useful support to criminal investigations. We developed stylometric techniques to classify statements as false or true. The data we worked with are not 'lies' produced by experimental subjects in lab conditions, but genuine Court data (to our knowledge, the first corpus of this type, at least in Italy).

Our corpus collects criminal proceedings of cases of calumny and false testimony for which a final Court judgment of guilty exists and in which the Court record contains:

1) verbatim transcriptions of testimonies collected during the hearings;
2) a sentence that describes the events and clearly identifies the untruthful statements for which the defendant(s) have been found guilty.

Thanks to this information, we were able to annotate the utterances in the testimonies as certainly false, certainly true, and uncertain with a much greater degree of confidence than ever before.

This corpus was used to train models able to distinguish true from false utterances using a variety of supervised machine learning algorithms such as Support Vector Machines (SVMs), Naive Bayes, and decision trees. At first sight the task might seem almost impossible, considering, e.g., the great number of very short statements, and the fact that so far we only have a small amount of training data; but in fact, as already seen in other applications of stylometric techniques, the results were encouraging, at least for some of the learning algorithms. Our SVM models achieved an accuracy of 77%, against a baseline of 60%, for an F measure of 82.3 for true utterances and 69.6 for false utterances. On the other hand, the Naive Bayes algorithms performed less well, and with some settings accuracy didn't exceed the said baseline.

YVONNE FOWLER

Centre for Forensic Linguistics, Aston University

It’s As If You Were Physically Present: Interpreters and prison video Link in the multilingual courtroom

More and more countries are producing defendants electronically in the courtroom, and the so-called Virtual Courtroom project in London linking police stations to Magistrates Courts is currently attracting much criticism from defence advocates and the media. It has also been shown to cost much more than it saves, due to the high costs associated with the technology. In the UK, all prison
remand hearings are now conducted via video link. This timely paper sets out to study the effect of the electronic production of remand defendants upon the behaviour court actors in multilingual Magistrates Court hearings in England, with a special focus on the interpreter.

Prison video link (PVL) hearings are compared with face-to-face hearings in terms of proxemics, interpreter strategies, and the interactional and behavioural adjustments necessitated by the presence of videoconferencing technology in the courtroom. A significant finding is that court interpreters in face-to-face hearings adopt one or more of five possible strategies or permutations of consecutive and simultaneous interpreting, and that their choices may have an effect both upon their visibility in the courtroom and consequently upon their communicative relationship with the defendant.

By contrast, interpreters using PVL have only one of these five strategies available to them, the effect of which is to render them highly visible, and their performance much more transparent. The study concludes that court interpreters are not aware of the possible consequences for the defendant nor for a court of adopting these strategies, and posits that other interpreting techniques may need to be used to compensate for the changes occasioned by the technology. Interestingly, there are, in the opinion of the author, several features of PVL hearings which could actually enhance the experience of face-to-face defendants. It is suggested that a future in which the virtual courtroom becomes the norm appears to require a reconsideration of the ancient jurisprudential right to “look your accuser in the eye”.

PHILIP GAINES
Montana State University

*Using okay for Task Management, Solidarity Overture, and Confrontation in a Police Interview*

The police interview of US Senator Larry Craig at his arrest for soliciting sex in a Minneapolis airport restroom in 2007 is particularly interesting for the language and law researcher in two respects: First, unlike the vast majority of police interviews that have been examined, in the Craig case the interviewing officer was an undercover eyewitness of the suspect’s behavior at the scene. Second, the officer uses the discourse particle “okay” 35 times in an interview lasting less than ten minutes. The distinctive interactional goals and problems realized by the witness/interviewer role of the officer are negotiated through the realization of three pragmatic macro-functions of “okay”: 1. In working through the standard procedural protocols of the interview, the officer uses the “okay” of task management. 2. When guiding the suspect through what the officer clearly hopes will be a simple, accurate confirmation of the behavior he witnessed in the restroom, he uses the “okay” of solidarity overture. 3. In responding to the unexpected denial of any wrongdoing by the suspect (which includes striking displays of anger and indignation), the officer uses the “okay” of confrontation. This study combines an analysis of the complex interactional dynamics of an interviewing police officer in an unusual situation with suggestions for the implications of certain macrofunctions of “okay” for pragmatic theory.
TAMMY GALES

University of Wisconsin, Oshkosh

The Stance of Stalking: A corpus-based analysis of epistemic stance in threats

"You can try to run, but you sure can’t hide..."

Threatening utterances and related stalking behaviors are reported by approximately one million women and 371,000 men in the U.S. annually (Burgess and Marchetti, 2009). Studies have demonstrated that stalking victims often feel compelled to make drastic lifestyle changes from giving up social activities to moving, and the “psychological terrorism” described by victims negatively affected 83% of surveyed victims’ personalities (ibid.). However, stalking, within the law, is ill defined, often being broadly categorized as a form of harassment, and is difficult to prosecute, since the victim of stalking must demonstrate an intent to intimidate or cause “substantial emotional distress” on the part of the stalker (Black et al., 1990: 717).

This paper approaches these problems through the construct of ‘stance,’ a speaker/writer’s culturally-organized feelings, judgments, or assessments about a recipient or proposition (Biber et al., 1999). Through a corpus analysis of 470 authentic threats, I examine the variation in grammatical markers of stance (adverbials, modals, and complement clauses) between threats to stalk, harass, and defame. I find that there is significant variation in the epistemic stance markers used by threateners who stalk vs. those who proffer other kinds of threats, particularly in the use of certainty verbs + ‘that’ clause constructions in stalking cases (p < .05) wherein the victims reported feeling intense fear or distress. These epistemic markers help delineate stalking threats from other threat types, thereby honing the definition of stalking in a linguistic sense, and, since it has been demonstrated that there are no one-to-one correlations between linguistic form and threatener behavior (Lord et al., 2008), these markers provide an empirical grounding on which the analyst can begin to construct, in combination with other indicators, a linguistic basis for intent to intimidate as it is manifested in threats.

NÚRIA GAVALDÀ FERRÉ

ForensicLab-IULA, Universitat Pompeu Fabra

Index of Idiolectal Similitude for the Phonological Module of English

This paper is fundamentally concerned with the study of an individual’s idiolectal style for forensic purposes. The main objective is to compare several oral samples and calculate the linguistic distance between them so that an Index of Idiolectal Similitude (IIS) for the phonological module of English can be created. It is assumed that this IIS can help to establish what kind of idiolectal similitude is needed to reliably say that two oral samples have been produced or not by the same speaker of English. The development of this IIS is based on the study of the realisation and distribution of certain phonological variables from the variety of Southern British English. The data that are analysed have been extracted from a panel study in real time, following the Labovian Framework, by which the same speakers were recorded in two moments of their lives with a time lag of 10-15 years. The main hypotheses of the study are a) that the variation observed in an individual’s idiolect will be lower than the variation that exists between different individuals; and b) that an individual’s idiolect remains relatively stable throughout time and across different genres. So far, two different methods for the development of this IIS have been explored. The results for the first method were presented at IAFL 09. This paper deals with the application and the results obtained for the second
method, which is a statistical technique based on the calculation of the difference between the expected and the observed frequency adjusted to the total number of tokens analysed (adjusted residual value). These results seem to confirm the initial hypotheses in that a) the variation in the phonological variables used by the same speaker –intra-speaker variation- appears to be lower than the variation in the same variables between different speakers –inter-speaker variation; and b) the phonological patterns observed within the same speakers seem to remain quite stable throughout time and across different genres.

GIORGOS V. GEORGIOU

University of Cyprus

Language Struggle and Power Abuse Through Diglossia in a Murder Trial

There has been an unexpected surge of research interest in the phenomena of bilingual speech, and in particular, code-switching. However, little or no attention has been given in the international literature about how code-switching influences adversely the trial procedure, especially when a Standard and a Dialect are involved, or more generally, when a recognized “high” and “low” code are used as in the situation of diglossia (Ferguson, 1959).

In this paper we explore this issue using excerpts of examination and cross examination sequences from the court transcript of a single criminal trial. The transcript involves code-switching from a dialect (Cypriot Greek) to a standard (Standard Modern Greek), which is a crucial indicator of luck of power in this domain, in accordance with the societal status and language habits of the people involved.

The main principles of Critical Discourse Analysis are applied (as suggested by Wodak (1996)) to demonstrate in what way code-switching is related to language struggle in the courtroom, the discourse dimensions of power abuse and the injustice and inequality that result from it.

CDA can show how these schemes of language use have an impact in delivery of justice and how judges in the Cypriot law system are using power over the dialectal/non fluent in Standard Variety in relevance to the fluent users of the Standard.

Interestingly, despite the power imbalance, witnesses can exercise some power as well (Harris, 1989) and they do use the dialect again through a complex manipulation of the dialect’s covered prestige revealed in the process as an indicator of power resistance. The paper suggests that power imbalance in the courtroom is not only situational, but societal (Eades, 2008).


LIEVE GIES AND MARIA BORTOLUZZI

Leicester University

Law, Language and Power in the Age of Wikiforensics: The transcoding of innocence and guilt in the Meredith Kercher case

Focusing on the murder of the British exchange student Meredith Kercher in the Italian university town of Perugia, this paper studies the way in which social media have created a forum for wikiforensics through which detractors and supporters, with the help of (self-declared) experts, speculate about the guilt and innocence of the key suspects, Rudy Guede, Amanda Knox and Raffaele Sollecito. We define ‘wikiforensics’ as the exercise whereby Internet users, as a pastime or on a freelance basis, extensively ponder the evidence, motives and modus operandi of the suspects but also judge the workings of the criminal justice.


Our analysis focuses on representations of ‘innocence’ and ‘guilt’, for example, on Facebook but also on websites and forums especially created to this end. We examine how culturally hybrid and international communities of practice interpret and transcode decisions and procedures of the Italian criminal justice across languages (Italian and English) and legal cultures. Our hypothesis is that the power relation instantiated in the use of Italian legal language of the court is subverted in social networks which tend to reference, report and reconstruct events based on information taken from news reports and secondary internet sources rather than primary legal sources. However far removed from the original legal process, claim-makers in the online world are heavily invested in this media event and seek to speak with an authoritative voice, subjecting some aspects of the Italian criminal justice system to unprecedented levels of global scrutiny.

VICTOR GONZALEZ-RUIZ

University of Las Palmas de Gran Canaria, Spain

Getting Rid of Gobbledygook: Lawyers and plain language legal translations

In previous research, Leonard analysed the extent to which legal professionals (Spanish lawyers in particular) are prepared to accept plain language translations of foreign legal documents. Preliminary evidence has showed that, when it comes to translation, lawyers are inclined to associate professional efficiency with the use of conventional forms of expression, rejecting the use of plain language as a sign of incompetence in the field. Other studies regarding legal drafting in English-speaking countries, however, suggest that judges and lawyers favour clear texts over documents featuring formulaic and ambiguous language.

Taking these suggestions and previous evidence into account, this paper will present an empirical study whose aim is to offer further insight into the way lawyers receive plain language legal translations. The hypothesis of this study is that, despite their apparent initial resistance, lawyers prefer clear and terminologically accurate translations over translations which mimic the traditional “gobbledygook” of legal style. In order to either confirm or refute this premise, a group of Spanish
lawyers were shown two different translations of the same source agreement. In one of them, language is used sparely and precisely, reflecting the strategies proposed by plain language advocates; in the other one, by following contrary strategies, the conventional traits of legal discourse are reproduced. Together with the translations, a questionnaire was included in order to assess, most significantly, the lawyers’ professional perception of both texts.

The results of this study provide the field of legal translation with arguments to further develop the application by translators of plain language strategies, at both the professional and the academic levels. By applying them, translators will also have a say in the process of language reform in legal contexts.

STANISŁAW GOŻDŹ-ROSZKOWSKI

University of Łódź, Poland

Meaningful Units and Knowledge Construction in Legal Genres

The study reported in this paper rests upon the hypothesis that different written and spoken genres as well as different discourse communities select and prioritize different phraseological patterns. (cf. Gledhill 2000; Groom 2005). The choices made may be motivated by different communicative or institutional purposes or constraints. It may be further hypothesized that for each genre or disciplinary discourse, there are unique and evolving phraseological profiles.

The present study contributes to previous work done in the area of EAP (e.g. Charles 2000; Oakey 2002) by extending the analyses to the disciplinary discourse of law and its different genres. This paper aims to demonstrate variation across a range of written legal genres viewed in terms of phraseological items, i.e. frequent multi-word expressions which are highly structured, well-organized and which are found in systematic and consistent patterns. Different types of recurrence have been variously described as collocational frameworks (Renouf & Sinclair 1991), lexical bundles (Biber et al 1999), formulaic sequences (e.g. Wray 2002), grammar patterns (e.g. Hunston and Francis 2000), etc. Increasingly, such concepts have been employed in specialized discourse.

This study proposes a new concept of semantic sequence (Hunston 2008) as highly relevant to the description of discursive practices across different legal text genres and to the current terminological theory and practice (cf. Temmerman 2000).

Using the tools of corpus linguistics to explore a multi-genre 5.5 million word corpus of American legal texts, the author starts with selected KeyWords (Scott 2008), and moves on to investigate their phraseological profiles in three major legal genres, i.e. judicial opinions, briefs and academic journals. It is argued that legal genres can be described and differentiated in terms of their preferred phraseologies and that the phraseological preferences correlate strongly with the different communicative priorities and epistemological precepts of the legal genres (cf. also Goźdź-Roszkowski 2011).


**TIM GRANT**

Centre for Forensic Linguistics, Aston University

**Duppying Yoots in a Dog Eat Dog World, kmt: Determining meaning at the Old Bailey**

I describe and discuss a conspiracy to murder case at the Old Bailey at which I was asked to provide an ‘interpretation’ of an Internet Relay Chat (and subsequently a taped phone conversation) into a more standard variety of English. The IRC chat, through which the accused performed their conspiracy, presented as internet language with accent stylisations (such as the use of “da” and “dis” as spellings for the “the” and “this”), intialsisms, abbreviations and emoticons. Further linguistic complexity was created as much of the vocabulary was drawn from Jamaican influenced East London street slang, and this combination created a variety of British English considered to be impenetrable to the Court and the average juror.

In both internet language and in street slang, rapid language change, language play and language innovation are well documented (e.g. Crystal, 2006; Lillo, 2001) and present a considerable challenge. For example, the verb ‘to duppy’ was found to be absent from standard slang dictionary sources (e.g. Green, 1998) and from more responsive but arguably less reliable online wiki-dictionaries (e.g. http://www.urbandictionary.com/). This left the linguistic task of attempting to define meaning, either, through the collection and analysis of relevant language corpora, or, through establishing understood meaning through analysis of exchanges within the relevant language community. After some legal argument the evidence based on the analysis of understood meaning was declared inadmissible (under hearsay rules). However, the Court was willing to hear expert opinion of meaning so long as the data analysis which supported that opinion was not presented. The case resulted in a conviction.


GILLIAN GREBLER
Santa Monica College

(False) Confessions Become Compelling at Trial

Juries overwhelmingly convict defendants who have confessed. Jury researchers and scholars (eg. Leo and Davies, 2008) have searched for what generates the seemingly inexorable flow from confession to conviction, asking what makes a confession compelling to jurors. But jurors do not normally come across confessions outside trials. To understand what makes a confession, even a false confession, compelling we have to look at how confessions are repackaged and reshaped by the Prosecution at trial (Garrett, 2010), especially in Rebuttal. Judges’ guidance is also crucial to the way a jury uses confession evidence in their deliberations. In this paper I look closely at the narrative construction of closing arguments in several cases where proven or problematic false confessions have produced convictions, examining them in relation to the initial police interrogation and confession statements at issue, considering judges comments as well.

MEL GREENLEE
California Appellate Project

I Object—Or Did I?

A common rule of criminal procedure in the United States is the “contemporaneous objection rule”: In order to raise a legal error as the basis for an appeal, an objection to the error must have been raised at the trial level. For example, a defendant may not complain on appeal that evidence (such as hearsay) was erroneously presented before the jury if defense counsel did not protest to the trial judge prior to, or at the time of the admission of that evidence. In some instances, even where counsel has objected, counsel’s words (“This is unconstitutional”) may be deemed inadequate or too vague to preserve the error for further review and this basis for appeal is therefore denied.

However, like the interpretation of other alleged waivers of rights (see Ainsworth (2008) on Miranda waivers), assessment of the adequacy of an objection requires reference not only to legal rules, but also to those of pragmatics and meaning in context. An overly literal interpretation may bar review of even very serious trial errors where counsel has failed to utter the proper incantation or “magic words.”

This paper examines the language of trial objections and the reviewing courts’ interpretation of their meaning in a small set of California cases, showing that even in capital appeals, interpretation may be counter to normal understanding of language, resulting in overly broad forfeiture of grounds for appeal.

MARK GRIFFITHS
Trinity College London

Did He Have an Accent? Forensic speaker descriptions of unknown voices

This paper tackles the issue of speaker identification in cases where there is no recorded voice evidence to analyse, only the impressions that exist in the mind of the earwitness. How do we handle ‘forensic speaker description’?
Much doubt has existed over non-linguists’ abilities to provide voice descriptions: ‘the non-linguist does not have the meta-language to describe his/her own language’ (Shuy 1993:14). Yet every day, around the world, non-linguist police officers engage non-linguist earwitnesses in the process of eliciting linguistic data. This paper argues that the current practice of eliciting such linguistic data with no guidelines or reference to linguistic research risks eliciting invalid and unreliable evidence.

The paper builds on a previous presentation to the IAFL conference on the interaction between voice, accent and social stereotypes in a forensic context and the implications when handling speaker description evidence. This paper gives further detail on the research into non-linguist perceptions and descriptions of content-neutral recordings of speakers with accents from the south of the UK, presented in sound only conditions. Evidence is offered that whilst non-linguist ideologies of language are often at odds with those of the linguist, there are nevertheless consistencies and patterns in the non-linguist’s perceptions and descriptions of accents and voices. A case is made that it is possible, with the right framework, to elicit data that can be meaningful and make a contribution to the investigative process.

The paper proposes a preliminary, three-stage audiofit typology for eliciting voice and accent data from non-linguists, and makes the case for a systemic approach to forensic speaker description that could be used by the police and legal professionals based on sound linguistic research.

AZIRAH HASHIM AND RICHARD POWELL

University of Malaya, Nihon University

**Questioning in Syariah Courts: Contrasts and comparisons with common law**

While English-based common law continues to be the dominant legal system in Malaysia 50 years after independence, Article 3 of the constitution enshrines Islam as the state religion. The Muslim population, which forms a growing majority, is subject to syariah law for matrimonial, child custody and inheritance disputes, and in some regions the syariah courts also have jurisdiction in certain criminal matters. Yet there have been comparatively few sociolinguistic studies of syariah courtroom discourse, even though most cases are open to the public. Based on courtroom observations and interviews with legal practitioners carried out in and around the national capital, the current research focuses on questioning strategies since studies of civil courtrooms both in and beyond Malaysia have shown these to be crucial to any understanding of micro- and macro-level power dynamics and communicative constraints.

The main stages of the syariah proceedings were found to resemble those in the common law courts, including swearing in of witnesses, examination-in-chief and cross-examination, pronouncement by a judge and a hierarchical appeals structure. Questioning strategies frequently used to draw out friendly witnesses and constrain hostile ones in common law courts were also found, including elicitation, confirmation, clarification and coercion. However, turns tended to be shorter than in relevant common law cases, language register was often quite informal, and judges played a very active role, not only asking far more questions than their common law counterparts but also giving advice and religious instruction. There was frequent code-switching, not only between Malay and Arabic, as had been anticipated, but also involving English, which is widely used in middle-class urban areas, and also some Latin legal terms adopted from the common law. The co-existence of these discursive features reveals the evolution of a complex legal culture that combines Islamic precepts, traditional Malay societal norms and urban anglicised and multicultural practices.
**CHRIS HEFFER**

Centre for Language and Communication Research, Cardiff University

*Forensic Discourse: A critical reflection*

Despite very significant advances in our understanding of discursive practices in the legal process (e.g., see Coulthard and Johnson 2010), there has been little attempt within forensic linguistics/language and law to develop a sense of forensic discourse as a coherent entity. Mostly, the modifier ‘forensic’ is taken to refer to the institutional and interactional context in which language or discourse occurs (e.g., Gibbons and Turrell 2008) and ‘forensic discourse analysis’ refers to the analysis of discourse in forensic settings (Coulthard and Johnson 2007) or the application of text analysis to linguistic evidence (Coulthard 1992).

This paper reports a study (Heffer forthcoming) that attempts to find theoretical coherence among the heterogeneous manifestations of contemporary forensic discourse. The argument develops from the idea that forensic discourse is primarily a form of rhetoric (Aristotle 2006) arising from a ‘rhetorical situation’ (Bitzer 1968) consisting in a claimed wrong, an audience empowered to decide culpability, and a set of legal constraints. From there I argue that forms of forensic discourse across time and space share a number of rhetorical characteristics: persuasion, narrative, conflict, evidence and legal circumscription. Although the prototypical forensic genre might be the lawyer’s opening statement or closing argument, I argue that forensic discourse in this rhetorical sense permeates all phases of the legal process from police interrogation to judicial argument, from lay testimony in small claims courts to legal advice about the torture of terrorist suspects. Short examples will be drawn from a number of these contexts. The value in this account, I argue, lies not so much in its characterization of forensic discourse *per se* as in its capacity to generate critical reflection about the intersection of forensic discourse with such key social issues as power, ideology, identity, voice and expertise.


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**GEORGINA HEYDON**

Criminal Justice Administration, RMIT University

*Silence: Civil right or social privilege?*

According to an understanding of casual conversation articulated by various theories of discourse analysis including Conversation Analysis (Sacks, Schegloff, & Jefferson, 1974), pragmatics (Levinson,
1983) and politeness theory (Brown & Levinson, 1987), it is extremely unlikely that silence would ever be regarded as an appropriate response to a question or accusation. Yet, in the specialised institutional setting of a police interview, it is expected by the legislators in many jurisdictions that ordinary people will be able to access this interactional resource unproblematically, and presumably without any assumption of listener prejudice.

An analysis of the interactional strategies of police interview participants in 13 police interviews recorded in Victoria, Australia demonstrates that the contributions of the suspect are highly constrained in a number of ways, including allowable turn types and the management of topic initiations. If assumptions about ‘preferred responses’ based on ordinary conversation are used to interpret non-response in this particular institutional setting, then these interactionally restricted contributions, which will be presented as evidence, may be susceptible to adverse inference in a way that is unlikely to be addressed by the judicial system. This paper concludes that by applying principles of pragmatics, and in particular the use of preference, it is possible to present a case against the erosion of the defendant’s right to silence.

SYÛGO HOTTA
Meiji University

A Corpus-based Analysis of Written Decisions for Japanese Lay Judge Trials

It is two years since the new lay-participation system was introduced for criminal trials in Japan. The purpose of the introduction of the new system is to reflect the lay people’s view/opinion on criminal decisions.

This paper attempts to extract what citizens’ viewpoints and opinions are by analyzing corpora consisting of criminal decisions and deliberations. The criminal decision corpora were compiled from criminal decisions in cases of murder and robbery-causing-injury which occurred both before and after the introduction of the new system. The deliberation corpora were compiled from deliberations that took place in mock trials held jointly by Japanese courts, public prosecutors offices, and bar associations between 2005 and 2009 in preparation for the new system. Most of the participants in the mock trials, such as judges, prosecutors, defense lawyers and lay judges, were genuine, and therefore the discussion between laypeople and professional judges in these deliberations is very close to reality. Since deliberation is a completely closed process which no one but the jurors and judges in the case can observe, the analysis of the mock deliberations is important and gives us a clue as to what is normally going on in the deliberation room.

The criminal decision corpora will be compared from various viewpoints in order to see whether there has been any change in court decisions before and after the introduction of the new system. Furthermore, the deliberation corpora will be examined to identify differences between laypeople and professional judges in the factors that they employed to form opinions. Then, all the corpora will be compared in order to see whether the citizens’ view and opinion extracted from the deliberation corpora can also be observed in the criminal decision corpora after the introduction of the new trial system.
PI-CHAN HU

Ching-yun University

An Exploration on the Semantic Domain of Legal Language

Being manipulative is one of the major characteristics of legal language. Whenever necessary, legal professionals expand or restrict the semantic domain of legal terms to justify their reasoning or ruling. The semantic domain develops or reduces in size due to different approaches of interpretations the legal professionals take. Generally speaking, there are three approaches of interpretations: expanded, restricted and analogical. In civil law countries, when ruling a case, the judges’ interpretation makes the final decision of the meaning and precision seems to be attained over the disputes. As interpretations differ from case to case, the incoherent and inconsistent “precision” brought about by various interpretations convinces the public more than little of the stability of the legal system. However, since the nature and background circumstances of every case differ, it is still necessary for judges to make interpretations in each individual case. Even though we can employ linguistic theories in explaining those interpretations among which some reasoning arguments are controversial, it would be far-fetched if these theories are used for the sake of justification.

The main concern of this research is to investigate how legal professionals, judges inter alia, interpret legal language when disputes over meanings of legal terms arise. We will present every type of interpretation that is used in real criminal cases. Moreover, examples of the disputes concerning the interpretations of the words and terms from the Criminal Code will be given and whenever necessary and possible, empirical cases and ruling judgments will also be offered in order to see how the disputed word or term in question is interpreted and eventually applied. The ruling judgments of the courts serve as an essential source for analysis because judges are the final decision-makers of the disputes over a variety of interpretations in each individual case.

REIKO IKEO

Senshu University, Kawasaki, Japan

Expert Witnesses’ Role in Disputed Speech Presentation in a News Report

This paper examines how expert witnesses’ testimony affected the decision on a misleading speech presentation reported in a newspaper. The news article about a Christmas cruise was disputed as a defamation case in an Australian court in 1985, in which the applicant (the plaintiff) was the cruise company and the respondent (the defendant) was the news publisher. The major part of the news article consisted of the passengers’ speech presentation, mainly complaints about the cruise and its organization. In litigation, the contents and expressions of the speech presentation were examined from two perspectives. Firstly, councils of the both parties attempted to prove/disprove that the alleged speech event really happened. Secondly, the content of the speech report was compared with the ‘facts’, which were constructed on the basis of the witnesses’ testimony collected from the passengers, employees of the cruise company and expert witnesses. Expert witnesses played a crucial role in the second phase.

One of the disputed speech presentations was a criticism of the size of the cruise ship. The respondent attempted to establish the fact that many passengers shared the view that the ship was too small for the open seas by collecting the passengers’ testimonies. The applicant, on the other hand, tried to prove that the passengers’ evaluation of the ship was subjective and not verified by
calling on experts’ opinions. The expert witnesses’ evaluations about the size and navigation ability of the ship opposed those of the passenger witnesses.

This example illustrates the complexity of misleading speech presentation and a forceful status of expert witnesses’ testimony in legal context. The passengers’ evaluation from their firsthand knowledge about the ship were endorsed by the newspaper with the reporting clause, ‘about two-thirds of the passengers interviewed said’. However, the expert witnesses’ evaluation overrode the laymen’s evaluation and their speech presentation was decided as misleading.

**BENTE JACOBSEN**

Aarhus School of Business and Social Sciences, Aarhus University

*Court Interpreting: Dealing with the unethical behaviour of primary participants*

Denmark has no official Code of Ethics for court interpreting. However, ethical guidelines for police interpreters and for police personnel working with interpreters were laid down in two documents published by the National Commissioner of the Danish Police in 1994: Instruction for Interpreters, which is addressed to interpreters, and a notice, which is addressed to police personnel. These guidelines essentially deal with the following four principles: Accuracy and Completeness, Neutrality, Confidentiality and Conflict of Interest. The principles are considered to apply to court interpreting also (cf. Jacobsen 2002), and they were referred to again in a report on court interpreting which was published by the Danish Court Administration in 2003.

This paper reports on a survey of court interpreting in Denmark conducted in the autumn of 2010. All Danish court interpreters were invited to participate in the survey, which was conducted as an electronic questionnaire with questions about various aspects of court interpreting. The questions on interpreter ethics referred to the above four principles, but further included a fifth, Competence, which is generally considered to apply to professional interpreting (cf. Chesterman’s (1997) discussion of professional translation). The court interpreter’s responses show that ethical guidelines are not always observed by primary participants, and that especially the principles of Neutrality and Accuracy and Completeness are frequently violated by both Danish-speaking and non-Danish speaking participants. The paper presents examples of violations and discusses the reasons for their occurrence as well as the court interpreters’ strategies for dealing with them.


**KAROLINA JARMOŁOWSKA**

Dublin City University, Ireland

*Overlapping Voices in Police Records of Interpreted Interviews with Witnesses*

The paper deals with the issue of distortion in police interviews. The sources of distortion may be manifold and may result from such straightforward reasons as the difficulty of coordinating listening and writing (Komter, 2002) or failure to keep up with the speed of the witness’s speech. In Ireland,
witness statements are written as monologues, rather than in the question and answer format, in which they are taken. This further conceals the underlying dialogue and interactive character of the original police encounter. As a result, the police record is the second generation of the story (Linell and Jönsson, 1991). The written police record is clearly a collaborative narrative, but there is no distinction as to which parts were volunteered by the witness or suspect and which were simply answers to questions, a phenomenon which Linell and Jönsson call the “blurring of source distinctions” (1991:435).

In the case of an interpreted witness statement, it is no longer the second generation of the witness’s story, but the third, which becomes the official exhibit in the case. Consequently, a police record of interpreted witness statements is made up of three sources: the witness’s story, the interpreter’s oral recontextualisation of this story and the further recontextualised written version made by the police. However, in a monologic written statement presented as an exhibit, these three sources are merged together. The paper will discuss the blurring of source distinctions in an interpreted witness statement based on real data from a series of interviews conducted in an Irish police station. In particular, it will try to identify the overlapping voices merged in the apparent monologic statements made by a lay witness.

MARISA JENKINS AND CORAL DANDO

Investigative Expertise Unit, Lancaster University

Computer-mediated Investigative Interviews: A potential screening tool for the detection of insider threat

Tensions remain in the field of investigative interviewing, between the limited resources and strict time pressures faced by investigative professionals and the thorough and ongoing analysis of practices and procedures advocated by linguists and psychologists (for example, Poyser and Milne, 2011). Recent practical developments demonstrate attempts to address this, for example the ACPO-endorsed trials of the Self-Administered Interview (SAI) (Gabbert, Hope and Fisher, in press) by Greater Manchester Police in 2009. We suggest that the substitution of a written text for a spoken, face-to-face interview in obtaining information from witnesses may be usefully applied in other investigative contexts.

Within secure organisations, the knowledge that employees have of policies, procedures, and technologies means that they are also often aware of potential vulnerabilities. Hence, the threat of insider attack, when legitimate users maliciously leverage their privileges, familiarity, and proximity to negatively affect the confidentiality and/or integrity of an organisation’s information, is real. With this in mind, the Investigative Expertise Unit at Lancaster University has developed a number of novel methodologies, which may detect and assess insider threats in secure organisations.

A significant problem for organisations in this situation is the number of witnesses and potential suspects to be interviewed, sometimes by non-experts. We argue that a computer-mediated interview may, unlike a pre-written paper-interview, have the potential to adapt to witness responses and may closely record behavioural data, while retaining the benefits of a written text-interview. As part of the DITITOS project (Detection of Insider Threats: Techniques, Observations and Simulation) a secure working environment has been simulated, including the presence of Insider Threat. Pilot data suggest that it is informational content, rather than paralinguistic features, that are most salient in the screening and prioritising of potential suspects in this context, and that this process could be achieved via a computer-mediated investigative interview.


GABRIELE KLOCKE
University of Regensburg, Germany

The Speech Act of Apology-ACCEPTING in German Victim-offender-mediation

A lot of research has been done on the speech act of APOLGISING (Blum-Kulka et al. 1984, 1989; Meier 1994; Ogiermann 2009) but very little linguistic attention focuses on the reactive speech act of ACCEPTING an apology. But in the context of victim-offender-mediation (VOM) the explicit-performative speech act of apology-ACCEPTING is quite important: With regard to criminal proceedings, mediators have to value the results of VOM. They do this with a view to the contents and forms of restitutianal acts, among them mainly the APOLOGY and its ACCEPTANCE. From a victimological point of view, forgiveness and other forms of apology-ACCEPTING are said to have a destigmatising impact on the offender and a healing effect on the victim. From a pragmalinguistic point of view, especially the latter should be questioned. Following my data, stemming from VOM-conversation analysis and from language attitude interviews with mediators (Klocke 2010 in press; Klocke, further unpublished data 2007-2010), the injured party might feel pushed to ACCEPT the apology. In some cases victims articulate the speech act of FORGIVING, although the offenders have not APOLOGISED yet. All this might go along with processes of secondary victimization. The presentation will discuss the speech act set of apology-ACCEPTING by examining critically the spectrum of its illocutionary force indication devices as well as corresponding speech act strategies, which might be seen to be functionally equivalent. Finally I will discuss whether sequences of APOLOGISING and ACCEPTING in German VOM can be described as an adjacency-pair institutionalized in the context of restorative justice.

KRZYSZTOF KREDENS
Centre for Forensic Linguistics, Aston University

‘The worst thing is that you killed him’ – Pragmatic Meanings in Forensic Contexts

Making a case for forensic discourse analysis, Coulthard (1992) noted that its methodology was being developed ad casum. Almost twenty years later this comment still seems to hold currency, more so because linguists now have access to unprecedented amounts of language data that can be used for investigative, comparative and exemplificatory purposes.

In this presentation I will talk about the methodology and findings from three recent cases where I provided expert opinion and/or evidence. The cases are all illustrative of both the potential and limitations in forensic linguistic practice, particularly when issues to do with forensic discourse analysis are present. I will thus focus on pragmatic aspects of the linguistic evidence involved but will also demonstrate how my analysis was informed by phonetics and, inevitably, corpus linguistics.


GABRIELE KLOCKE
University of Regensburg, Germany

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MARTY LAFOREST

Université du Québec à Trois-Rivières, Canada

The False Report During an Emergency Call: Using discourse analysis to detect deceit

This study focuses on reports of crimes to an emergency phone service. The vast majority of individuals who dial an emergency phone number to report a robbery or assault are sincere. However, a small number of callers misrepresent the facts in order to conceal or minimize their responsibility in the events. Although these callers are generally unmasked during the police investigation, they cause investigators to waste valuable time. Does their interaction with the emergency dispatcher have any identifying characteristics? Our study attempts to answer this question. We hypothesize that deceitful callers exert control over their discourse by seeking to influence the dispatcher’s understanding of events. Such information control may leave traces in their discourse that can be highlighted through accurate analysis.

Our study uses an interactionist perspective to compare sincere and devious calls regarding a similar type of crime. It focuses on 1) the structure of the caller’s main intervention (the “heart” of the call) and 2) the appropriateness of the caller’s responses to questions from the dispatcher. What emerges fairly clearly is that the deceitful call differs effectively from the sincere call. Deceitful callers hesitate when explaining their reason calling; they tend to formulate the reason less clearly and to offer information less directly related to the dispatcher’s questions than do sincere callers.

DOMINIQUE LAGORGETTE

Université de Savoie/Institut Universitaire de France

Linguists in the Courtroom in France: Oxymoron or perspective? Violent speech acts in the media

Based on six trials for which the author produced an analysis and/or a testimony in court, this paper aims at describing the situation of forensic linguistics in France in order to then present the methodology developed for the trials.

The six cases described all belong to the field of media discourse, involving rock or rap bands (State vs. Condkoï, 2004, Toulouse; State vs. La Rumeur, 2008, Versailles), press writers (Sinet vs. Askolovitch, 2009, Paris; LICRA vs. Sinet, Lyon, jan. and oct. 2009) or interviews in the media which led to penal cases (State vs. Jean-Marc Rouillan, 2008, Paris). In each case, the analysis aimed at explaining the argumentative, cultural and stylistic background of the texts, while providing a study of the speech acts considered as violent (respectively insult, outrage, defamation/libel; incitation to racist discrimination; and transgression of a sentence implying silence on the facts for which the person was condemned).

Considering the fact that Roman law countries do not admit linguists as experts, the position of the consultant will also deserve attention in this paper, as it implies a whole set of nuances regarding both the methodology adopted for the production of the document and the status of the speaker in the courtroom. Violent speech acts being at the heart of each trial, the conditions of their enunciation and production had to be made explicit; the very words attacked by law were also at stake. Therefore, a diachronic study of the terms, the discourse type (pamphlet, in the La Rumeur
trial; satire and caricature in the Sinet trial) and its relation to specific contexts of enunciation (the media) was undertaken in order to provide a wider frame of interpretation based on the study of linguistic facts.

JIEUN LEE
Ewha Womans University, Seoul

Questioning in Korean Courtroom Examinations

Documentary evidence often replaced witness examinations in the past, but the Korean court nowadays relies more on oral evidence given by witnesses. However, witness examination in Korean courtrooms is managed in a time efficient manner and documentary evidence still plays an important role in Korean legal proceedings.

This paper deals with witness examinations in Korean criminal courts, which retain the basic characteristics of the Anglo American legal system, but have some features of the continental law. Drawing on the analysis of the discourse of witness examinations in seven criminal courtrooms in four different cities in Korea, this paper examines the questioning of witnesses by prosecutors, defense attorneys and trial judges, with a focus on question types. The paper presents both qualitative and quantitative analyses of questioning, which is the first attempt of its kind on Korean courtroom data.

The preliminary findings indicate that the Korean adversarial trial system is different from the Anglo-American system in many aspects. First, there is not a clear distinction between question types used in the examination-in-chief and the cross-examination. Second, leading questions are frequently used during the examination-in-chief, mainly for the sake of time efficiency. Third, even issues that have not been raised during the examination-chief are examined during the cross-examination. The findings may be largely attributable to lawyers’ lack of questioning skills and time constraints, which need to be addressed in order for the court to obtain evidence through witness examinations in a fair and impartial manner.

ROBERT A. LEONARD1, ROGER W. SHUY2, BENJI WALD3, AND TAMMY GALES4

1Hofstra University 2Georgetown University 3UCLA 4 University of Wisconsin, Oshkosh

Linguistic Accommodation and Authorship Analysis: The Jarvis Masters case

In 1985 a guard in San Quentin prison was knifed, and died. Found among the papers of inmate Jarvis Masters were two anonymous "kites", prison communications, that discussed the murder, discussed the preparation of improvised knives, and alluded to the constant warfare among prison groups. He admitted having written out the kites, but claimed he was merely copying another Black Guerrilla Family (BGF) inmate’s words. Masters was tried for being involved with the murder, was convicted, and sentenced to death. The main evidence against him was the kites, and the claim that he had authored them.
There followed a string of appeals. We were asked by Masters’ attorneys to analyze the language patterns in the two anonymous “kites” (questioned “Q” documents) and compare them to writings known to have been authored by Masters (known “K” documents).

The prosecution made much of similarities in Q and K that they termed highly idiosyncratic usages (e.g., a contraction I’AM)—clear evidence, they said, that the Q and K had been authored by Masters. What set this case off from many others was the extreme similarity of Masters’ BGF Community of Practice. In examining non-murder documents written by other members of the BGF, we discovered that what may at first have seemed to educated writers (i.e., the prosecution) to be randomly incorrect idiosyncratic features, were not random at all, but systematic linguistic features of the BGF community of practice.

Taking that into consideration, the superficially striking similarities between Masters and Q were no longer decisive in demonstrating common authorship between the Q and K. Closer analysis of the subtle yet systematic differences between Q and Masters’ K were now able to more convincingly shed doubt on common authorship between them.

CHRISTIAN LICOPPE AND LAURENCE DUMOULIN
Department of Social Science, Telecom Paristech, Paris

Some Aspects of the Organization of Multi-party Questioning in Multidisciplinary Judicial Hearings of Serious Criminals Near the End of Their Prison Term

The analysis of courtroom interactions has paid a lot of attention to the organization of dyadic question and answer (Q&A) sequences, for instance in direct and in cross. The setting we investigate here is different and it involves a newly created type of judicial commission in France presided by a judge and various experts, who are gathered to provide an opinion about the future ‘dangerousness’ of serious criminals nearing the end of their prison term. The person ‘appears’ from the videoconference room of his prison, and is questioned through the video link by the members of the commission sitting in a courtroom, during proceedings we have been recording for over a year.

What we have is in effect a multi-party situation in which the members of the commission, presided by a judge, all have a right to ask questions but there are no written rules covering the order, form or type of the questions or the sequences themselves. This raises specific issues with respect to the organization of Q&A sequences in judicial settings, which we document empirically here. How can a two party line of interrogation be practically accomplished and by what methods? Do the participants demonstrably orient towards such an organization and its propriety?

If there is such an orientation, members of the commission might ask questions perceivable as ‘out of their turn at questioning’. We will show how one common method to accomplish this is to design the question as an ‘occasioned question’, designed so that it is understandable as occasioned by some action or event which has just occurred.

We will discuss how these normative orientations constitute a sense making resource. For instance, when many different members interject questions, many of them designed as occasioned, the situation is intelligible as one in which significant things are happening, a kind of ‘hot’ event, to be scrutinized for discoverable relevancies.

The setting we analyze is also singular with respect to traditional continental courtroom practice, and testifies to recent evolutions regarding the treatment of serious criminals. Such commissions include many members who are lawyers, but also medical experts, spokespersons for institutions,
etc.. We will show that members of the commission orient to the fact that some lines of questioning are ‘owned’ by particular members. The design of Q&A and public displays of ‘expertise in action’ are interwoven.

FERNANDA LÓPEZ

Instituto Universitario de Lingüística Aplicada in Universidad Pompeu Fabra, Barcelona

A Study of Formant Dynamics in the Mexican Spanish Segment /a/ to Characterize Speakers

In recent years, forensic phonetic investigations of the acoustic properties of speech have been especially interested in the acoustic signal and its dynamic characteristics (Greisbach et al. 1995, McDougall 2004, 2006, McDougall et al. 2007, Eriksson et al. 2008, Rose 1999, Kinoshita et al. 2009). McDougall (2004) affirms that studying how acoustic properties change over time, provides more information about the individual characteristics of speakers than does the measure of a single point in time. The main objective of the present research is to determine whether fundamental frequency dynamics and vowel formant frequency dynamics (F1, F2 and F3) are useful speaker-specific markers for forensic speaker comparison. Both acoustic parameters have been studied in the vocalic sound /a/ because this is one of the most frequent phonemes in Mexican Spanish. The /a/ segment has been analyzed in a syllabic construction formed by a consonant followed by a vowel (CV), which is the most frequent syllable structure in Spanish (Guerra 1983).

The effect of neighboring sounds has also been considered. Four different corpora have been analyzed to evaluate the discriminatory capacity of both acoustic parameters on two types of speech production – reading and semi-spontaneous speech – and in different measurements of time – in apparent and real time corpus. Reading speech corpus in apparent time (Dx100TA) consists of five male and five women native speakers of Mexican Spanish, aged between 16-36 years. Each speaker has to read 60 sentences of five to 15 words length. Reading speech corpus in real time (Dx100TR) is composed of the same ten speakers from Dx100TA but recorded three years later. Semi-spontaneous speech corpus in apparent time (HETA) consists of three male and three women native speakers of Mexican Spanish, aged between 18-30 years. A sociolinguistic interview between the researcher and each speaker has been recorded. Semi-spontaneous speech corpus in real time (HETR) was recorded one and a half years later than corpus HETA, where the same three male and two of the three females from corpus HETA were included. Results indicate that the dynamics of F1, F2 and F3 frequencies are more informative about the characteristics of individual speakers than are the measurement of the midpoint. By contrast, for F0 classification, rates with dynamics measures don’t improve the results obtained from the middle point.

VLAD MACKEVIC

Aston University

All the Text’s A Stage; And All the Function Words Merely Players? A corpus-assisted analysis of the importance of semantic roles of function words in authorship attribution

Since Wallace and Mosteller’s study on Federalist Papers, function words have been in the focus of academic analysis as potential authorship markers. Numerous studies examined frequencies of
function words, attempting to discover the universal way of authorship attribution ‘beyond reasonable doubt’. In this paper, function words are considered the linguistic ‘clues’ that culprits leave unwittingly. This study uses texts of semi-formal register that are least likely to be thoroughly edited and proofread (in this case travel blogs), focussing on semantic roles of only a few function words in context (e.g. whether the writer employs the word that to act as a determiner, to start a relative clause or as a replacement of which). Using qualitative analysis (concordance examination) and T-Test, the author analysed uniqueness and consistency of frequencies with which certain semantic roles are employed in sentences by each author of Known texts.

The findings reveal that T-test is a good analytical tool for both inter and intra-author analysis; however, it is necessary to have an optimal amount of text in order to achieve within-author consistency with low standard deviation. Under strict conditions (with at least 90% confidence rate), T-Test proves to be better in discriminating than clustering. However, the success of the test depends on the consistency of data, which leads back to the issue of optimal corpus size. T-test also fails where standard deviation within an author is large and, interestingly, where the authorship markers have no linguistic theory behind them.

NICCI MACLEOD AND TIM GRANT

Centre for Forensic Linguistics, Aston University

Whose Tweet? Authorship Analysis of Micro-blogs and Other Short Form Messages.

Approaches to authorship attribution have traditionally been constrained by the size of the message to which they can be successfully applied, making them unsuitable for analysing shorter messages such as SMS Text Messages, micro-blogs (e.g. Twitter) or Instant Messaging. Having many potential authors of a number of texts (as in, for example, an online context) has also proved problematic for traditional descriptive methods, which have tended to be successfully applied in cases where there is a small and closed set of possible authors.

This paper reports the findings of a project which aims to develop and automate techniques from forensic linguistics that have been successfully applied to the analysis of short message content in criminal cases. Using data drawn from UK-focused online groups within Twitter, the research extends the applicability of Grant’s (2007) stylistic and statistical techniques for the analysis of authorship of short texts into the online environment. Initial identification of distinctive textual features commonly found within short messages allows for the development of a taxonomy which can then be used when calculating the ‘distance’ between messages containing instances of these feature types. The end result is an automated process with the potential to identify short online texts that have been written by a known individual. The technology will also have the potential to associate multiple sources with a single author, and to identify sources that have multiple authors. The research has the potential to extend the scope of reliable and valid authorship analysis into hitherto unexplored contexts. Given the relative anonymity of the internet and the availability of cloaking technology, linguistic research of this nature represents a crucial contribution to the investigative toolkit.

‘...and other words to this effecte’: Textual borrowing in 17th century quasi-legal discourse

Research on textual borrowing to date has tended to focus on modern day language texts, either to study plagiarism and copyright infringement, or to determine the veracity of police statements (Turell, 2008; Coulthard and Johnson, 2007; 2010; Shuy, 2002). However, there has been little research on textual borrowing prior to the 20th Century, and what there is has tended to focus on literary texts (Macfarlane, 2007). This poster aims to explore the nature of textual borrowing within the 1641 Depositions, a collection of testimonies documenting experiences of the Irish uprising that began in October 1641. Collected from British witnesses and mediated by representatives of the British government for the purposes of providing evidence against the Irish rebels, the reliability of these accounts has long been questioned on the grounds of their position within a tradition of anti-Catholic propaganda. While we do not intend to comment on the veracity of the reports, we draw on this corpus of quasi-legal texts to explore the nature of textual borrowing in this context. Using a forensic linguistic approach to authorship analysis, we demonstrate that some striking similarities between individual Depositions make it unlikely they were produced wholly independently, and we postulate some explanations for this phenomenon.

'Traddutore, traditore?': Plagiarism and copyright infringement in machine translation

There are several natural language processing sites that offer free machine translation (MT) online, or which produce ‘dictionaries’ of ‘translated words’ which are generated as sentence concordances from translation memories (TMs) and other parallel texts. In nearly all these cases, there is a request to the user to comment on or ‘improve’ the results.

Google Translate (GT) goes further and offers free machine translation and a Translator’s Toolkit which combines the use of MT with TMs and glossaries or terminology databases (TDBs) online. These TMs and TDBs (up to 1GB each per user per year) can be restricted to an individual user or shared with others. GT works using statistical MT methods and the webpage states that “By detecting patterns in documents that have already been translated by human translators, Google Translate can make intelligent guesses as to what an appropriate translation should be”. So one can only presume that, even if the translators do not explicitly share their work with others, GT is making use of their work anyhow. If the translators’ work is re-used to improve MT, we need to ask if such use infringes copyright.

Natural language processing projects of this kind sometimes presume that most of what is not explicitly covered by copyright online is ‘fair game’, or can be used for research or the ‘greater good’. This greater good is often invoked in order to improve access to information for all online, but it is a very fuzzy area.

This paper provides examples of what can happen, and discusses the implications of the technology for the public good and the private life of both translators and general users. We demonstrate, using
linguistic evidence (such as lexical and phrasal identity in literal translations), how it can contribute to increasing plagiarism by allowing the plagiarist to quickly translate the text into another language and pass it as their own, often for publishing (as discussed by Sousa-Silva et al., 2009). We also draw attention to how translators using GT’s Translator’s Toolkit may have difficulty in guaranteeing the copyright of the original text, the translation and the TM used.

YVONNE MCGIVERN
Queen’s University Belfast

An Historical Forensic Linguistic Analysis of Contested Letters in the Forrest Reid Collection

This paper offers an historical forensic linguistic analysis of two disputed letters from the Forrest Reid Collection (MS44) at Queen’s University Belfast. Reid (1875-1947), a novelist and critic, was described in 1937 as ‘one of the three or four most distinguished living writers of English’ (Fitz-Simon, 1998). The letters, dated 1926, are recorded in the Collection catalogue as: ‘Short pencil manuscripts by FR purporting to be love letters from Sadie. Melodramatic in tone. Perhaps notes for character FR developing.’ There is, however, no unequivocal external evidence - from within the Collection or in biographical work on Reid - to support the claim that the letters are sketches for creative development or that they were authored by Reid. It has also not been possible to establish the identity of ‘Sadie’ using external sources, nor from the content of the letters themselves. Furthermore, it is unlikely that Reid, in view of his well-documented homosexuality, was the ‘Beloved’ addressee of the letters, unless of course ‘Sadie’ is the pen name of a male correspondent.

This paper therefore investigates the probability of Reid being the author of the Sadie Letters. The possibility that these documents could belong to one of two ‘populations of writing’ – creative-developmental work or genuine personal letters - has interesting implications for research design, because in this instance the contested documents can be placed against a substantial body of known writing by the author. In the paper, I address these methodological issues and identify key forensic linguistic markers which include handwriting, grammar and syntax, and socio-linguistic features.

SEEMAAB NASEEM
Centre for Forensic Linguistics, Aston University

Expert Witness Testimony: Negotiating control over the evidence

Expert witnesses are commonly called to court to present and be cross-examined about the evidence they have produced in a written report. Experts often feel disempowered during trial examination when what they consider to be a well argued and structured report is distorted or under-presented by the lawyer, who is largely in control of the evidence. This paper discusses how experts can obtain greater control over their evidence in court by using a PowerPoint presentation. This research is of particular significance at a time when there is a growing availability of PowerPoint facilities in court (Coulthard, 2010).

The data consist of English criminal trial transcripts of the examination-in-chief of expert witnesses, some with and some without a PowerPoint presentation. The paper discusses in particular the
importance of topic control during examination-in-chief. Traditionally, lawyers through their questioning are able to set the agenda, both of what is to be reported and its overall sequencing, while the expert simply responds. However, early findings show that topic control is by and large under negotiation between the expert and the lawyer when a PowerPoint presentation is used effectively compared to when it is not used.


SALLY NELSON
Cardiff University

Beyond Plain English: Using narrativisation and context to improve comprehension of jury instructions in England and Wales

It is well established that the majority of American jurors substantially misunderstand judicial instructions when applying the law to the facts of a case. There has not been any comparable rigorous testing of jury instructions in England and Wales and it is problematic to generalise across the jurisdictions as the instruction methods are very different. Unlike the US, where pattern instructions are often used, in England and Wales, judges freely construct their own ‘summings up’, in which they reiterate the evidence of the case as well as instructing the jury. This exposes a new way of viewing the comprehension of instructions: Jurors may have comprehension problems if the judge sums up in a ‘legal’ style, focusing too heavily on the legal principles needed for the case. This is because jurors, as lay people, reason differently to the legally trained. Jurors typically process ‘narratively’, viewing the trial as a storied account of a crime, and therefore might benefit from instructions which relate directly to the case rather than ones which are based on abstract legal categories. Consequently, the present research tests the comprehensibility of the summing up and also the effectiveness of a ‘narrativisation’ approach to improving any juror misunderstanding.

In a thorough rape trial simulation, participants were randomly assigned to receive one of three summings up, each systematically varying in degree of narrativisation. The results revealed that the more narrativising the summing up, the better the comprehension. This paper will use the findings of the study to discuss why the previous focus of instruction reform (re-writing instructions in Plain English) might be misplaced because it does not address the decontextualised, paradigmatic nature of jury instructions.

EVA NG
The University of Hong Kong/Aston University

Garment, or Upper-garment? A matter of interpretation?

In an adversarial common-law courtroom, where one party tries to defeat the other by using words as weapons, polysemous words always pose a problem for the court interpreter. Unlike in a dyadic communication, where ambiguity can be easily clarified with the speaker, court interpreters’ freedom to clarify is to a large extent restricted by their code of ethics. Interpreters therefore can only rely on the context for disambiguating polysemous words. However, their decision to opt for
one meaning rather than another, based on the preceding context, may attract criticism from any party who decides that a different interpretation would work to their advantage.

This study focuses on a Hong Kong High Court rape case, using as an example the problem the interpreter had with the Cantonese word sāam, which can be taken as a generic term to denote ‘clothing/garment’, or as a more specific term to refer to a piece of clothing worn on the upper part of the body, i.e. ‘upper garment’, depending on the context and/or the syntactic structure of the utterance. In this case, the interpreter’s rendition of the word as ‘garment’ conforms to the preceding context established by both the victim’s and the defendant’s earlier evidence, whilst the syntactic structure of the utterance alone seems to suggest a more specific meaning of the word as ‘upper garment’, which is what the bilingual prosecutor in cross-examination had taken the word to mean in the defendant’s utterance in Cantonese.

This study exemplifies the different strategies adopted by the interpreter and the cross-examiner in their treatment of ambiguity: while the interpreter strove to make her interpretation consistent with the preceding context, the cross-examiner sought to identify and underline the apparent discrepancy in the defendant’s evidence in order to discredit him.

ANDREA NINI
Centre for Forensic Linguistics, Aston University

Style, Systems and Genre: A theoretical base for stylistic approaches to authorship analysis

Stylistic approaches to authorship analysis have been critiqued as having a weaker theoretical base than some alternatives (Chaski, 2001; Howald, 2009). Systemic functional Linguistics (SFL) uses concepts of codal variation (Hasan, 1990) and personalised meaning potential (Matthiessen, 2007) which can be seen to support a stylistic approach to authorship analysis (McMenamin, 2002). To verify whether an application of SFL to authorship analysis could be useful, two experiments were conducted on a data set consisting of three 300 word texts collected from three different authors whose socio-demographic background matched across several parameters. Experiment 1 presents an attempt at authorship analysis using SFL coding of texts. The results from the grammatical tagging of the texts were used to verify statistically whether intra-author variation was higher than inter-author variation and if this could be used to classify the texts according to their authors. Although the method yielded limited results, one explanation might be the proliferation of variables produced by the coding. A solution to this was explored in Experiment 2. To reduce the variables, Biber 1988’s Multi-dimensional framework for register comparison was applied to the same data set. This approach had the advantage of being theoretically coherent with SFL while maintaining a considerable number of variables grouped in only six factors. Although the small data set used in these experiments provided only partial results, it could be seen that with more data idiolectal variation might be measured in this way. Furthermore, it can be shown that the method proposed here could help the forensic linguist both in the qualitative assessment of authorship attribution cases or, with further research, in dealing with cases of authorship profiling.


ÁNGELES ORTS LLOPIS AND ÁNGELA ALMELA

University of Murcia

Corruption in the Spanish News: Verbalizing crime for the public opinion

Town council scandals connected to urban abuse constitute a severe problem which has made the news in Spain in these recent years, provoking the filing of multiple complaints before the courts of justice, and even with the Committee on Petitions of the European Parliament (Jiménez, 2009). Through an ad-hoc 500,000-word corpus from news-items in the digital periodicals El Mundo and El País, representing two different editorial groups, the present paper intends to illustrate –from a lexical point of view– the words deployed by the Spanish news to convey this information to the general public.

Our ultimate goal was, at the onset of our work, to explain whether the way in which the public opinion is informed in Spain matches the reality posited in the new Penal Code that the Spanish legislature is about to put into effect. A previous lexical selection of the terms standing for corruption crimes at the heart of the public administration has been made, in the light of Title XIX of the new Spanish Criminal Code, in effect from June 2011. Such a selection has served as the framework against which we have analysed our real data in the shape of the news-items corpus. For this express purpose, we have firstly performed a quantitative analysis of the collected data in terms of frequency and collocation information with the aid of Wordsmith Tools. A subsequent qualitative analysis has been done so as to provide further insight into corpus-driven data.

The results shown by our data have proved that –in fact– the way in which the official press treats corruption crimes is rather expressive, versatile and imaginative. Much more so than the crude and hard-and-fast way in which the new penal law organizes the nomenclature of the acts of misconduct committed by government officials to attain illegitimate private gains.

MIKHAIL OSADCHIY (POSTER)

Kemerovo State University

The Tactics of Legal Risks Avoidance in Political and Business Communication in Modern Russia

As in other countries, in Russia there are legal norms regulating public speech activity. This legal regulation sets the limits of necessary freedom and restriction for a language speaker and vests him with a set of statutorily defined rights and duties. As a consequence, speech conduct of the Russian language speakers realize the strategy of possible legal risk avoidance, this strategy is supported with a number of specific tactics: euphemistic substitutions, producing polysemic utterances, “obscuring denotation field”, etc. This research is aimed at theoretical and experimental studying of the named strategy realization based on the material of political and business communication in modern Russia. The subject of the study is public statements of statesmen and politicians, religious sermons, TV channels broadcasts, material from print news media, metalinguistic activity of the Russian language speakers. The methods employed are observation, experiment, discourse analysis.

JOAO PEDRO PADUA

Rio de Janeiro Catholic University (PUC-RIO)

Parliamentary (norm-enacting) Discourse as an Object of Study for Forensic Linguistics: Initial impressions and future research

Although there has now been for several decades continued study of the interface between linguistics and the Law, most of the work has been centered on contexts and social places where the Law – i.e., the legal norms – is applied: courtroom trials and hearings; Police encounters and evidence-gathering procedures; linguistic evidence about authorship, confessions or plagiarism; and disputes about the interpretation of contracts (e.g., Tiersma, 2000; Coulthard and Johnson, 2007; Shuy, 2001). Even when forensic linguistics research is concerned with the actual legal norm, the farthest it gets is the contribution linguistics can make to enable the legal profession to improve its secular interpretive and inference-making procedures (e.g. Bhatia, 1994; Kaplan and Green, 1995: and, generally, Tiersma, 2000, ch. 7; Coulthard and Johnson, 2007, ch. 2).

However, since the processes of creating norms are also discursive processes that take place within institutional bodies (the Parliaments), and aim at producing speech acts (the actual legal norms), it seems natural that forensic linguistics should occupy itself with researching and elucidating the way(s) in which the interactional discursive process of enacting legal norms actually performs its function – as well as how well it performs it.

It is the aim of this paper, therefore, to initially and tentatively pinpoint some aspects of the norm-enacting discursive interaction that can be explained by – and at the same time, offer new insight to – such pragmatic and sociolinguistics tools as conversational inferencing processes; frames and framework; recontextualization; politeness and facework. The corpus used is drawn from the 1987-88 Brazilian Constitutional Assembly and its commissions.
LORENZO PATINO (POSTER)

University of Ottawa, Canada

Comprehensibility in Canadian Immigration Forms: An examination and comparison of Canadian legal language

Many studies have been done in forensic linguistics in the examination of how minority groups interact with legal discourse and texts. Stygall (2002) examined US immigration form I-485, the application for permanent residency in regards to complexity both in vocabulary and in sentence construction, i.e. number of clauses, distance from referring clause.

Through a comparison of the findings of Stygall (2002) with another English-speaking country’s immigration forms, specifically Canada, an evaluation can be made as to which form, and by extension country, is written in a comprehensible manner. This can be seen as somewhat of a cross-linguistic study in the forensic linguistic context because even though both countries share the same legal language and a similar legal system, both based on the British adversarial system; they each have presented clear differences in a pilot study.

Syntactic features will be examined in this study, specifically focusing on the clause structure of each of the sentences in the forms. Stygall (2002) showed that the number of clauses per sentence in the U.S. document was disproportionally higher than in other interaction, (conversation, newspaper, literature). I will also analyze the Canadian forms with regard to the vocabulary used in the forms and how clearly the many warnings about what is acceptable to declare are expressed, as this was an area that Stygall (2002) found to be problematic as many potential immigrants fell for so-called ‘linguistic traps’.

ANA PAULA DA FONSECA LOPES

Faculty of Letters, University of Porto, Portugal

Legal Translation and Interpreting, and Forensic Linguistics: What needs to be changed in Portugal

The European Directive 2010/64/EU defends “the right to interpretation and translation for those who do not speak or understand the language of the proceedings” and “facilitates the application of that right in practice.” (Directive 2010/64/EU, section (14)). Its final goal is “to ensure the right of suspected or accused persons to interpretation and translation in criminal proceedings with a view to ensuring their right to a fair trial.” (Ibid.)

Heffer states that “the jury trial [is] a ‘complex genre’ which contains a number of key events formed from sequential speech acts” (Coulthard and Johnson 2009: 96). Bearing in mind the complexity of legal language and the current state of affairs of legal translation and interpreting in Portugal, we interviewed Portuguese lawyers and legal translators and interpreters in order to discover the extent to which the Portuguese legal system respects citizens’ rights to be translated and interpreted in court, the attitude towards legal translators and interpreters and the current status of training for these professionals.

According to Heffer, “the problem with court interpreters is ... their lack of awareness that even subtle changes in style... can have effects on the way a witness is judged by the jury.” (Kredens and Gozdz-Roszkowski 2007: 149). This problem is related to the lack of sensibility to the role of language
in the legal process in Portugal and the fact that the study of Forensic Linguistics is still rudimentary.

The findings of the interviews show that, although the right to translation and interpreting has been acknowledged in Portugal, especially over the last 10 years, the role, rights and training of legal translators and interpreters are far from reaching a reasonable level, and there is no such thing as a sworn translator/interpreter in this EU Member-State. The professionals interviewed recognised the importance of specialised training in legal translation and interpreting, as well as the importance of the forensic linguist in the legal process, but believed that there is still a long way to go in Portugal towards the creation and legalisation of the sworn translator/interpreter and the presence of the forensic linguist in court.

In this paper we shall provide evidence of the problems surrounding the training and status of legal language professionals in Portugal, and the need to raise awareness of the importance of Forensic Linguistics to the legal system, in the hope that this will contribute to a fairer and more efficient legal system.


RIA PERKINS

Centre for Forensic Linguistics, Aston University

Native Language Identification: Identifying native Persian speakers writing in English

This paper investigates how native speakers of Persian (Farsi) are influenced by their mother tongue (L1) when writing in English and explores how the resulting linguistic features can indicate the L1 of an anonymous author. This paper demonstrates the potential of interlanguage as an investigative tool to aid forensic authorship analysis.

A multivariate approach is used to determine which linguistic features are significant indicators that an anonymous text was written by a native speaker of Persian writing in English. This paper demonstrates that it is possible to use linguistic features to determine whether an anonymous author has an influence of L1 Persian.

Most of the existing literature on interlanguage takes a pedagogical perspective and therefore predominantly investigates student data. By contrast, the research reported here is grounded within forensic linguistics and focuses much more on ‘real-life’ data, in particular a corpus of weblogs. Aside from presenting findings about how interlingual features can indicate that an anonymous author has a native knowledge of Persian, this paper will also demonstrate the impact of the change in genres, and discuss the implications for forensic authorship analysis.
ISABEL PICORNELL

Centre for Forensic Linguistics, Aston University

The Rake’s Progress: Mapping deception in written witness statements

To date, no single cue has been identified to be consistently valid in identifying deception across all contexts. Even when limited to written texts, linguistic patterns change according to the textual mediums and the contexts in which they are written and therefore so do the cues. Traditionally, qualitative and quantitative approaches to deception detection have treated deceptive communications as if they were a one-time event, analysing the overall features and tone of the individual message. However useful this methodology may be, it fails to take account of the fact that deception is a progression of phases, rather than a single occurrence.

Zhou, Burgoon & Twitchell (2003) explored how deception unfolded in email exchanges over a period of three days, and found that the deceptive linguistic patterns changed over time. While no cues were effective differentiators across all the time periods, certain cues reliably distinguished deceivers from truth-tellers at particular phases of the communication. Zhou et al were unable to say whether the passage of time or the deception phase was instrumental in affecting linguistic cues.

Although witness statements are written at a single point in time, the act of deception nevertheless must progress through various phases, as its author sets the scene, embeds the lie and then extracts himself. Employing marked sentence structures to code discourse segmentation markers in written narratives, the progression of deception is mapped using linguistic cues as it unfolds through the course of the narrative.

This presentation will report on current work, which is part of a larger research agenda, directed at a more systematic approach to the detection of deception in written text.

MARTINA RIENZNER, GABRIELE SLEZAK AND KARLHEINZ SPITZL

Dept. of African Studies, University of Vienna, Austria

Plurilingual Speakers in Unilingual Environments: Language rights and courtroom practices in Austria

The right to communication and language is fundamental to any fair and equitable legal process. Contacts between plurilingual speakers (with their varied and dynamic language repertoires) and officials of a highly standardized, unilingual legal system are particularly demanding in regard to communication. A dominant ideology of unilingualism in a plurilingual society not only raises ethical questions of social justice, but also constitutes a significant threat to linguistic human rights by potentially excluding and discriminating against those who are unable to fit the unilingual standard.

From a sociolinguistic point of view, addressing the linguistic rights issue requires putting heteroglossia and multivoicedness into focus (person-centered), thus calling into question dominant language ideologies and linguistic norms which are based on ethnocultural or national-political concepts (norm-centered).

This paper seeks to document the effects of unilingual standards on the linguistic resources of plurilingual speakers in the Austrian legal system. Since 2007, the authors have observed 54 court proceedings at different levels in which speakers from 7 African countries were involved. The preliminary aim of this study was to analyze how legal institutions in Austria deal with different
languages (or varieties) and what functions and values are attributed to the speakers’ linguistic resources.

The findings showed that the legal decision makers only had a limited and selective knowledge of the participants’ sociolinguistic backgrounds and language practices, with direct negative effects on the question of language choice and interpreting. The legal system’s limitation to only the most prestigious variety (standard) and de facto exclusion of any other, as well as its disregard for the participants’ individual linguistic preferences had both a deep impact on the available communicative resources. Moreover, due to the asymmetry of power, the participants were usually unable to argue against this structural deficit of unequally distributed communicative resources.

FRANCES ROCK

Centre for Language and Communication Research, Cardiff University

From ‘I’d like to report’ to ‘they told me to phone you up to report’: Metalinguistic dimensions of interactions in policing

This paper considers metalinguistic talk in interactions between police personnel and members of the public. It considers metapragmatic and metacommunicative aspects of these interactions in order to establish what forms of Multilanguage appear and how they influence processes and outcomes.

The paper focuses on metalanguage in spoken interactions, using data from various settings which feature police-lay contact such as police interviews and telephone calls for police assistance. In these interactions, language frequently becomes artefactual and this artefactuality does much more than simply open language up for comment.

The main focus here will be on talk which relates to cotextual performance, style or function by assessing, problematising, introducing or otherwise describing cotext. Through such talk speakers can seek to shape ways in which prior talk was intended or apparently received. They can undertake a range of work relating to relationships and identities such as marking or asserting group or individual identities, claiming expertise, asserting competence and showing defiance or affiliation (Jaworski, Coupland and Galasiński, 2004:4). In policing settings such functions are important to both the work of the police officer and the wants and needs of their interlocutor. Metalanguage can have major implications for what gets done in, through and as a result of talk.

The paper rests on the assumption that “singling the metalinguistic dimension of language out for separate scientific attention is … a valuable heuristic strategy in order not to forget its fundamental contribution to all pragmatic functioning” (Verschueren, 2004:69). Ultimately the paper considers implications of metalanguage and its uses for police practitioners and those who interact with police personnel.

DANA ROEMLING

University of Cologne

Genuine and Simulated Suicide Notes in German

Looking at suicide notes (SN) in Suicidology and Forensic Linguistics has gained more and more attention during the history of these fields. SN analysis had emerged with Shneidman and Farberow
in the 1950s. They were followed by other important studies on SNs by, for instance, Black, Edelman and Renshaw, Eisenwort et. al., Gregory, Leenaars & Maris. In many of these studies, the differentiation between genuine SN (GSN) and simulated SN (SSN) has been of interest. The idea mainly being that the language of suicide might be relevant for suicide prevention and education. However, in Forensic Linguistics the language of a SN might be of value for other reasons, regarding the implications of a SN as a legal document, for example in an equivocal death investigation or if the SN is also the last will. The register of a SN - if clearly definable - might shed light on cases where a SN is part of a legal setting.

Even though research has been done in English-speaking countries, comparatively little research has been conducted on the linguistic distinction between these two sets of text in German. This study, hence, will look at GSN and SSN in German. Following Gregory’s (1999) approach, the linguistic distinction between the two sets of notes will be explored. Gregory selected nine linguistic variables that proved important in previous research to find a tangible linguistic difference between GSN and SSN: percentage of nouns, verbs and cognitive process verbs, average sentence length, total number of words, left instructions, reasons given, positive affect and locus of control. These variables will be used in a logistic regression to differentiate linguistically between the 20 pairs of GSN and SSN.

The genuine data used for the analysis was obtained from the public prosecution authorities and a police officer’s legacy. The officer had assembled official transcripts of SNs from cases he had worked on. These notes were then compared to SSN, matched for sex and, if possible, age. For the SSN, people were asked to contribute to the study in imagining a SN and a counseling letter.

**NATASCHA ROHDE (POSTER)**

University of Cologne

*German Legal System vs. Non-German speaking Juveniles*

Germany is facing a sharpening of the debates about immigration and interrogation. The collective feeling of a growing number of minority communities which isolate themselves and are increasingly isolated, the feelings of danger and fear grow. Issues of language and how it is used are becoming increasingly important in this context. At the same time, the influence of cultural norms on language and the lack of qualified language examination as sources of miscommunication are often underestimated. Looking at language(s) in this context is particularly interesting when it comes to cases of criminal juveniles with multi-cultural and/or multi-linguistic backgrounds. As much of the research that has been done up to this point shows, children and young adults are particularly vulnerable when involved in the legal process and therefore need special attention when facing interrogation or interviewing.

This talk will first give a brief overview of the current legal situation and present police tactics to approach cases with juveniles who are involved in the legal process. Secondly, it points out the potential weaknesses of this system. Finally suggestions will be offered to ease but also to raise institutional awareness about language difficulties and potential sources of miscommunication, such as differing cultural or social norms.
Arabic Varieties and LADO: How can LADO deal with variance?

Arabic is well known for its many dialects. Living languages and their dialects are not fossilised entities, by definition. Contemporary conditions facilitate human migration, thereby increasing the number of new language contacts and language mixtures. This paper will tackle the question of how this situation affects LADO.

In our presentation we will first outline the background of Arabic, its dialects and its main linguistic changes in the 20th century. Arabic speaking refugees, who constitute a large group of LADO clients, immigrate and get in touch with speakers of other languages. These contacts yield multilingual processes such as borrowing, code switching and code mixing, and erring, while learning the languages of their new environments. These processes often yield mixed varieties, due to attrition and/or linguistic accommodation. How then can a LADO expert be sure that a given person is a native speaker of a certain dialect (or not), if that person’s recorded speech is not “pure”, i.e., if it is full of features of different dialects, or if it lacks specific or characteristic dialect forms?

Variance of Arabic dialects exists not only due to their number but also because of their random, unexpected, sometimes chaotic mixtures. By contrast with the areas of speaker and speech recognition, not much effort has been invested in the design and use of computer programs for the analysis of speakers’ dialects and their exact geographical origin. We suggest, as a first step towards the use of computer programs in LADO, the definition of general linguistic protocols that may be used as templates for the different dialect features. It has long been claimed that if two dialects differ by about 70% of their grammatical (and lexical) structures, they are different and distinct dialects. This rate could be considered a base line to calculate at a certain rate of certainty whether a speaker uses a claimed specific dialect (or not).

Language and the Construction of a Positive Identity Among Inmates in Kenyan Jails

This paper describes linguistic and stylistic strategies used by a group of inmates in Kenyan jails to construct their identities in a positive way through language. They did so in thirty-four letters which they wrote to a religious leader who was their benefactor. Linguistically, the strategy consisted mainly in using euphemistic vocabulary and passive and active voice constructions that avoided presenting the inmates directly as the wrongdoers now serving a jail sentence. Stylistically, the inmates resorted to two main strategies: describing their skills and the positive aspects of their lives before they were imprisoned and choosing to use a religious register which would be associated with their addressee. Apparently, they resorted to those linguistic and stylistic strategies in an attempt to distance themselves from the crimes they had committed.
A Linguistic and Narrative Analysis of Thomas Capano’s Allocution at Sentencing: Identity, remorse and persuasion

This presentation examines a variety of linguistic strategies employed by a high-profile murderer, Thomas Capano, who was convicted in 1999 of the 1996 murder of his lover, Anne Marie Fahey (secretary to the Governor of Delaware, Thomas Carper). The Capano case was the subject of the best seller, And Never Let Her Go, penned by true-crime writer Ann Rule.

Using transcripts of his plea for leniency, the analysis focuses on the killer’s attempts to persuade the jury that his sentence should be less than the maximum, which was the death penalty. Such fluent discourse narratives differ from direct or cross-examination in that there is no attorney pursuing specific lines of questioning with the goal of shaping testimony in a favorable or unfavorable manner. This critique offers a window into the mind and motivation of a high-profile convicted murderer as he attempts to (1) construct an identity for the jury; (2) portray himself in a positive light by stressing past and future good deeds; and (3) evoke sympathy using a “life story” approach. Themes of religion and family dominate. Linguistic analysis tools include repetition, tense shifts, grammatical parallelism, third-person self-characterizations and synonymy, among others. Multiple changes from coherent to incoherent, rambling speech (and the potential resulting effects) are also discussed. Capano took the stand and testified for eight days at trial. As a result, his sentencing hearing allocution was not the first opportunity Capano had to tell the jury his story in his own words. It could be argued, however, that it was the most important statement of his life. Both the powerful and powerless sides of Capano’s arguments are highlighted. Concluding remarks provide a comparison of Capano’s leniency plea to those of Rabbi Fred Neulander and Michael Skakel (Schweda Nicholson 2010).


Power, Control and Translation in Legal Settings

Power and control has been a perennial theme of exploration in the studies for social philosophers and sociolinguists, who take such language as the “primary medium of social control and power” (Fairclough 1989: 3). This is nowhere truer than in legal setting (Coulthard and Johnson 2007: 37). The attention to power, control and language in legal settings can be noticed in many works, but the interrelationship between power, control and translation in legal settings is a relatively unchartered domain. To fill in such a lacuna, this poster uses case studies to provide an account of how power and control dominate in the process of legal transplantation and translation.

As China is an independent sovereign state and our own inner power balance, during the law transferring, we shall understand the legal texts in its special legal systems and see if it would fit with our social reality and make proper adjustment or explanation if necessary. Throughout this process, the translator’s legal intellectual equipment and subjectivity would be emphasized. Translators can...
choose the exact style or expression as he or she chooses on the rounds of conveying the substance of the original text. This study shows that the influence of power, i.e., the social, cultural and economical forces on translation as well as legal translation, is indispensable. Due to the specialty of legal texts which often reflects the will of certain group or class, legal translators shall make their own choice while translating and make their work fit the net composed of the various powers of the circumstances they are in.

**JESS SHAPERO AND SUE BLACKWELL**

University of Birmingham

"There are letters for you all on the sideboard": What can linguists learn from multiple suicide-note writers?

A corpus of 286 suicide notes covering the period 1995-1999 was obtained from a UK Coroner’s Office (Shapero 2011). Given that the notes are all written in similar circumstances, for basically the same reason, by residents of the same geographical area in the UK during the same five-year period, we believe that the corpus provides an almost ideal source of comparison texts. The independent variables are controlled as much as one could hope for in a non-experimental study.

Approximately 36% of the female-authored notes, and 40% of the male-authored ones, are produced by suicides who left more than one note. It might be expected that these would be versions of the same text adapted for different readers, but closer inspection revealed that this was far from the case. The notes were often produced for distinct purposes as well as for multiple recipients, and they tended to exhibit a surprising lack of common characteristics.

This study compares the variation exhibited within writers with the variation between writers. Having marked up the electronic version of the corpus to control for inconsistencies of spelling and punctuation, we used concordance and collocational software to examine the lexical patterning, and a semantic tagger to investigate the ‘aboutness’, of the notes in the corpus.

Forensic linguists, psychologists and others have long agonised over methods for distinguishing genuine from fabricated suicide notes (see for instance Shneidman and Farberow 1957). We believe that our study should assist linguists in forming judgements about the likelihood of a disputed suicide note being by the same author as a text of known origin. Linguists should choose their criteria carefully before concluding that dissimilarity rules out common authorship.


**LAWRENCE SOLAN**

Brooklyn Law School

*Statutory Interpretation, Morality and the Text*

In this presentation, I wish to explore the question of whether statutory interpretation is, at least sometimes, a wrongful enterprise. My argument concerns instances in which interpreters take advantage of linguistic accident to license arguments that flout the intent or purpose of a
law. Philosopher Bernard Williams calls reliance on literal meaning in this manner “fetishizing assertion,” and considers it tantamount to lying.

If linguistic practices that rely too heavily on linguistic accident are wrongful, then serious ethical questions present themselves to the legal system. For if we acknowledge the problem, we then are forced to ask ourselves how comfortable we are with a rule of law that cannot rely fully on the law as written to sustain its legitimacy.

This paper raises these issues, and comments on their relationship to questions of judicial candor in cases concerning the interpretation of statutes. I illustrate the point with examples of judicial interpretations of ambiguous laws and laws that contain drafting mistakes. Using Gricean pragmatics, I conclude that, especially when there is doubt about meaning, or suspicion that the legislature has erred, it is essential to turn to the purpose of the law in order to avoid the moral consequences of assertive fetishism. I further argue that recourse to purpose, contrary to the views of many, actually reduces the range of judicial discretion. Thus, in construing the language of legal documents, it is possible to rely too much on the language itself and not enough on context to sustain a legal system with adequate moral basis.

RUI SOUSA-SILVA
Centre for Forensic Linguistics, Aston University

Obfuscated Borrowing: A forensic linguistic analysis of directionality in textual reuse

In recent years, relatively little research in forensic linguistics has focused on the directionality of textual borrowing in order to determine which text is the original and which one is the derivative. Directionality is particularly useful in cases where texts are suspected of non-independent production. What makes directionality important for investigative linguistics is that it is crucial both in cases of plagiarism (Johnson, 1997; Turell, 2008) and in cases of police investigations of collusion, e.g. the Molloy statement in the ‘Bridgewater murder investigation’ (Coulthard, 2004). However, most often directionality has been determined based on chronological factors/date of publication and ‘access likelihood’, which raises serious issues in cases where text production is proved to be contemporary. For directionality to be determined independently of chronological factors, further empirical evidence and other relevant criteria are necessary (Turell, 2008). In this paper, I investigate the directionality of textual borrowing in cases of plagiarism. Using a small corpus of texts (c. 20,000 words) that have been considered by the relevant authorities to have been derived from other texts, I have analysed the linguistic elements of grammatical and lexical cohesion to investigate whether such text editing processes as deleting, adding and/or omitting specification result from an attempt to improve the text or rather from an attempt to deceive, as for example, in cases of academic plagiarism. I conclude by demonstrating that some of these strategies are used systematically to borrow from other texts, and that these linguistic clues can be used as markers of directionality to help the forensic linguist investigate and determine which text is the original and which text is derived from another original. Finally, I demonstrate that some of these markers can often be used in plagiarism cases to demonstrate the plagiarist’s intention.


NATALIE STROUD

Law Faculty, Monash University, Melbourne

Non-Adversarial Justice: The changing role of courtroom participants in an indigenous sentencing court

This paper forms part of a wider sociolinguistic study on cultural and language disadvantage for Indigenous offenders in the Criminal Justice System. It examines the changing role of courtroom participants in an Indigenous sentencing court such as the Koori Court of Victoria, and how this may lead to a better quality of justice for this disadvantaged cultural group.

The problem under review is the high percentage of Indigenous offenders who continue to come in contact with the law. The key question guiding the research is to determine if issues of miscommunication identified by academics over the past three decades continue to be reflected in the court process, or whether an awareness of cultural and language difference by participants at the Koori Court hearing leads to a more restorative and therapeutic outcome for Indigenous offenders.

Taking an interdisciplinary approach, the study investigates the role of participants and the communicative process in a conventional court and compares this with the non-adversarial Koori Court. There are now seven adult and two children’s Koori Courts in Victoria, established under the jurisdiction of the Magistrate’s Court of Victoria, and one County Koori Court, Australia’s only Indigenous court in a higher jurisdiction for more serious cases. This paper will illustrate how new forms of court practice lead to improved interaction between courtroom professionals and other key participants such as the offender and Indigenous Elders, in order to best achieve a positive outcome.

The participation of Indigenous Elders in the administration of the law has met with approval from both the legal profession and Indigenous communities. The Elders contribute cultural knowledge and bring respect and an Indigenous speaking style to the process. However the judicial officer alone makes the final decision on an appropriate sentence.

The informal and culturally sensitive layout of the Indigenous courtroom and time taken to allow the defendant to tell their story rather than speak through their lawyer often reveals underlying social issues behind the offence, which can then be dealt with by the judicial officer. The non-adversarial model of this court could also be applied in the future to other specialist courts.

GAIL STYGALL

University of Washington

Virtual Contracts: EULAs and TOSAs

The End-User-License-Agreement and Terms-of-Service-Agreements associated with a wide range of web sites are contracts moved online. In my continuing study of complex legal documents, this paper will examine the electronic EULAs and TOSAs for their linguistic complexity. I am especially interested in the clauses in these contracts that allow the makers to change the contract at will and without informing the people who had agreed to another form of the contract (Stygall, 2010).
Contracts are commonly written in problematic legal language: many contain lengthy sentences, with multiple clauses and use legal terms unknown to ordinary readers along with other impediments to reading. Many websites require that a would-be participant “sign” a EULA or a TOSA, by clicking on an answer, before he or she can actually enter the website. Most online users do not read these contracts.

Although it seems reasonable that such a contract should be considered so one-sided as to be void, that has not always been the case. Part of this paper will address two cases in the United States, ProCD v. Zeidenberg 86 F. 3d 1447 (7th Cir. 1996), and Bragg v. Linden Research, Inc., 487 F.Supp. 2d 593 (E.D. PA 2007) not only for their statements about “click wrap” contracts but also for their characterizations of the parties in traditional contract roles and the courts’ understanding of literacy. ProCD has been considered a leading case in the area and the Court’s interpretation was something along the lines of “if you clicked, you signed it.” The second case, Bragg v. Linden Research, is a case in which the finding was against the maker of the contract and for the consumer. Linden Research is the corporation that holds the online community Second Life. The second part of this paper examines three online EULA/TOSAs: one from a social media site, one from an online portfolio site, and an online news site.

PETER TIERSMA
Loyola Law School, Los Angeles

Writing and the Rule of Law

Law was first written down in ancient Mesopotamia. Ultimately, the writing of law, combined with higher literacy rates (for instance, in ancient Athens), enabled the development of the rule of law. In Athens this is evidenced by the practice of inscribing the law in stone stelae located in public places, and the development of the principle that if there was a written law on a subject, judges were bound to follow it.

The development of printing enhanced the rule of law because it promoted literacy and also because exact copies of statutes could now be made widely available. In addition, most countries today only allow judges to enforce laws that have been properly enacted (in writing) and adequately publicized.

Thus writing and the rule of law have been closely intertwined for centuries. Whether this will change with developing technologies of communication, like the Internet, is unclear. The Internet has the potential to make lawmaking more democratic in that it is easy and cheap to conduct referenda online. It also has the potential to expand knowledge of the law among the citizenry. Some scholars have suggested that as statutes move from the printed page to the Internet, they will become more dynamic, and incorporate graphics and other multimedia content, similar to the contents of a website. There is no doubt that the modern communications will increase the public’s access to legal information, which clearly will promote the rule of law. On the other hand, the stability and durability of writing is one of the reasons that it has been so useful to the rule of law. Moreover, language is a very efficient way of communicating complex information. While the content of laws is already widely available online, it is likely that those laws will remain relatively stable written texts for a long time to come.
Litigants-in-Person as Intruders in Court

The mere presence of lay people representing themselves in court puts many strains on legal professionals, mainly the judge and the opposing lawyer. The paper presents a linguistic analysis of the interaction between two litigants-in-person and the judge as well as the interaction between the same litigants-in-person and the opposing lawyer.

The data are drawn from a non-jury libel case McDonald’s Corporation v. Helen Steel and David Morris tried in the UK High Court (the proceedings lasted from June 1994 till December 1996). Steel and Morris had to represent themselves for the lack of financial means. Both the judge and the lawyer representing McDonald’s had to take account of the litigants-in-person and adapt the pace of the court proceedings. Acting as their instructor on legal matters, the judge Mr. Justice Bell had a difficult task to ensure that Helen Steel and David Morris were treated fairly. Richard Rampton QC, the top libel lawyer employed by McDonald’s, was in a tricky situation as well because he had to be extremely polite and considerate of the pro se litigants so that he would not be blamed for taking advantage of their lack of experience or knowledge.

The analysis of turn-taking strategies, interactional strategies, politeness strategies and forms of address shows that the litigants-in-person were sometimes treated as intruders into highly formal courtroom settings. The aim of the paper is to point out several problems that constantly reoccurred in communication between the pro se litigants and the legal professionals, i.e. the judge and the opposing lawyer.


Exploring the Potential for Formulaic Language as a Marker of Authorship

Some phrases are dialectal whilst others are markers of idiolect and some phrases are distinctive whilst others are less so. In the UNABOM investigation, the bomber was in part identified by his brother on account of his use of the characteristic and personal expression ‘cool-headed logicians’ (Fitzgerald, 2004: 208) whilst Mollin (2009) argued that collocations such as ‘entirely understand’ and ‘utterly absurd’ were idiolectal for the former British Prime Minister Tony Blair. Such phrases are of potential importance for forensic linguistics because, insofar as they are formulaic, that is, “stored and retrieved whole from memory at the time of use [as if they were single words]” (Wray, 2002: 9), they are likely to elude a writer’s attempt to disguise their style. It follows that research into formulaic language usage may have the capacity to assist in the development of new tools for authorship analysis.

In order to test this hypothesis a large list of formulaic language was specially created from multiple online sources (e.g., lists of clichés, idioms) and then used to identify the occurrences of formulaic sequences in a specially constructed unique corpus of 100 short personal narratives (five texts
produced by each of 20 authors). The aim was to establish how reliably formulaic sequences could be identified in texts and whether authors could be differentiated based on their use of formulaic language. The findings of this research and potential application in authorship attribution cases will be discussed.


TESSA VAN CHARLDORP

VU University Amsterdam

“You asked me what happened last night”: A comparison between first story solicitations in police interrogations and the text in the police records

Police officers often use an open ended question such as ‘what happened?’ to elicit a first story during the interrogation. Suspects often put themselves in the best light in their lengthy narratives, as Kidwell also describes in her study of ‘at-the-scene’ police questioning (2009). Suspects use ordinary terms such as “we were walking nearby on my street” or “I was just sitting in the garage yesterday, chillin.” Similar to what we see in Kidwell’s material, these first-person narratives depict the suspects as being engaged in everyday activities (what Sacks calls “doing being ordinary”, 1984). Furthermore, these stories are often vague and make no reference to time or exact locations (cf. Rock, 2001; Jönsson & Linell, 1991).

The police records that are typed up during the interrogation and that are, according to Dutch law, supposed to be written ‘as much as possible in the suspect’s own words’, show a much more factual, detailed and intentional version of the story told. The majority of the elicitation questions and the negotiation process that occurs later while the officer is typing up the story is not shown in the record. During this process, the officer asks several questions that are framed in terms of intentional states (also see Edwards, 2008).

In this presentation I will use a collection of 13 police interrogations and written police records to explicate how the ordinary version of events told by the suspect changes into a legally relevant story filled with references to exact locations and moments in time written by the police.

MARGARET VAN NAERSSEN

Immaculata University

Faked or Truthful Second Language Proficiency: Assessing claims

An experimental protocol was developed for determining the ease/difficulty of faking a lower than truthful language proficiency in a federal case involving a non-native speaker (NNS). This is a report on a replication with 18 subjects.
In many cases claims by NNSs are truthful about problems in understanding/speaking. However, some may try faking low second language (L2) proficiency levels for legal advantages.

To address this, an experimental protocol was developed for a federal case using an alternating language story retell task along with an English oral assessment. This was also tested on two other subjects. Initial results suggested the degree of subconscious “leakage” of content across languages might be evidence of truthful listening abilities. Lacking additional relevant legal cases, a replication study was done with 18 subjects outside the legal system.

In this protocol an alternating language retell task was paired with an oral English test. In the story retelling task, subjects listened to a narrative with two related storylines, told in an alternating pattern in two languages: in Chinese (the subject’s first language, L1), and in the L2, English. The subjects then retold the story in Chinese. This assumes subjects have accessed the narrative content through their L1 and L2. What uniquely “English information” shows up in the retell in Chinese? Such leaking of information from the English story, might provide evidence of a general level of L2 listening comprehension. This evidence was then examined in light of the language elicited in the L2 language proficiency interview.

To further explore the proposition that this protocol might catch those faking a lower proficiency, two subjects were asked to intentionally try to fake a lower proficiency. They were asked to role-play “arrested drug dealers”. Afterwards their truthful language proficiency was also tested and comparisons were made across the two samples.

MICHAEL WALSH
AIATSIS/University of Sydney

Experts as 'Vulnerable' Witnesses in Australian Aboriginal Land Claim and Native Title Cases

We tend to think of communicative challenges for witnesses by virtue of age (e.g. children), gender (for women in a male dominated legal setting), limited formal education or limited knowledge of the English language. However it can be demonstrated - particularly in some more recent Australian Aboriginal land claim and Native Title cases - that experts appear to have become vulnerable witnesses. In this paper I will focus on some of the difficulties encountered by witnesses expert in anthropology, history and linguistics. Their difficulties would appear to have arisen - at least in part - from profoundly different discursive expectations between the law and expert disciplines. One site for discursive dispute is a perceived straying outside disciplinary borders: historians doing ethnography; ethnographers doing history; anthropologists daring to talk about language! But even when it is felt that people have not strayed too far from what constitutes their discipline (a rather problematic issue in itself!), various witnesses have failed to transmit some pretty basic issues effectively, despite such witnesses being among the least likely to be subject to communicative challenges. I’ll consider some of the reasons for such failures and display some of the considerable frustration experienced by these ‘vulnerable’ witnesses. It is not merely frustration but disgust from the aggression in their legal encounters that has led too many to desert the field as expert witnesses. In the Australian situation this disenchantment is not restricted to Australian Aboriginal land claim and Native Title cases (although that is what I will focus on) and points to an alarming trend where cases will be reduced in the extent to which they have the advantage of relevant expert knowledge.
ANN WENNERSTROM
Attorney at Law, Seattle, Washington, USA

Why is this Judge a Language Assessment Expert?

This presentation investigates a series of language assessments made by judges in decisions of whether to appoint an interpreter under the U.S. Court Interpreters Act (27 U.S.C. § 1827). Federal law in the U.S. requires that in lawsuits initiated by the government, a defendant with limited English must be afforded an interpreter. According to the Act, the judge must determine a) whether the primary language of the defendant is other than English, and b) whether the lack of an interpreter would inhibit communication such that the proceedings would be fundamentally unfair.

An analysis of cases involving this law since its inception in 1978, indicates that judges rarely call on linguistic experts for the decision, and may even rule to exclude expert testimony. Instead, judges use a surprising array of ad hoc factors to assess language ability, among which are: the language of the defendant’s spouse, grades in secondary school English class, occupation, such as driving a school bus for a living, answering ‘yes’ to ‘Do you understand?’ questions, and even, in one case, the fact that the defendant “discussed matters of literature and philosophy” with the judge. In addition, judges may conduct a ‘discourse analysis’ of transcripts from police interviews or prior trials to determine if the defendant exhibited confusion under questioning in English.

The presenter, who is both an attorney and a linguist, will argue that although judges’ assessments may lack theoretical rigor, the factors they invoke do reflect an instinct about valid linguistic and sociolinguistic criteria. Therefore, this analysis of judges’ priorities can be used to construct a legal argument in favor of admitting expert linguistic evidence. Suggested wording for such an argument will be provided.

KONG WO TANG AND CHRISTOPHER N. CANDLIN (POSTER)
Macquarie University, Sydney

Discourse Practices, Focal Themes and Discourse Roles in the Australian Migration Review Tribunal (MRT)

Pursuant to the Migration Act 1994, the MRT reviews unsuccessful cases for residency visas to Australia upon receipt of applications from the review applicants. It examines the evidence, materials and documents submitted by applicants, and its power includes setting aside the decision made by Department of Immigration and Citizenship (DIAC), remitting the application back to DIAC for reconsideration, and affirming DIAC’s decision. Presiding Tribunal Members are experienced either in migration or administrative law. To date, there have been no empirical discourse-based studies of the MRT and its processes.

The project explores how MRT conducts its hearings distinctively to that of court proceedings. For example, legal representatives, sponsors, or registered migration agents (RMA) are not allowed to speak unless invited by the presiding Member, who will often use lay terms to address questions to applicants or witnesses, with or without interpreters or translators. Members draw on this fact-finding process to determine if the application should be decided in favour of the review applicant or otherwise, pursuant to the legal framework of the migration legislation.
The project focuses on the procedures and associated discursive practices of the MRT and how these are articulated by participants, augmented by data from any pre-hearing conferences. These data are extended and critiqued through ethnographic, interview-based accounts from a selection of key participants.

The poster identifies the MRT as a distinctive, complex communicative event characterised by its own focal themes, its particular participation framework, its associated discourse types and repertoire of strategies, evidencing the at times contested roles and purposes of participants. The poster also describes the project in terms of critical sites, data sets and analytic tools.

YOPING XU
Guangdong University of Foreign Studies, P.R.C.

Dancing with Shackles: Judge’s engagement in Chinese civil case court conciliation

Crowned by the west as “Oriental Experience”, court conciliation (CC for short), a form of mediation conducted by judges in Chinese civil cases, has drawn wide attention both at home and abroad for its unparallel role in resolving civil disputes effectively. According to Chinese laws and regulations, judges preside over CC, and if necessary, provide conciliation schemes for parties’ reference. It can thus be inferred that judges’ engagement, either as an organizer or advice-provider, is indispensible for CC. However, there has arisen a huge tension between judges’ active engagement and parties’ voluntary disposal of their procedural and substantive rights. Hence, how judges, effectively yet legitimately get engaged in conciliation and persuade parties to change attitudes has become a great concern of legal scholars and practitioners, and judges in particular.

This paper, integrating Martin & White’s (2005) findings on engagement and Sinclair & Coulthard’s (1975, 1992) descriptive system of the exchange structure, aims at analyzing the time, the mode and the effects of judges’ engagement in CC both at the lexical and discourse levels. The data of the present study are extracted from the Corpus for Legal Information Processing (CLIPS) (Du, 2007). This study can hopefully unveil the linguistic performance of judges' engagement in CC, and provide linguistic reference for the balance of judges’ better engagement in conciliation and sound protection of parties’ rights during conciliation.

ZHANGHONG XU
School of English for International Business, Guangdong University of Foreign Studies

A Pragmatic Approach to Litigants’ Deceptive Strategies in Reconstructing Legal Facts in Chinese Civil Courts

As trialling is a process of establishing legal facts and a linguistic struggle between litigants, the importance of legal facts in shaping the outcome of the trial cannot be over-evaluated. Consequently, litigants try their utmost to reconstruct legal facts to their advantage, to justify their narrative account as one party in the civil relationship at issue and accuse the other party, to defend their claims in court and to diminish the credibility of the other party, etc. To obtain the ultimate goal of winning the cases, litigants are likely to descend to the strategies of deception.

The present study attempts to probe into litigants’ deceptive strategies in court, by analyzing 30 self-represented civil cases in Chinese courts. It undertakes to explore how courtroom deception takes place and what factors contribute to the deception, by applying Gricean and Neo-Gricean pragmatic
theories, Undeutsch’s Statement analysis and Verscheuren’s linguistic adaptation theory. It is found that litigants, confronted with the substantial matter of the case, tend to employ deceptive strategies, which are realized in the following ways: fabrication, distortion, and concealment. More specifically, litigants’ deceptive strategies are linguistically indicated by (a) contradictory representations from the two parties; (b) inconsistent representation from the same litigants; (c) over-informativeness in representation; (d) under-informativeness in representation; and (e) vagueness of representation.

Furthermore, courtroom deception is found to be related to the following factors: (a) the high importance of the subject matter to the parties lures them to take the risk; (b) there is virtually no enforceable punishment for deception in Chinese civil courts; (c) there is insufficient effective physical evidence and few eyewitnesses, for some of the facts in the case are known only to one party; (d) “poor memory” is frequently used by litigants as an excuse for inconsistent representations. It is hoped that this study will shed some light on judges’ perception of, and the detection of, courtroom deception, and hence enhance the efficiency of trials.

NING YE AND JIXIAN PANG

Zhejiang Police College, P.R.C.

Police Interrogation and Identity Construction

Throughout the police interrogation, the identities of police interrogators and suspects do not match simply with questioners and answerers. The identities of the two parties are dynamic in accordance with the changing communicative purposes in different stages of the interrogation process. At the opening and closing stages of interrogation, the institutional identity of the police interrogators is salient. They act as spokespeople representing the law enforcement institution and confine the identity of the suspects to addressed recipients. At the stage of information gathering, the police attempt to construct an ideal interrogation mode in which their identity is that of recipients and the suspects is that of speakers, which could help to indicate that the confession is made voluntarily rather than by coercion. By using open questions, the police interrogators attempt to give the suspects the identity of narrators (of the criminal fact). However, with the asymmetric power of the two parties and the conflict between their communicative purposes, the ideal mode of interrogation may often be destroyed consciously or unconsciously, which shapes the shifting identities of the participants in the interrogation.

This paper argues that while their institutional identity entitles the police interrogators to obtain the required information from the suspects, it also restricts the interrogators’ performance and affects the suspects’ cooperation in turn, causing the break-down of the ideal mode. It will be demonstrated that an improvement in the police awareness of their identity construction in the interrogation will facilitate the achievement of their interrogative purpose.

CHUANYOU YUAN

Guangdong University of Foreign Studies, China

A Comparative Multimodal Analysis of Two Courtroom Discourse: Systemic-functional perspectives

This paper makes a multimodal and contrastive analysis of a Chinese courtroom extract and an American counterpart. The author studies the courtroom discourses from various visual and verbal techniques.
modes, such as the courtroom layout, foregrounding and backgrounding of participants and the movements of the lawyers as well as the speech of the participants. The analysis is based on systemic-functional linguistics, including the metafunctions and Appraisal theory. Ideationally, substantive and procedural goings-on in the courts (the outer world and the inner world that participants are experiencing) are constructed through the transitivity choices in participants’ speech, supplemented with other modes like gaze, pitch and bodily movements. Interpersonally, different relations between or among participants (power, solidarity, dis/alignment, dis/engagement) are construed via the choice of Mood type, Modality and Appraisal resources, and are reinforced by other modes like proximity, movement and angles. Textually, the courtroom trial is realized either as a battlefield by using oral weapons (debating) or as a lecture hall by using prepared written speech (lecturing), by means of Thematic structure and information flow, which is further reflected via settings and groundings. The analysis makes courtroom discourse experientially, interpersonally and textually salient and different.

The study reveals that Chinese courtroom discourse is quite different from American courtroom discourse in making ideational, interpersonal, and textual meanings by means of various modes and modal density. Chinese courtroom tends to employ fewer modes than the American courtroom and discourse and meanings are not constructed as completely and thoroughly as in American courts. The differences are attributable to the different trial systems prevailing in the two countries, i.e., the inquisitorial system versus the adversarial system.

**JINGYU ZHANG AND QINGLIN MA**

Shaanxi Normal University

**Reasonableness and “the Reasonable Person” in the Chinese Context**

Legal argument in English pervasively relies on the term ‘reasonable’ (Fletcher, 1996), which carries with it a framework of evaluation that plays an important part in English discourse (Wierzbicka, 2006). The ‘reasonable person’ standard plays a central role in the law, especially in tort law, criminal law and administrative law (Moran, 2003). In this paper, we try to examine reasonableness and construct the reasonable person in the Chinese context. This construction accords with the people-centeredness approach in China’s scientific development concept. A case in point is the role public opinion played in the court’s alteration of a verdict from life-long to a five-year imprisonment for a 23-year-old worker who illegally withdrew 17,000 Chinese yuan with his own debit card from an ATM. Another case concerns the judicial endorsement of a 200,000-yuan administrative penalty against an advertiser whose lamp-house ad wanmei nvren (玩美女人, literally “play beautiful women”), a homophone of “perfect women” (完美女人), ran counter to some healthy social conduct principles. The ad is ambiguous with one reading being “woo or uphold a beautiful woman”, and the other “play with beautiful women” on the polysemous nature of wan which has taken some light-hearted and liberal-minded meanings as in wan gupiao, “dabble in stocks” and wan shenchen, “play deep-drowned”. The question is whose interpretation should be used when assessing the case: the noble reading, the vulgar reading or the judge’s? Clearly, it is necessary to construct an objective standard of the hypothetical everyday, ordinary person. The people-centred approach accords with belief that most ordinary people are “reasonable people” and their thinking is essentially good and trustworthy, for in most situations they will be able to think well enough for practical purposes (Wierzbicka, 2006).
Liping Zhang
School of Foreign Studies, Nanjing University of Science and Technology, P.R.China

Negotiating Solidarity as a Dispute Resolution Mechanism in Chinese Court: Confucian interpretation

Situated in the Confucious cultural background for thousands of years, the trial system of China provides a discourse situation in court awaiting research, though in the past three decades it has been trying to balance the advantages of the continental law system and the Anglo-American adversary system. In exploring the adversary features of lawyer talk in Chinese court, this article finds a courtroom discourse pattern with generic features divergent from those both in the Anglo-American courts and the Continental trials.

What stands out in the Chinese courtroom is a picture of mild argumentation where, following the form of adversary trial, attorneys from two parties argue with each other, but in an impressively peaceful, friendly manner for the “right” interpretation of the case at issue. The argumentation is mild in the sense that it is free from the emotional contestation and rich in dialectical judgement of the arguments and evidence from the opposing side (ZHANG Jun et al., 2001: 27). On account of this, this thesis approaches the lawyer talk in Chinese courtroom from the orientation of solidarity. Specifically, it studies how solidarity is constructed with no risk of sacrificing the contesting nature of the courtroom on one hand and a high possibility of being contributive to the dispute resolution process on the other hand.

The rationale of this study consists of two points. First of all, as discourse is an incarnation of society, analyzing the generic features of the courtroom discourse in China reveals the legal practice in China. Secondly, current studies of courtroom discourse highlight one prominent theme, power and control. Following Martin & Rose (2003), this paper takes a complementary view to lawyer talk, viewing discourse as a constructive tool (i.e. PDA) of dispute resolution other than a tool to control and manipulate others.

On the basis of two corpora, a microscopic view of the argumentation between opposing attorneys in the court from the Hallidayan social semiotic perspective, in particular, the Hallidayan framework of interpersonal resources, brought into being a lawyer talk predominantly noted for the negotiation of solidarity as a constitutive part and constructive means of dispute resolution.

The construction effort on both parts of lawyers is not to be dismissed as a lack of power merely. Rather, the salience of solidarity in the contesting speech environment bears close connection with the Confucian ideology of dispute resolution, jun zi he er bu tong (literally which means, gentlemen seek harmony with each other in spite of differences between them).

Xinhong Zhang
Guangdong University of Foreign Studies

How do Chinese Courts do Justice in Foreigner-related Cases: A survey of court interpreting practice in China

The paper starts with a discussion of the dual nature of court interpreting in foreigner-related criminal cases in Chinese courts, i.e., to do justice and to facilitate communication. It then surveys the criminal procedure and the related court interpreting practices in such cases, with some attention being paid to legal cultural clashes. After pointing out some problems in connection with
the practice, the paper goes on to discuss the legal and professional reasons that lie behind the problematic court interpreting practice, including the lack of legislation concerning this new profession, no accreditation and supervision of the quality of the service, insufficiency of professional training of the interpreters, lack of understanding and respect for the newly emerging profession on the part of the judges and lawyers, incorrect instructions from the judges concerning how justice is to be done, lack of legal knowledge on the part of the interpreters, lack of communication between legal language and legal professionals, and so on. Some suggestions are then made, based on the experience of other countries, the specific concerns of Chinese courts and the poor educational background of the foreign defendants. Lastly, some implications for interpreter training and practice are presented.

ZHOU ZHIYI

Guangdong University of Foreign Studies

Confessions & Forgiveness: Forensic linguistic studies of the right to silence outlawed in the Criminal Procedure Law of the P.R. China

The different confessions in religion and in law are literally and inherently correlated with each other. He who confesses his transgressions before God will obtain mercy, but whoever confesses his crimes before interrogators can just gain psychological relief or perhaps more. And the religious confessor is driven by original sins to seek self-redemption, while the criminal suspect is obliged by Article 93 of the Criminal Procedure Law of the P.R. China to answer questions and tell the truth without any concealment or false statements, confessing his guilt at the expense of self-incrimination, though the right to silence may be claimed and rejected repeatedly.

When interrogated in secret and without any attorney present by means of violent torture or through peaceful but coercive questioning, the suspect might confess some absent-minded false confessions, hoping to survive the interrogation when there is no help and then to cast doubt on, or even to deny the said confession in the public trial when his attorneys are present. So the confessor at law might logically deliver inconsistent speech acts, i.e. suspect confessions to be collected during investigative interrogations and defendant confessions to be cross-examined during court trials.

But, if in disagreement, which one shall prevail, suspect confessions before the prosecuting police or defendant confessions before the unbiased judge? Furthermore, if in conflict, which one shall succeed, the alleged fact that was incurred in private during the police procedure or the one that was elicited by public reasoning in the judicial procedure? To believe this or to believe that is realistically a question.

Given that the objective truth and juristic fact often remain at odds, the presumption of guilt needs to be abandoned whilst the presumption of innocence needs to be strengthened so that the number of miscarriages of justice may be reduced and eventually eliminated.
Of increasing interest to forensic linguistics is the use of language analysis in the investigation of the claims made by asylum seekers about their origins – whether national, regional or ethnic. This colloquium brings together university-based linguists with linguists and LADO practitioners from three of the companies which provide this language analysis. The seven papers will deal with

- general theoretical perspectives,
- investigation of approaches to LADO,
- the relative weighting given to LADO by immigration tribunals,
- an experimental study,
- specific linguistic issues in one of the currently most important geographical regions of origin of asylum seekers.

The first session of the colloquium comprises four papers dealing with Africa. Susan Fitzmaurice investigates “linguistic impersonation” – alleged attempts by asylum speakers to speak as if they are from a particular place or ethnic group. Using two case studies, she explores the complex linguistic issues which arise in assessing claims of asylum seekers to be first language speakers of Zimbabwean English. The complex linguistic situation in northern Kenya and the southern Somalia coast is the focus of the next three papers. Minna Persson reports on two proposed field research projects to update earlier linguistic knowledge about the use of Bajuni and the patterns of codeswitching between this language variety and standardized Swahili. Georgi Kapchits reports on the spread of the Daarood dialect and its contact with the Benaadir dialects. Duncan Munala, who is a Bajuni speaker, will discuss the issues which arise for non-linguistically trained analysts (often referred to as “native speakers”).

The second session of the colloquium turns to more general issues and controversies in the practice of LADO. Anna de Graaf, Jan ten Thije and Maaike Verrips investigate approaches to the elicitation of spontaneous and natural speech for LADO, and report on a related research project and the development and evaluation of a protocol. Kim Wilson and Paul Foulkes report on an empirical experimental study which investigated the performance of linguistically-untrained native speakers, phonetics students, academic phoneticians and LADO professionals in a dialect identification test. Petter Lövgren provides an overview of how LADO reports are considered in tribunals. The final slot in the colloquium will provide the opportunity for discussion of issues arising from the papers.

ANNA DE GRAAF¹, JAN TEN THIJE² AND MAAIKE VERRIPS¹

¹De Taalstudio, ²Utrecht University

Eliciting Spontaneous and Natural Speech for the Purpose of LADO

De Taalstudio provides language analyses and contra-expertises by independent linguistic experts for a large number of languages, in a number of European countries. Based on a recorded interview
with the asylum seeker the expert writes a linguistic report about the possible origin (socialization) of the asylum seeker. The outcome of the analysis can be of significant importance in the decision to grant a person asylum or not, and therefore it is important that it is based on a reliable speech sample of the applicant in question (see also Guideline 5 of Guidelines for the Use of Language Analysis). Insufficient (natural/spontaneous) speech, an inaudible recording, or a recording under ‘bad’ circumstances, undermines the reliability of the analysis (De Graaf and van den Hazelkamp, 2006; McNamara et al, 2010).

European agencies dealing with language analysis make use of different elicitation methods: for example a direct analysis over the phone or an indirect analysis of a recorded interview with an interpreter. De Taalstudio started recording of (supplementary) linguistic data in 2009. When preparing this facility, a number of research projects were carried out in collaboration with Utrecht University (Ten Thije 2008), with the aim to define a protocol for these interviews. The protocol has since been used and was evaluated in another study. Although much research has been done on interview techniques and on how to collect spontaneous language data, little to no research has focused on the particular requirements of a language analysis interview. In this paper we present the results of the research projects that we have been running so far.


SUSAN FITZMAURICE

University of Sheffield

Linguistic Impersonation and the Problem of Identifying the Native Speaker in Asylum Seeker Cases

In this presentation I examine the treatment of what I will call ‘linguistic impersonation’ and the questions and challenges this raises for language analysis when impersonation occurs in asylum seeker cases. I discuss two cases in which an asylum seeker claims to be a first language speaker of English from Zimbabwe in order to gain protection in a European Union member country. Linguistic analysis of evidence presented in the form of recorded speech strongly suggests that the accents exhibited are not those of speakers whose origins are Zimbabwean. However, the speakers’ claims to be first language speakers of English are arguably much more difficult to judge. The current highly complex sociolinguistic continuum of English speakers in Zimbabwe and in other African countries
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(often stratified along rural and urban lines) is evidence that it is possible for L1 speakers’ English to be strongly accented as a result of extensive contact with basilectal L2 speakers of English in multiple domains, in particular, in educational settings. The question this complex situation raises is how confident analysts can be that the evidence yielded by recorded speech is sufficient to determine the difference between L1 and L2 speaker status. In other words, how straightforward is it to ascertain whether speakers with accents marked by key features of L2 Englishes are L1 speakers of English rather than L2 speakers? For this presentation, I draw upon my own analyses and on the highly problematic classification of varieties of African Englishes based on proficiency as a measure (e.g. Mesthrie, 2008). I weigh the relative salience of the phonological, morpho-syntactic and lexical evidence in the investigation of linguistic impersonation, paying special attention to the question of determining the status of a speaker as a native speaker or second language speaker.


GEORGI KAPCHITS

Moscow University

The Daarood Dialects in Contemporary South Somalia

In 1981 Marcello Lamberti undertook a scale research work in Somalia which resulted in a series of pioneering publications on Somali dialects. In “The linguistic situation in the Somali Democratic Republic” (1984), “Map of Somali dialects in the Somali Democratic Republic” (1986) and “Die Somali-Dialekte” (1986) he drew, as justly mentioned by Andrzej Zaborski “a clear picture of dialect differentiation and dialect spread of the Somali language.”

Lamberti’s publications contain several maps reflecting the distribution of the above mentioned dialectal groups. My study of the socio-linguistic situation in dozens of settlements in South Somalia witnesses that the map of the Daarood dialects drawn by Lamberti needs serious updating. The tragic events of the recent Somali history have caused massive tribal migration, accompanied by shifts, collisions and mixtures of dialects, the scale of which has to be thoroughly studied and properly fixed.

In the article “Lamberti’s maps of Somali dialects and the current socio-linguistic situation in South Somalia” (Proceedings of the conference “5000 years of Semito-Hamitic Languages in Asia and Afrika”, Berlin, 2010, in print) I described the socio-linguistic shifts in the southern province of Gedo in which the Daarood dialect of Degodiya had been forced out by the dialect of Marrehaan, which belongs to the same dialectal group. In the present paper I explore the intrusion of the Daarood dialect of Habargidir, traditionally spoken in the central parts of Somalia, into several southern regions and towns, including Mogadishu, with the outbreak of the civil war in 1991. Today this dialect either co-exists with the Benaadir dialects which have always been spoken there or has considerably contaminated them.

This fact must be taken into consideration by the linguists engaged in speech analysis of the Somali refugees seeking asylum in Europe.
**PETTER LÖVGREN**

Sprakab

*Weight of Evidence of Language Analysis Reports in Tribunals - An Overview*

Language analysis for the determination of origin (LADO) has reached legitimate status in several countries some time ago. Although language analysis (LA) is a more or less accepted instrument, its assessed weight as evidence in immigration cases displays disparity. The aim of this presentation is to provide an overview of how LA reports are considered in tribunals. The focus is on the varying evidential weight of LA reports. Whether or not the appeal was been granted is not discussed.

Decisions in asylum cases constitute the empirical data for this investigation and so the actual LA reports will not be analysed. The investigation focuses on the role of the LA, rather than the analytical details of the LA report in question. LA reports, most often, come in a more or less standardized format. For this reason, a comparatively small sample of decisions are sufficient to display varying evaluation by tribunals.

An initial investigation of decisions displays both sound reasoning and the questionable dismissal of LA reports as evidence. While there are examples of LA reports having been given considerable weight, there are also examples of an LA report being considered in relation to other means of investigation. Furthermore; there are examples where the weight given to the evidence is somewhat confusing. Where there is close cooperation between a tribunal and the LA provider, the weight given to the evidence is considered comparatively strong. Where there is little cooperation between a tribunal and the LA provider, the weight of evidence is considered comparatively weak.

**DUNCAN MUNALA**

Sprakab

*About the Bajuni Language*

This presentation will discuss the Bajuni language, and the facts found during my field trip to Kenya, Somalia and the Bajuni islands in 2010.

I have worked with the Bajuni people for six years, in Kenya and in Somalia. For the last three years I have worked at Sprakab as a language analyst regarding Bajuni.

The Bajuni language, a variety of Swahili, has influences from both Swahili and Arabic. This can come from people using the Arabic-written Quran and intermarriage with the Swahili people. There are some undeniable phonological and morphological differences between Standard Swahili and Bajuni. While there are linguistic differences between Swahili and Bajuni, speakers of both varieties generally find the two mutually intelligible.

As an analyst at Sprakab, I come across criticisms such as “The interviewer conducts the interview entirely in Swahili, he does not speak Bajuni at any point, and at no point asks applicants to speak in Bajuni” and “Faced with official interviewers talking Swahili, and refugees always follow along, despite instructions to speak Bajuni”. The reason for the field trip was to shed some light on these kinds of criticisms and to examine and display updated facts about the Bajuni community and their language use. I have recorded conversations by Bajunis on various places in Somalia and Kenya.
MINNA PERSSON
Verified AB, Sweden

LOID - Empirical Foundation for Bajuni Evaluation: The Verified fact finding mission

The Bajuni language (G41) (Maho, 2003) is spoken in an area comprising the northern Kenya and southern Somalia coast. The most recent data was collected in Kenya in 1978-1979 (Nurse, 1982). Bajuni shares many isoglosses with other northern dialects of Swahili (especially with Siu, spoken in Siu village on Pate Island, Kenya), but there are a number of features specific to Bajuni. The study mentioned above lists a number of phonological and morphological features which are claimed to be regular, along with some lexical differences (Nurse, 1982).

The dire situation in general and for minorities in particular has led to the people identified as Bajuni abandoning Somalia for Kenya and other places, beginning in the late 1980s. In 1997, many of them were encouraged by the UNHCR to relocate to the islands off the shore south of Kismayu (LandInfo, 2010).

It is a reasonable assumption that some change has occurred during these past three decades. Specifically, it has been claimed that Bajuni speakers today speak a more standardized Swahili with elements of Bajuni inserted through the process of code switching. The aim of the current project is to investigate the character and extent of this change, with particular reference to the features mentioned above, based on contemporary data.

In the first of two field campaigns, Bajuni speakers of different ages will be used as informants, recorded in monologue and dialogue and with different degrees of spontaneity. The field work will be conducted in northern Kenya, in the Bajuni refugee camp in Garisa, central Kenya and, safety arrangements permitting, on the Somali side of the border. The aim is to gather data from 24 informants with a total duration of about 15 minutes per informant. The Bajuni corpus thus established is intended to provide a basis for making tentative generalizations about the current prevalence of claimed Bajuni specific features and to guide the design of the second field campaign. The first study will focus on phonological and morphological features, with the second one also including further grammatical features.


Language Analysis for the Determination of Origin: An empirical study of native speakers, LADO professionals and phoneticians

At present, methods of language analysis differ across LADO agencies, with no standard testing methods yet established. Debate also surrounds the level and types of professional qualifications required to carry out the work, and the value of including native speakers in the process (e.g. Patrick 2008, Eriksson 2008). More generally there are calls for empirical investigation of currently practised methods and aspects of speech perception and speaker/dialect analysis that underpin identification of linguistic features (e.g. Fraser 2009).

The present study takes a first step towards answering these calls. The aim of the study was to investigate the performance of linguistically-untrained native speakers, phonetics students, academic phoneticians and LADO professionals in a dialect identification test. Participants listened to seven speech samples, five from Ghana and two from Nigeria. Listeners were asked to assess whether or not the speakers were Ghanaian, and to indicate their degree of confidence using a five point Likert scale. They were also asked to list the features leading to their decisions. The 3 groups of linguistically trained listeners had no prior experience of the language varieties in question. They were provided with phonetic training materials created for the task, based on published descriptions of Ghanaian English. 42 subjects completed the test. Results showed significant differences between groups in regard to number of correct responses and levels of confidence. Native Ghanaian listeners performed significantly better than all other groups (86% correct). Academics (67%) performed better than LADO professionals (50%). Native listeners and LADO professionals generally gave more confident results than academics and students to both correct and incorrect responses. Academics and students were most cautious and gave fuller justifications for their decisions. When ‘unsure’ responses are discarded, academics scored 81% correct, native speakers 86% and LADO professionals 55%.

The results are not interpreted simplistically as supporting the view that native speakers are necessarily the best placed to conduct LADO analysis. The experiment did not offer a fair competition. It involved only phonetic/phonological analysis, the tests did not involve materials typical of authentic cases and there was no possibility of interaction with the speakers. What the experiment does show, however, is the potential of native speakers to perform well in the kinds of task central to LADO, as well as the potential of a stronger focus on phonetic analysis.


SYMPOSIUM 2:
CORPUS-BASED APPROACHES TO FORENSIC LINGUISTICS

This 2 hour panel contains a five-minute introduction and five 20-minute papers. There will be 15 minutes for questions and discussion. Taking corpus-based studies as a starting point, the papers demonstrate how specialised legal corpora can be investigated to answer a range of important forensic questions. Two of the papers use corpora to investigate questions of authorship. David Wright’s paper uses the Enron email corpus (XEAC 2009) to investigate author style within the generic constraints of business email interaction and Millicent Murdoch asks ‘What’s in a name?’ as she assesses whether Stephen King and Richard Bachman (the same writer with two identities and pseudonyms) are identifiable linguistically as being the same person, or whether a writer is able to vary language to create two identities. Cara Attenborough’s paper – ‘Upsetting the Applecart: corpus use in the Apple Inc v. Sector Labs legal case’ looks at Apple’s current action to defend its right to be the sole user of the word ‘pod’ against Sector Labs’ use of the words ‘Video Pod’. Claire Brodley looks at the euphemistic representation of rape in the 18th century in the Old Bailey Proceedings. Finally, Will Dickson uses five texts from cases surrounding the McNaughten Trial (1843), also collected from the Old Bailey Proceedings Online, to explore how the defence present ‘monomania’ and the semantic field of madness. All of the papers use Wordsmith (Scott 2006) and other lexical analysis tools, including CFL Lexical Feature Marker (Woolls 2010) to quantify and compare data across datasets and for comparison with the BNC for keyword analysis. The panel makes a case for continuing specialised corpus-based research, in order to develop robust methodologies and empirically-derived knowledge for the future.

CARA ATTENBOROUGH
University of Leeds

Upsetting the Apple Cart: Developing a suitable linguistic methodology for use in trademark disputes

Apple Inc. and a small company called Sector Labs LLC are currently in court proceedings to determine whether the latter company can feasibly call its product Video Pod without diluting Apple Inc.’s iPod trademark. This paper compiled a corpus of American news publications from 2000 to 2010 that featured the lexeme pod, to determine whether Apple Inc. has the right to demand sole use of pod in its product trademarks. Collocational analysis was the chief method used to analyse the data. It was hypothesized that if pod and iPod shared similar collocates then there is considerable likelihood of confusion between iPod and the proposed Video Pod. The analysis found the lexemes are used in different linguistic contexts and there is no significant collocate overlap between pod and iPod. The paper concludes, therefore, that Video Pod should be allowed as a trademark. For this analysis to hold in a courtroom setting, however, the paper concedes that the corpus used, totaling just over 460,000 words, needs to be larger and perhaps also include spoken data to provide an even more accurate representation of how pod is used in the modern English Language.
CLAIRE BRODLEY

University of Leeds

*Representation of Rape in 18th Century Trials in The Proceedings of the Old Bailey 1674-1913*

This study explores the representation of the crime, the accused and the victim in historical rape trials of the 18th century in *The Proceedings of the Old Bailey* www.oldbaileyonline.org. The trial accounts provide the sociolinguist with an opportunity to examine society’s attitudes towards crime and punishment at the time. My research investigates how identities are constructed linguistically, particularly through methods of selective reporting of detail. Combining a corpus-based forensic linguistic approach which draws on critical linguistics, a corpus of 153 18th Century trials has been collected from the larger online database and categorised in relation to whether the trial is fully or partially reported and whether the victim is an adult or a child. Focusing specifically on the 52 trials involving child victims, this paper uses computational tools: WordSmith Tools (Scott 2006) and CFL Lexical Feature Marker (Woolls 2011) to analyse lexical and grammatical features. The euphemistic language employed in the reporting not only constructs the defendant and the crime in benign ways, but analysis also reveals how ideologies and myths about rape were reproduced in the courtroom. Drawing on Reisigl and Wodak’s (2009) ‘discourse-historical framework’ we are able to see how contextual factors such as rape myths of the time work in conjunction with the linguistic construction of identity through trial discourse. Consideration of these ideologies as both a reflection and constitution of society can help to explain the use of euphemistic language, the high proportion of not guilty verdicts and indictments to lesser charges.

WILL DICKSON

University of Leeds

*Semantic and Syntactic Representations of ‘monomania’ in Victorian Trials Surrounding the McNaughten Trial (1843)*

This paper examines how ‘monomania’ and the semantic field of madness are represented in use by the defence, particularly in five cases surrounding the McNaughten Trial (1843). The five texts were selected from a larger corpus of Victorian trials collected from the Old Bailey Proceedings Online, an online resource which contains a collection of over 197,000 trials from between 1674 and 1913. As a result of this ‘disease of the mind’, defendants deserved to be acquitted if a medical expert proved that they were ignorant of their actions or were unable to control themselves at the time of the crime. This paper quantifies collocation patterns of ‘delusion’ and identifies the frequent use of the fixed legal and medical expression ‘labouring under morbid delusion’ in the defence of individuals on the grounds of insanity. It shows that ‘symptoms’ of insanity are often cited by medical experts and that the frequent collocation ‘unsound mind’ is used to convey insanity. This paper also examines how medical teams boost their expertise through cognitive verbs and the epistemic adverb ‘no doubt’. Discussion focuses on the extent to which acquittals of defendants can be argued to be determined by the linguistic construction used in the defence, the circumstances and date of the trials and the context in which ‘monomania’ words are used.
MILLICENT MURDOCH

University of Leeds

What’s in a Name? An Investigation into Authorship Attribution

The aim of this investigation was to determine whether stylistic features of an author are deeply embedded within their writing, or whether it is possible to easily change style when writing under a different name. Data was taken from three authors: James Herbert, Stephen King and Richard Bachman, the latter two of which are actually the same writer using a pseudonym. The analysis was split three ways: a statistical analysis, using Wordsmith (Scott, 2006) and CFL Lexical Feature Marker (Woolls, 2010) of features such as average word length and the proportion of content to function words, a stylistic analysis focusing on the presentation of direct speech and the variety of speech reporting verbs used, and an analysis based on features reported as important from native speaker intuition, which included the greater focus placed on grammatical structures used for settings descriptions for Bachman and King, as opposed to those used for character development for Herbert. The results showed that statistical analysis tools could not distinguish between the three authors, the stylistic analysis found that each of the three authors had a distinct style, and the in-depth syntactical analysis generated from the native speaker intuition was able to establish similarities between King and Bachman, whilst distinguishing them from Herbert. The conclusion was made that whilst authors could quite easily alter lexical decisions, syntactical choices seemed to be more deeply embedded in their idiolect.

DAVID WRIGHT

University of Leeds

Stylistic Variation Within Genre Conventions in the Enron Email Corpus: Developing a text-sensitive methodology for authorship research

Current research into authorship attribution generally belongs to one of two methodological standpoints; on the one hand are quantitative, statistical and computational approaches, while on the other are qualitative stylistic analyses. This paper combines these competing approaches in order to identify unique markers of individual author style in a corpus of emails sent from employees of the former American energy corporation ‘Enron’. An application of popular stylometric markers to a primary corpus of four authors shows that, while they are useful for separating authors, such markers are unable to offer author-unique style features. In contrast, a combination of quantitative and qualitative keyword and collocation analyses processed by Wordsmith Tools (Scott 2010) and CFL Lexical Feature Marker (Woolls 2010) identifies thirty-six style features that are unique to individual authors. Of these, 89% are related to genre conventions of business email; in particular, the structural features of emails, such as greetings, openings, closings and sign-offs serve as fertile environments for distinctive stylistic variation. When tested against a secondary corpus of five additional authors, 54% of the markers maintain their reliability, while 46% do not. The findings here have theoretical and methodological implications. As well as contributing to the idiolect-based versus idiolect-free authorship debate, a text-sensitive methodology is proposed in which the analyst brings to the forensic authorship case an awareness of the interaction between genre and style, and adopts a combination of data-driven approaches. The product is an analytical technique which offers a middle-ground to the currently divergent methods of authorship attribution.
BIG BRUM OPEN TOP BUZ SIGHTSEEING TOUR

Dates: Saturdays & most Sundays from 30th April to 25th September 2011
Tour times: 10.30, 12.30, 2.30
Meeting point: Corner of Colmore Row & Waterloo Street, Victoria Square, next to the Council House
Ticket price: £12 adult, £10 concession, £8 student, £5 children (5 to 15 years), £20 family ticket for 3 adults & up to 3 children

BIRMINGHAM TOURS GHOST WALKS

Dates: City Ghost Walk - 3rd Friday of the month from the steps of the Council House except November & December, Graveshard Ghost Walk - 1st Friday of the month from the main entrance of St Phillips Cathedral
Start time: 7pm
Ticket price: £8 per person

BIRMINGHAM TOURS JEWELLERY QUARTER WALK

Dates: First Sunday of the month April to September
Start time: 11am
Meeting point: main entrance of St Paul's Church, St Paul's Square
Ticket price: £8 per person

DAYS OUT IN BIRMINGHAM

BIRMINGHAM TOURS HISTORY BUS

Tolkien and Tudors dates: 1st May, 3rd July, 4th September
Manufactures & Mansions dates: 5th June, 7th August, 2nd October
Tour times: 11:30, 1:15, 2:15, 3:15
Meeting point: corner of Edmund Street & Margaret Street
Ticket price: £3 per person/children free – pay on the bus. Community Museums FREE OF CHARGE on these dates

Check out our website www.birmingham-tours.co.uk
we specialise in Days Out in Birmingham.

Tickets can be purchased in advance in person at the Rotunda Visitor Centre, Birmingham Central Library Reception, online at www.birmingham-tours.co.uk or for the Big Brum Open Top Buз on the bus. For themed events including Ghostbusters Tour, Christmas Lights Special, private bookings or more details contact Birmingham Tours on 0121 427 2555/078051 15998 or email enquiries@birmingham-tours.co.uk

THE BIG BRUM BUз IS AVAILABLE FOR PRIVATE HIRE ALL THE YEAR ROUND
This conference will be of interest to all professionals involved in investigative interviewing of suspects, witnesses or victims, those involved in interview training and policy, interview decision-making processes, detecting deception, and forensic linguistics.

Confirmed keynote speakers

Dr James Ost, International Centre for Research in Forensic Psychology, University of Portsmouth, UK
Professor Rod Lindsay, Department of Psychology, Queens University, Ontario, Canada
Professor Deborah Poole, Department of Psychology, Central Michigan University, USA.

Masterclass

The Masterclass for 2012 is on suspect interviewing utilising the PEACE model of interviewing. It is being run by Dr Brent Snook, Associate Professor of Psychology at the Memorial University of Newfoundland, and Todd Barron, a Police Officer and Polygraph Examiner/trainer in the PEACE Interviewing Model, from the Royal Newfoundland Constabulary, Canada.

Places are limited so book early to avoid disappointment. A limited number of free places are available for iIIRG members.
Conference Aston
Birmingham Hotel & Event Venues

1. Main Building and Reception
2. North Wing
3. South Wing
4. Students' Guild
5. University Chaplaincy
6. Aston Business School
   Conference Centre and Hotel
7. Woodcock Sports Centre and Pool
8. Optega Day Hospital Birmingham
9. Library
10. Aston Brain Centre
11. Lakeside Centre
12. Gemini Sports Hall
13. Stafford Tower
14. Chemical Engineering Building
15. Sack's of Potatoes Pub
16. Lakeside Residences
17. New Residences Project (due 2013)
18. Science Park Reception
19. Gosta Green Pub
20. BCU Art & Design Institute
21. Black Horse Pub
22. Old Fire Station
23. Birmingham Metropolitan College
24. Nursery
25. Sport Aston Gym
26. Aston Student Village Residences
27. Millennium Point and ThinkTank
28. Sports Pitch
29. Gosta Green Sports Pitch
30. Car Park 6 (evenings)
31. Car Park 12 (inc underground car park)
32. Car Park (Millennium Point pay parking – multi-storey)
33. Car Park (Curzon St pay parking – coaches/overflow)

Route to Car Park 12 from Conference Centre & Hotel
- Walking Route from Millennium Point Car Park
- Route by Car to Millennium Point
- Birmingham Science Park Aston

Disability Visitors - For information about campus or building accessibility, please visit www.conferenceaston.co.uk

IMPORTANT
Car Park 12 is for use by delegates with pre booked parking ONLY. Unauthorised vehicles will incur a £50.00 fine. To book car parking, visit www.conferenceaston.co.uk

All other delegates should park in the Millennium Point Car Park.

Walking route to Lakeside Centre and Aston Business School Conference Centre and Hotel between Stafford Tower and the Lakeside Residences. Look for the Aston University sign (pictured above)

Phase two of the Aston Student Village project 1000 en-suite student bedrooms from September 2013

Aston Business School Conference Centre and Hotel

Conference Aston
Birmingham Hotel & Event Venues

Route to Car Park 12 from Conference Centre & Hotel
- Walking Route from Millennium Point Car Park
- Route by Car to Millennium Point
- Birmingham Science Park Aston

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