THE SOCIOLINGUISTIC COMPLICATIONS AND PRESENT IMPLICATIONS OF ENGLISH-SPANISH LEGAL INTERPRETATION

by

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This thesis focuses on the sociolinguistic complications of legal interpretation between English and Spanish and the deficit of accessible and adequate legal interpretation considering the systemic barriers and complex history between the United States and Latin America. Legal interpretation differs from other translative contexts for many reasons, namely the amount of jargon used in the field, the raised stakes for courtroom participants, and the variety of interpretations for terms originating in dialectal or hybridized Spanishes. Interpreters must balance exactness and appropriateness, which casts a heavy burden upon them to avoid common sociolinguistic pitfalls while operating under the limiting rules of U.S. courtrooms. Unfortunately, consequential errors occur often in English-Spanish legal interpretation, violating the constitutional rights of Spanish speakers and impeding justice. Although solutions vary on how to remedy the present inequality for Spanish speakers in the American court system, there is a clear need for a higher government standard and improved education resources regarding legal interpreters, as proved by this thesis.

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Introduction

Minor, even accidental violations of the law occur every day in the United States, often without the intervention or notification of authorities. For many English-speaking Americans, these small infractions, being pulled over for a traffic violation, is a mere annoyance. The ticket is either paid outright or briefly contested in court with little to no struggle or complications. However, what is designed to be a simple process becomes exponentially more complex when the subject in question is not an English speaker. Interpretive services are required to be provided for non-English speakers in U.S. courtrooms, but "because many states and localities don't use tested court interpreters and ignore federal rules for when interpreters are required, many criminal defendants and civil litigants with limited English skills are not equipped to navigate the complex legal system, jeopardizing their constitutional rights" (Beitsch). This unjust reality of incomplete or incorrect interpretation in courtrooms leads to inequality and additional disadvantage within the U.S. justice system, an issue which has become increasingly apparent with the Latinx population in particular.

Growth in the linguistic contact of English and Spanish alongside waves of Latin American immigration to the United States has revealed a need for improvements to the standards of legal interpreters. The cryptic jargon used in legal communications, the influence of dialect and colloquial speech on interpretation, and the stark sociocultural differences between Spanish-speakers and the English speaking, predominantly white majority complicate interpretation and create inequity for non-English speakers in U.S. courtrooms[1]. Despite the dense body of research on the importance of precise interpretation in legal contexts, there are still

1 Latinx is a gender-neutralized term that functions as a replacement for the typically gendered terms 'Latino/a,' which refer to populations from or originating from Latin American territories, in accordance with the policies of Diversity Equity and Inclusion at the University of Oregon.

frequent cases of poor interpretation that have grave consequences for those seeking legal remedies, those in the process of immigration, and any other non-English speaking participant in the U.S. Justice System. This thesis highlights the most pertinent topics within legal interpretation, including legal linguistics, sociolinguistics, and the historical foundations that impact Spanish-speaking populations in the today's government systems. Furthermore, it explores specific cases of legal interpretive errors and instances where the interpreter actively inhibited equality and accessibility within the legal process, ultimately arguing for the necessity of better legal interpreter education and standardization processes. The utilization of a sociolinguistically-informed approach to these issues allows for the intersectionality of linguistic research and lived experiences to be jointly addressed and therefore mobilized to create real change and promote courtroom accessibility for Spanish speakers.

The field of legal linguistic interpretation in the U.S. has grown exponentially in the 21st Century as a byproduct of the ever-expanding Latinx presence and the corollary presence of Spanish. Although any kind of translation between Spanish and English is riddled with sociolinguistic differences and requires many interpretive decisions, the manner of speaking, written language, and normalized jargon in the legal system demand a higher level of scrutiny and skill. Furthermore, there is a deeply rooted history of racialized discrimination against Spanish-speaking populations in the United States, adding yet another layer of complexity to courtroom and interlingual dynamics. Considering the various tensions between English, Spanish, and the populations that speak these languages, court interpreters must clearly understand the multifaceted responsibilities of their role and receive proper education to promote equality before the law. Failure to acknowledge the diversity of needs within legal interpretation in the United States diminishes a defendant or witness's credibility up to the point of a complete

mistral, including the obstruction of justice, a violation of the Sixth Amendment, and the continuation of the inequity and discrimination that has historically been concentrated toward Latinx populations in the United States.

Legal Linguistics

Language is inherently tied to the people who interact with it. This reality is studied in sociolinguistics, a field that bridges the "gap between what humans are capable of doing with and through language and what they actually do in real social settings" (Riegelhaupt, 2000, p. 205). Sociolinguistics is the most appropriate field in which to study legal interpretation, as it explores "not so much a better understanding of how language is structured, but a better understanding of how language is used, not so much what language is, as what language is for" (Riegelhaupt, 2000, p. 206). Within the greater field of sociolinguistics lies the specialized area of legal linguistics, which analyzes elements such as bilingual codeswitching, colloquial or dialectal terms, and the impact of social perceptions of language alongside the unique features of legal speech. Legal linguistics, therefore, explains the three-way intersection of society, language, and the law, and allows for exploration into the obstacles that impede clear interlingual interpretation in legal settings. It is also worth noting that despite the long history of sociolinguistic research as a scientific field, targeted studies on spoken legal language were not popularized until the end of the 20th century, meaning that much of this information has not yet been taken into consideration for the standing laws and standards of the legal system. Similarly, there is a wealth of research conducted on legalese, which is the jargon and low level of comprehensibility of the language in written legal documents, but this term does not apply to the complexities of the linguistic or discursive processes within oral speech (Berk-Seligson, 2017, p. 17). With these earlier research limitations established, linguists have defined that all courtroom

communications generally fall into either the category of interpretation or translation. The former is marked by oral speech and the spontaneous production of language, whereas the latter refers to the much slower process of working with written language or legal documents between two languages.

However, some of the literature employed in this thesis and the legal linguistics field at large uses the words ‘translate’ and ‘interpret’ as interchangeable terms. In such cases, these works refer to the difference between word-for-word ‘translation’ resembling transliteration and compare them to interpretation based on the most similar meaning of the original statement. This phenomenon, also known as the equivalency debate, addresses the struggle to balance exactness and functionality within interpretation, and will be discussed later in this chapter. Debates between the proper balance of equivalency and accessibility sit at the heart of sociolinguistically-informed interpretation practices and ideologies, as they bring together the minutiae of language complexities and the realistic uses and experiences of an ever-increasing Latinx population in the United States. Due to the fundamental differences between legal translation and legal interpretation, distinct approaches must be employed in alignment with the recommendations of interlingual research findings. While the translation of written legal documents is addressed in the legal linguistic field, this thesis focuses on solely the interpretive complications of legal English and Spanish and the resulting implications for courtroom participants, as they are riddled with error and present a considerable threat to the legal rights of Spanish speakers in the United States.

Furthermore, live interpretation invites elements of social bias and cultural expectations into the courtroom, which are known as “the politics of translation, the ways in which translating and interpreting are related to concerns such as class, gender, difference, ideology, and social

context" (Pennycook, 2004, p. 787). To properly account for these sociocultural dynamics and their impact on the quality of an interpretation and experiences of a non-English speaker, the role of an interpreter must be addressed through the lens of critical applied linguistics. At its core, critical applied linguistics is "a constantly shifting and dynamic approach to the questions of language in multiple contexts, rather than method, a set of techniques, or a fixed body of knowledge" (Pennycook, 2004, p. 803). By taking this approach to the responsibilities of an interpreter, the sociolinguistic complexities of English-Spanish interpretation can be more accurately viewed through the intersectionality of the lived experiences and sociolinguistic needs of Spanish speakers in the courtroom. Despite significant differences between translating and interpreting, both branches of legal linguistic research address three major areas: vocabulary, formally known as lexicology; semantics, which is the intended meaning of a word or phrase, and the equivalency debate between prioritizing linguistic functionality and accuracy. Proper interpretation on a sociolinguistic level requires that interpreters' awareness goes beyond a grasp of the language taught in a second-language classroom environment, extending to the unique varieties of Spanish, the cultural and linguistic background of its speakers, and the potential pitfalls of engaging with this high-stakes sociolinguistic balancing act for the interpreter and Spanish speaker alike.

Lexicology

A major signifier of language in both dialect and entirety is the word choice and phrasings constructed by the speaker. Therefore, it is crucial that an interpreter possesses a wide and flexible vocabulary to remain effective in a courtroom, where interpretations must be explicitly clear for all parties under the law. However, the combined effects of differing legal structures and the natures of the individual languages create various obstacles that force difficult

lexical decisions upon an interpreter. Among these obstacles are the significant amount of dialectal, colloquial, or anglicized terms within Spanish, the presence of false English-Spanish cognates, and the impact of how words are phrased by individual speakers. All three of these elements significantly alter the approach an interpreter must take in their word choice, as a misinterpretation or misunderstanding of the vocabulary of either the English or Spanish term will inevitably lead to confusion.

Legal interpreters often struggle when faced with the variety of available definitions and interpretations for colloquial words or phrases, which appear frequently in oral statements. United States courtrooms are adversarial in nature, as they are based on systems originating English Common Law, and therefore they rely "primarily on oral evidence, which is presented in the notional form of questions and answers" to the court in real time (Hale, 2004, p. 31). Therefore, much of the evidence and case details will appear in verbal form and contain informal speech that can only be interpreted on the spot, such as testimony from character witnesses, opening and closing arguments, and cross-examining interrogatories. One unique stumbling block within the various procedures of the legal system is the nature of a deposition, which is either a videotaped or written transcript of either party or their witnesses' testimonies in the case that they cannot be present in the courtroom on the designated day. Depending on the format, the interpreter may be capable of providing a written translation of a deposition into or from Spanish prior to the trial, or they may be required to interpret in the specific moment upon which the deposition is shared with the entire court. Yet, even deposition transcripts are considered to be interpretation, as it is comprised of oral speech and often riddled with markers of spontaneous speech such as repetitions, pauses, or filler words like 'um' or 'oh' that do not appear in written depositions or other legal writings. Regardless, it is important to acknowledge the immediacy

and variety of vocabulary that appears in all formats of legal interpretation and the quantity of oral production within a courtroom environment, as it diminishes an interpreter's processing time and heightens the stakes for errors.

Another lexical obstacle legal interpreters face is the confusing yet frequent appearance of false cognates. Despite phonetic similarities, false cognates are words that appear or sound like a simple and direct interpretation between two languages, but which do not actually represent the intended meaning of the speaker. Failures to be aware of these lexical illusions can have serious consequences. As mentioned in the introduction to this thesis, the courtroom contestation of traffic stops are fairly simple for English speakers, but in the case of a Spanish speaker who ran a red light, "his interpreter told him he was accused of a 'violación,' which in Spanish does not mean 'violation,' but 'rape,'" causing him severe distress and disrupting the flow of the courtroom proceeding (Beitsch). If this interpreter had been more aware of the presence of false cognates and better versed in the lexicology of Spanish, this misinterpretation and emotional crisis could have been entirely avoided. Therefore, "interpreters must know when violación means 'rape' and when it simply means 'infracción,' when 'crimen' means 'murder' and when it simply means 'delito'" to provide adequate interpretations (Camayd-Freixas, 2000, p. 95). Furthermore, "some false cognates are field-specific or, in this case, courtroom-specific (e.g., conviction = condena vs. convicción = belief or certainty; process = procedimiento vs. proceso = trial)," and therefore appear more frequently in interpretive error (Camayd-Freixas, 2000, 96). As such, interpreters "cannot be too careful when cognates are concerned, and legal vocabulary is a potential minefield for the unwary" (Varó & Hughes, 2002, p. 43).

One example of the complexity of cognates is the variety of Spanish interpretations of the word 'case' in reference to a legal proceeding before a judge, which is often interpreted into

Spanish as ‘caso.’ It is “not always that caso is wrong; by and large, it can be said,” but in certain contexts it is more appropriate to employ the term ‘argumentación’ or ‘supuesto,’ even though these words are not the obvious cognate (Varó & Hughes, 2002, p. 42). Finally, cognates can appear false due to the social or cultural context of the system in which the term originated. Interpreters looking for a Spanish equivalent for the word “court” without falling prey to the recognized erroneous cognate ‘corte’ “will find a false friend, ‘tribunal de magistrados’ (‘magistrado’ meaning senior judge in Spanish)” in many bilingual dictionaries, which could cause the non-English speaking participant to misunderstand the organizations or set procedures of the specific court in which they are participating (Biel, 2014, p. 131). This distinction is extremely important, as the structuring of the majority of Latin American court systems fundamentally differ from that of the United States. As a result, the words used for legal procedures and elements hold culturally specific implications and connotations for many Spanish speakers. For these reasons, legal interpreters need to keep in mind the presence of false or contextually inappropriate cognates alongside the wide range of lexical options they possess to properly encapsulate the speaker’s meaning in a given interpretation.

While individual words directly impact the quality of interpretation, “models of translation competences have recently started to account for phraseology,” which includes phrases, sayings, or other longer quotations with meanings that may not be immediately apparent to someone not versed in legal jargon (Biel, 2014, p. 182). “Legal language clusters may be very long, ranging from phrases, sentences, to entire clauses or parts of documents,” and this requires the analysis of the complexity of full phrases or sayings included in legal contexts that are not used in other communicative contexts. (Biel, 2014, p. 178). Examples of this type of field-specific vocabulary include words and phrases such as ‘forthwith,’ ‘hereinafter,’ “pursuant to,’

‘burden of proof,’ ‘accessory after the fact,’ ‘accessory before the fact,’ ‘duty of care,’ ‘interlocutory issue,’ ‘power of attorney,’ and many more (Varó & Hughes, 2002, pp. 158-165). Like many specialized fields, the terminology used in these settings is nonstandard, so Spanish interpretations of jargon-heavy sayings such as these do not have accessible, one-to-one vocabulary substitutes at all.

Similarly, interpreters must be familiar with a variety of Spanish colloquial terms without English substitutes and their significances, such as the term ‘vago,’ which could potentially mean ‘lazy,’ ‘unclear,’ or ‘wandering’ depending on the context of the greater statement. Linguist Łucja Biel clarifies upon the difficulties of interpreting complex colloquial terms between the translated language (TL) and spoken language (SL) by arguing that interpreters need to use their own cultural knowledge “when there is no one-to-one correspondence between the SL culture-specific term and the TL legal terminology which can designate the same legal concept” (Biel, 2021, p. 244). Furthermore, “addressing language and disadvantage in the law - whether through research or law reform - requires an understanding of the complexities of multilingualism, as well as dialectal and cultural difference, and the needs of those who are not proficient in the dominant language variety,” heightening the need for culturally educated interpreters in the courtroom on a lexical level (Eades, 2008, p. 192). Whether rooted in a lack of adequate definitions for a specific term or full oblivion to the nuances of a given Spanish dialect, interpreters’ failure to understand the intended meaning of Spanish words and phraseology diminishes the communicative power of the non-English speaker, an issue that is further studied in semantics.

Semantics

Because the central function of interpretation is to communicate meaning between two parties, it is crucial that linguistic intermediaries understand the full sentiment of the speaker and are familiar with the variety of implications attached to the interpretations they provide. The study of the intended meaning of a word or phrase is formally known as semantics, which often overlaps with lexicology, especially when dealing with colloquial language. Legal speech and phrases have deep roots in "the semantics of ordinary language, as judges frequently invoke the ordinary meaning of language in legal interpretation," demonstrating that an understanding of colloquial and dialectal Spanish and English is necessary to properly interpret field-specific discourse like legal jargon (Cao, 2007, p. 17). Yet, "interpreters in the courtroom are usually advised to 'translate' and not to interpret," by court officials, regardless of the fact shown in lexicological research that "word-for-word translation can only lead to misunderstandings and miscommunication as languages may not have a one-to-one replacement of words and expressions" (Negru, 2010, p. 224). Despite the misleading simplicity of this logic, the semantics of Spanish and English are not linear nor identical. Therefore, the lenses of sociolinguistics and critical applied linguistics must be utilized, as "conceptual adaptation and stylistic adjustment" are required skills within these fields that would better equip legal interpreters to properly mediate meaning and exactness (Varó & Hughes, 2002, p. 153).

This expansive interpretive gray space highlights the need for specific cultural and dialectal education of legal interpreters as part of their journey to semantic proficiency between English and Spanish. The knowledge of colloquial words and alternate interpretations for words with multiple definitions is essential because "el mundo moderno es un mundo absolutamente

retórico, sin fondo de persuasión remanente"[2] (Dobratinich, 2021, p. 189). "Not infrequently words that are, or appear to be, technically transparent in one language turn out to be connotatively rich in another, with the result that the literal translation of concepts that are practically neutral in the source system may be semantically changed in the target code" (Varó & Hughes, 2002, p. 33). These words and phrases are impossible to interpret without sociolinguistic proficiency. In fact, bilingual individuals who speak both languages fluently have been proven to already have a greater understanding of such terms, including 'anglicized' Spanish words that have come about as a result of sociolinguistic contact between English and Spanish in the United States. Furthermore, research demonstrates that bilingual populations engage in a practice called codeswitching, which "consists of the alternating use of two languages within the discourse, at the word, clause, or sentence level" (Alcalá, 2000, p. 218). This behavior requires a profound level of colloquial knowledge and fluency in both languages, yet "unfortunately, this phenomenon has been socially stigmatized by monolingual and bilinguals alike" (Alcalá, 2000, p. 218). As a result of this the social denigration and depreciation of this academically validated practice, there is a lack of education for interpreters about the impact of sociolinguistic contact between both English and codeswitching bilingual speakers on the Spanish language, leading to a further deficit in their capacity to understand the intended semantics of U.S. Spanish-speakers.

The current approach to colloquialisms involves legal interpreters engaging in linguistic behaviors known as transposition and modulation: "Whereas transposition affects grammatical function," such as alternating an adjective and a noun in Spanish to reflect the proper grammar structures of the language, "modulation involves changes to semantic categories" (Varó &

2 "The modern world is an absolutely rhetorical world, without a background of remnant persuasion"

Hughes, 2002, p. 185). Interpretive modulation is often applied when dealing with idiomatic or cultural phrases as well as individual words that possess unspecified social meanings, like the example of the word 'vago' described earlier. "Similarly, if 'white collar offenses' is translated as delitos de guante blanco ('white glove offenses'), though synecdoche [the use of a referential figure of speech] is retained in that neither 'collar' nor 'glove' directly state the idea of superior social or professional rank, the Spanish version selects a different item of clothing to convey the same idea" (Varó & Hughes, 2002, p. 185). If they were to interpret the English phrase 'white collar offenses' literally from a lexical, transliteral perspective, it would fail to communicate the intended semantics in Spanish. For these reasons, semantics must be prioritized in legal interpretation.

On a practical level, there is no comprehensive Spanish-English dictionary in print that describes all the colloquial definitions necessary to achieve semantic equivalency, placing the entire burden of interpretive accuracy upon the cultural knowledge and previous education of the interpreter. The issue of fluid interpretation in phraseology is partially addressed by bilingual dictionaries, but these resources are not conclusive or accessible to an interpreter when they may need a point of reference. A study conducted by lexicographer and linguist Miriam Buendía Castro analyzed four of the most prominent dictionaries used for phraseological translation. She found that even the most developed resources are not organized by definitions nor easily accessible to interpreters. She argues that "dictionaries should provide a classification of phraseological units within entries" to group words with multiple definitions and contextual translations in a more intuitive way for the interpreter, aligning much more clearly with the acknowledged needs of sociolinguistically informed interpretation practices (Buendía & Faber, 2017, p. 173). Sadly, "it is relatively easy to supply a miscellaneous set of words that legal

translators should earmark for special treatment" in dictionaries and other referential resources, and yet publications have not caught up with the best practices on a sociolinguistic level and are instead contributing to the barriers against fluid courtroom interpretation (Varó & Hughes, 2002, p. 176).

The Equivalency Debate

While a purely lexical approach ignores the significance of semantics and is one of the major causes of misinterpretation, interpreters must remain as faithful as possible to the original word choice, tone, and syntax of the speaker without compromising the grammatical rules of the second language. Scholars disagree with how to remedy the struggle to balance the preservation of the speaker's meaning and reasonable prioritization of precise word-for-word transliteration, which is a clash formally known as the equivalency debate. Issues of exactness and applicability force linguists to address the question of how to preserve semantics without compromising the original message, as direct translations rarely exist between languages. Colloquial terms, legal phrases, and dialectal or hybridized words further complicate the job of an interpreter, as they are already dodging false cognates and trying to erase a language barrier without personal input or unnecessary alterations.

In nonspecialized interpretive contexts, an interpreter "can usually assume that when a decision has to be made about the equivalent for a given term, there will be a definite consensus as to its range among experts in the source context," but legal interpretation is full of alternatives that even experienced interpreters will disagree upon as the best fit term for a variety of linguistic reasons (Varó & Hughes, 2002, p. 25). A large portion of this lack of consensus lies in the spontaneous reality of interpreting, as there is no opportunity to consult precedential annotations, examples of previous similar cases, or a legal English-Spanish dictionary like translators can

with a legal document. Still, interpreters must maintain a standard of excellence and linguistic precision. “Many lawyers continue to argue, with some justification, that technical accuracy is an essential prerequisite of good justice, and that if linguistic precision is watered down to suit the demands of an uncomprehending majority, legal certainty will all but disappear” (Varó & Hughes, 2002, p. 5). Therefore, courtroom interpreters ought to strive for accessibility over accuracy in their interpretations, avoiding alterations of a speaker’s statement while accounting for the intended meaning of what was originally said to the best of their ability. For interpreters who adopt this responsibility, “the understanding of the original meaning and the communicative intention must be grasped for the combination of words of the original utterance and such utterance should then be placed in context before conveying the final meaning to the target text” (Negru, 2010, p. 225). What this debate ultimately demonstrates is that “semantic equivalence is not only worthy to pursue but attainable” between English and Spanish, but legal interpreters need the proper skill sets and educative resources to provide such sociolinguistically adequate interpretations (Biel, 2014, p. 261).

Methodology

The legal linguistic research referenced throughout this work clearly dictates peer-reviewed analyses of individual cases of interpretive complications and their potential sources. As such, the errors committed by court-sanctioned interpreters have been carefully logged and reviewed for failures to properly interpret in light of colloquial or dialectal terminology, the semantics of the Spanish speaker, or other mistakes indicating an insufficient grasp of Spanish on the sociolinguistic scale. In doing this, experts may begin to identify interpretive alternatives and prevent the repeated appearance of these errors in future legal contexts. This collaborative approach between linguists provides consistency and ample opportunity for input from other

specialists to determine the best practices for balancing translation and interpretation between unique languages and their associated legal systems of origin. However, this meticulous review process slows down the progress of new interpretive standards and creates sizable debates surrounding the prioritization of exactness and equivalence among practicing interpreters and linguists.

Unlike many of the greater scientific fields, sociolinguistic research relies on a much smaller quantity of data that implicates preexisting linguistic research in a real-world setting. In doing this, researchers can analyze how theoretical sociolinguistic phenomena are actualized and addressed in social settings between humans, which is the central focus of the field. In light of this, the major case studies discussed in this work are courtroom transcripts as provided by researchers, particularly sourced from Philipp Angermeyer's *"Speak English or What."* The purpose of these sociolinguistic observational studies, which address specific instances of courtroom interpretation, is to then draw a logical conclusion about the wider population of legal interpreters. Further examples of courtroom misinterpretation are cited directly from case law, which establishes precedent for what is considered acceptable legal over time. Although the individual experiences of non-English speakers in a legal courtroom might seem small, using smaller sample groups and evaluating the complexities of individual interactions meets the standard procedure within the realm of sociolinguistics. By including a variety of recorded situations where improper or unclear interpretation is present, this thesis matches the standard of proof and expected level of investigative collaboration to be expected within legal linguistics, a subsection of the greater sociolinguistic research community.

Furthermore, there is a significant amount of research on English-Spanish legal linguistics authored in only Spanish that is crucial to the argument of this thesis. Due to the

elevated level of critique made on the current standards for interpretation, providing appropriate and accurate English translations for the respective quotations included in Spanish is extremely important. To manifest the theoretical arguments regarding the problematic nature of mistranslation, every phrase cited from a source written in Spanish will have a footnote containing an English translation for non-Spanish speaking readers. Not only will this increase the accessibility of this work, but it will reinforce the argument that adequate translation and interpretation of legal language is both difficult yet essential. For an additional layer of credibility, every footnote has been reviewed by a second reader who is proficient in Spanish and who is an expert in Spanish sociolinguistics.

Research Questions

I. How do linguistic elements and social histories work together to complicate legal interpretation between English and Spanish?
II. What are the common pitfalls of a legal interpreter, and what resources are available to them to preventatively reduce or prevent erroneous interpretations?
III. How does erroneous legal interpretation impact non-English speakers, and what are the implications of these errors considering equal rights and accessibility in the U.S. legal system?
IV. In light of the sociolinguistic research on the subject, how can the educational standards and systems in the United States be improved to provide adequate and accessible English-Spanish legal interpretation?

Literature Review

Historical Background

Although the history of the United States is told as a battle for land between European settlers and indigenous populations across the Western frontier, many of the marginalized experiences of Manifest Destiny are wiped from the record. Commonly known as the "erased history" of the U.S. by Spanish speaking populations, there is complex and discriminatory past between white "American" settlers and natives of Mexican territory. This story recounts the United States' aggressive approach to displace Mexican citizens and annex over half of Mexico's land during the Mexican American War and the Treaty of Guadalupe-Hidalgo in the mid-nineteenth century (Gonzalez, 2011, p. 76). For those residing in this territory, this immediate border shift of their home country had severe consequences. In addition to the legal impositions of a new government upon generationally owned territories, the Anglocentric ideology of Manifest Destiny forced the Mexican population into a subordinate role socially and linguistically, a phenomenon that has ideologically carried into the present day. This erased history must be critically addressed to properly understand the gravity of the sociolinguistic and racial discrimination suffered by Latinx individuals in the United States and the ways in which these biases have extended to the Spanish language. While there are countless examples of the linguistic and racial displacement and discrimination against the native populations of the Southwest, there is not sufficient space within this work to address each individual instance of injustice. Therefore, this selective history provides the foundation of anti-Latinx and anti-Spanish behaviors in the U.S. and highlights the presence of discriminatory ideologies and legal actions as mechanisms of oppression.

After the initial absorption of the Northernmost half a million miles of Mexico, all persons residing north of the Rio Grande were forced to either accept American citizenship or move South as “Anglo settlers were steadily arriving and changing the demographic make-up of the region that had historically been inhabited by Mexicans and” Native Americans (Valle, 2013, p. 261). However, the United States did not offer them the full spectrum of rights and opportunities as their white, English-speaking new neighbors. Former institutions and markers of Mexican culture, such as Catholic private education and the use of Spanish in professional markets and legal documents, were socially frowned upon and legally subordinated almost immediately. These actions demonstrate the “degradation of Mexicans and their social and cultural institutions, and, in this context, the ideological representation of Spanish as unpatriotic, an impediment to assimilation, and essentially un-American" (DuBord & Valle, 2013, p. 277). Up through the turn of the century, white settlers swarmed the Southwest, ostracizing and racializing its hereditary inhabitants for their appearance, culture, and “foreign” language.

These views grew more popular and prevalent as immigration from Mexico and other Latin American countries flourished, as it became clear this population was increasing and had no plans to erase their heritage. Instead, the U.S. capitalized off cheap Mexican labor through the first half of the 20th century, treating the people as disposable in alignment with the ideology of the white nation. Up until the Immigration and Naturalization Act of 1965, which eliminated the factors of race, ancestry, and national origin as a basis for visa discrimination, work visas to Latinx people were offered through targeted initiatives like the Bracero Program of 1942. Such opportunities were unstable, corrupt, and heavily racialized, as the white supervisors could dismiss or deport the workers at will. Conditions worsened over the coming years, as “in July 1954, the federal government unleashed one of the darkest periods in immigrant history -

'Operation Wetback'" (Gonzalez, 2011, p. 270). This operation resulted in the deportation of over 2 million people of Mexican heritage with no regard for the legality of their residency, but treated every individual racially determined to be of Latinx origin as 'illegal' automatically. The simultaneous existence of the Bracero Program and Operation Wetback demonstrate the paradoxical ideology of the U.S during this time toward Latinx populations, as businesses desired Latin American immigrants for labor, but the federal government and American society wanted nothing to do with them. Even as public awareness grew about race and discrimination in the 1960's, "essentialist views of the US and the historical discourses that had racialized Spanish, constructing it as a dangerous foreign body within the nation, had not subsided during and after the civil rights movement" (Valle, 2013, p. 254).

Such sentiments were concretized into law in 1986, when U.S. President Ronald Reagan signed the Immigration Reform and Control Act, which criminalized the conscious employment of undocumented immigrants. However, this law did not have the desired outcome of forcing out Latinx populations, and "in reaction to IRCA's inadequacy, whites near the Mexican border began to dramatize their frustration at uncontrolled immigration" (Gonzalez, 2011, p. 257). For these white "nativist and assimilationist sectors of US nationalism – as the immigration of Spanish speakers grew at unprecedented rates towards the end of the twentieth century – Spanish came to symbolize a threat to the nation's identity and viability" (Valle, 2013, p. 254). As the presence of Latinx communities grew stronger in the 20th century and attempts to create legal barriers to immigration proved unsuccessful, citizens themselves raised their voices to protect themselves from the imaginary danger of unregulated immigration. By extension, this ideology viewed Spanish as a foreign language that posed a significant threat to white "American" culture, as it is a clear marker of Latin American culture and the ancestral history of the United States.

Research shows that "anti-immigrant discourse tends to foreground linguistic difference, which is then deployed in the racialization of minority language speakers in general and speakers of Spanish in particular" (Leeman & Valle, 2013, p. 306).

While anti-immigrant discourses remain strong, especially in the areas of the United States that once belonged to Mexico, the ideological label of a 'threat' has been extended to the Spanish language throughout the 20th and the 21st century. Modern efforts to disincentivize or diminish Latinx communities take place in local legislation, specifically targeting undocumented populations and Spanish speakers. A few examples of this include Arizona's "show me your papers' law, which aimed to increase deportations, and California's Proposition 187, which prevented undocumented individuals from accessing public services like healthcare and education (Gonzalez, 2011, p. 212). Nevertheless, the Latinx population in the United States has grown exponentially since the annexation of Southwestern territory. Official census data shows that "the Mexican-born population of the United States went from 4.5 million in 1990 to 9 million in 2000, and then to 12.7 million in 2008, with more than half of that population being undocumented" (Gonzalez, 2011, p. 319). Most recently, the U.S. Census Bureau reported that the ethnic category of Hispanic/Latino reached 62.1 million in 2020, and to put this relative to other ethnic groups, "the Hispanic or Latino population grew 23%, while the population that was not of Hispanic or Latino origin grew 4.3% since 2010" (U.S. Census Bureau, 2021).

The coexistence of a thriving Latinx population and the starkly xenophobic history in the United States severely complicates social and legal dynamics in the present day. Although current legislation contains parameters to promote equality before the law, the roots of the U.S. legal system remain in the overt racialization and discrimination of Latinx populations. Similarly, social assumptions about the 'dangerous' or 'illegal' nature of 'those people' who

speak Spanish maintain popularity, constructing the profile of a Latinx person as criminal, undocumented, and unable or even unwilling to speak English. This association is visible in that "US nationalism has tended to deal with the language question by associating citizenship with knowledge of English and by displacing Spanish and other languages to marginal positions through institutional arrangements and discourses on language" (Valle, 2013, p. 250). Such complex mechanisms of oppression and discrimination must be understood to properly address inequality in English-Spanish legal interpretation. Since the annexation of Mexican territory, the United States government and its white majority sought to suppress Mexican culture, the Spanish language, and benefit from structurally discriminating against them through immigration. However, there is another major historically based obstacle that complicates legal interpretation for Spanish speakers in the United States, which lies in the differences between structural and standardized processes of American and Latin American legal systems.

Before approaching the linguistic issues of legal interpretation, it is important to understand "las diferencias y sutilezas entre la tradición jurídica del mundo angloparlante y la del derecho continental, algo que resulta especialmente importante en el caso de los traductores"[3] (Moreno et al., 2020, p. 57). The historical foundations of Latin American nations, just like the United States, has constructed linguistic norms and structures that possess socially, culturally, and legally agreed-upon meanings. Many Latin American countries operate under continental law systems, so while they have advanced legal terminology, the terms themselves "bear the imprint of such practice or organisational background" on a semantic level (Cao, 2007, p. 31). For example, "differences in levels of courts' jurisdictions and in governmental and institutional structures" are not lexically distinct within legal interpretation, even though the significance of

3 "The differences and subtleties between the judicial tradition of the Anglophone world and of continental rights, something that becomes especially important in the case of translators"

an administrative judge differs according to Latin American legal semantics or the specifics of the United States court system (Scott, 2019, p. 158). As a result, "countries have often adopted several terms to express the very same concept" in legal interpretation to best account for potential structural assumptions attached to a term in either English or Spanish (Mattila, 2013, p. 301). A similar issue appears in the extreme wordiness and jargon-heavy nature of legal English, as even "native speakers of English have recently reacted against the perceived obscurity of the language of the law" and struggle to deduce its meaning (Varó & Hughes, 2002, p. 4). Just as "the original tradition of English law has strongly contributed to the wordiness of legal English," the longstanding legal infrastructures and phrasings in Spanish-speaking countries have diminished the capacity for direct translation (Mattila, 2013, p. 322). The linguistic differences between English and Spanish originate in their respective systemic roots and the legal frameworks, which informs interpreters of the need for social, cultural, and situation-specific context to effectively interpret in the courtroom.

Legal Structures

While the sociolinguistic histories between the United States and Latin America are crucial to understanding the barriers in legal interpretation, the structure of the American legal system also plays a key role in creating obstacles, standardizing procedures, and limiting the power of interpreters in courtroom settings. Such infrastructures define the rights of the present parties, set the qualifications for who can interpret in courts, and hold the power to implement strategies to preserve justice in the face of a linguistic barrier. Included in these structures are enacted legislation which defines the rights of the people to interpretation, the judicial precedent established through case law as individuals have encountered interpretive issues in courtroom proceedings, and the requirements for training and licensing professional legal interpreters. All

three of these structural branches must be analyzed in the light of critically applied sociolinguistics to properly see the ways in which legal interpretation is unequal in the United States for Spanish speakers.

Legislative protections, such as federal laws and statutes, provide the basis for the rights of an individual in a courtroom or other legal setting. “Although the Constitution of the United States does not guarantee the right to an interpreter, the rights of all individuals facing our system of justice are based on the Fifth, Sixth, and Fourteenth Amendments. These amendments guarantee due process, fundamental fairness and equal protection under the law,” which has since been clarified to include the right to interpretation (Benmaman, 2000, p. 82). However, only those who lack a subjectively determined level of English proficiency or do not speak it as a native language are entitled to courtroom interpretation. This need was codified into law in 28 U.S.C.A. § 1827, also known as “the Federal Court Interpreters Act of 1978 (amended 1988), [which] mandates the presence of certified interpreters when a litigant has limited English language skills” (Benmaman, 2000, p. 84). This act was the first piece of federal legislation that articulated the right to interpretation in a U.S. courtroom, a need which was highlighted by specific instances of injustice in the courtroom in the decades preceding this legislation.

A case known as *U.S. ex rel. Negron v. State of New York*, 434 F.2d 386 (1970) was foundational to the development of legal protections regarding interpretation. Before this case, little discussion had taken place about the significance of interpretation and its role in the promulgation or obstruction of justice. As stated in the text of the case, “at the time of his trial, Negron, a 23-year-old indigent with a sixth-grade Puerto Rican education, neither spoke nor understood any English. His court-appointed lawyer, Lloyd H. Baker, spoke no Spanish. Counsel and client thus could not communicate” during any court proceedings or preparation meetings,

and all interpretation was sporadically provided by a third party on the prosecution team to summarize general information for the defendant. In the appellate court's decision for *Negron,* Judge Kaufman writes in the majority opinion that such interpretation was inadequate, because "to Negron, most of the trial must have been a babble of voices. Twelve of the state's fourteen witnesses testified against him in English," and he was given little to no information about the proceedings or statements being presented against him in real time. This is clearly a different and unequal experience of the courtroom for Negron, as every other English-speaking participant in the room had a complete understanding of the environment while he was relegated to only partial knowledge and communicative power.

Not only does the Federal Court Interpreter's Act establish the explicit right to interpretation, but it also places the burden of establishing a "program to facilitate the use of certified and otherwise qualified interpreters in judicial proceedings instituted by the United States"[4] upon the Director of the Administrative Office of The United States Courts. This provision is an excellent example of applied linguistics in action, as it aims to ensure the standards and training for certified court interpreters are adequate and sufficient to mediate any sociolinguistic barriers that may arise in the process of exacting justice. However, when critically addressed and viewed in light of the real-world experiences of Spanish speakers, these standards fall strikingly short. While the legal logic acknowledges that "the absence of an interpreter violates constitutional rights, significant errors in translation could similarly violate those same rights. Nonetheless, courts hesitate to recognize this basic principle," creating ample opportunities for low quality interpretation to permeate the system and negatively impact Spanish speakers in a court of law (Santaniello, 2018, p. 93).

[4] 28 U.S.C. § 1827.

Although the Federal Court Interpreter's Act contains a long list of required conditions under which interpretation may be provided and information regarding who is qualified to interpret in a courtroom, "courts across the country do not conform to uniform standards for interpreters' qualifications" (Benmaman, 2000, p. 85). This is the space in which policy, legislation, or standardization come into contact with real-world experiences of interpretive inequality. Having a formalized examination system to ensure a basic level of language proficiency is an essential requirement from an institutional perspective, but real-world language use and interpretation employs a range of knowledge that stretches far beyond what can be learned in a classroom. Additionally, these insufficient standards are not consistently nor uniformly enforced across the United States, creating a deep level of insecurity with few assurances for a Spanish speaker that their interpreter will be competent and capable. The work of a legal interpreter has already been proven to be sociolinguistically complex and challenging, but adding a level of inconsistency in standardization exacerbates the issue. Furthermore, the educational requirements for legal interpreters are extremely minimal, as "formal education is not a prerequisite for employment in a court as a translator/interpreter," with most examinations requiring only a few years of university-level study of the target language to be passable (Berk-Seligson, 2017, p. 247).

Not only does this low and inconsistent standard create an environment in which interpreters are not adequately skilled in the language, it practically guarantees they will be lacking in sociocultural or dialectal knowledge that is essential to understanding their client. The impact of this deficit of sociocultural knowledge or uneducated perspectives on colloquial Spanish will be described in further detail in the next chapter, which focuses on specific case studies involving misinterpretation. Furthermore, the existing system in the United States for

challenging instances of interpretive error is extremely problematic, "relying on the defendant to come forward with errors in interpretation," and requiring them "to police the work of an interpreter, who is compensated by the federal or state government" (Santaniello, 2018, p. 100). Whereas a bilingual defendant would be able to speak out against incorrect interpretations of their words, this haphazard process of correcting misinterpretations creates an environment where only "the constitutional rights of defendants who are proficient enough with English to recognize mistranslations" (Santaniello, 2018, p. 99). For example, "in *United States v. Santos* [397 F. App'x 583, 2010], the Eleventh Circuit reviewed an instance where an interpreter mistranslated 'medical assistant' as 'physician's assistant' in a case about Medicare fraud. The interpreter admitted to mistranslation during the trial, but the district court did not permit the defendant to call another interpreter" despite their open admission of their incapability to interpret (Santaniello, 2018, p. 108). This 2010 case ended in a full denial to be heard in a higher court from the judiciary because of the considerable confusion among all participants regarding the defendant's knowledge and participation in fraudulent behavior as a result of misinterpretation. Despite Santos's reasonable argument for re-trial due to the impact of this miscommunication, "after the district court denied his request for a mistrial, the court failed to consider other corrective measures, leaving the jury confused on crucial elements of the government's case" and an unreasonable amount of unclarity in light of the criminal charges being brought against the defendant.[5]

However, the core takeaway from this brief analysis of the interpreter standards is that historical mistreatment of Latinx populations by the U.S. Government demonstrates a longer pattern of failure by the United States to hold themselves to a reasonable and functional standard,

5 U.S. v. Santos, 397 F. App'x 583, 588 (11th Cir. 2010).

creating sociolinguistic inequality in the courtroom and violating a defendant's constitutional right to a fair trial. Ideally, "interpreters are supposed to be specialists in interlingual communication and mediators between cultures, mentalities and social barriers," yet misinterpretation occurs frequently due to lack of education and awareness of Latinx cultures, sociolinguistic needs, and the compounding effects of historical discrimination (Matulewska & Wagner, 2020, p. 1257). While the responsibility for this inequality is predominantly shared by the U.S. government and its systemic failures over the shortcomings of the individual interpreters themselves, there is still one additional ideological barrier in American society that impedes interpretive inequality in the courtroom.

Misinterpretation

Language Ideologies and the Court

"It is often claimed that court interpreting should put the speaker of another language on an equal footing with participants who speak the language of the court" as seamlessly as possible (Angermeyer, 2015, p. 191). However, despite allegedly neutral legislation and practices, the environment of the U.S. courtroom does not account for the ways in which justice is hindered through implicit, explicit, and systemic biases against Spanish speakers. The claimed impartiality of the U.S. legal system is countered by a large body of literature on sociolinguistic and other historically discriminatory patterns toward Latinx populations, demonstrating the inherent presence of bias skewed against Latinx populations. The most obvious way such biases are observed in the court is in how "legal systems designate specific languages as their working languages and consequently privilege speakers of these languages over speakers of other languages," such as the prioritization and use of English in all legal proceedings and courtrooms despite the lack of an official language in the United States. (Angermeyer, 2021, p. 157).

The United States federal court system and the Administrative Office of the United States Court do not provide adequate education or hold a reasonable standard for certified courtroom interpreters. As a result, the very institutions designed to exact justice effectively fail to combat the presence of inherent racial and sociolinguistic biases. These systemic biases extend into the public conscious and cause subtle changes in perception by adjudicators in the courtroom, which is a passive extension of discriminatory practices and ideologies toward Spanish speakers. These sociolinguistically uninformed biases negatively impact speakers of Spanish variants specifically, as they are "people who speak not the language of the process, but a related dialect, often an unstandardized dialect which is stigmatized and denigrated in the society generally"

(Eades, 2008, p. 184). A lack of understanding about the validity, use, and significance of such dialectal variants of Spanish further contributes to inequality in the courtroom, as such logics promulgate outdated and discriminatory ways of approaching language and stigmatize the individual speaker for their native language.

Before breaching individual case studies, it is important to understand how these biases influence the decisions of judges and the perception of a Spanish speaker by a jury. Unfortunately, "the temporal relationship between verbal and nonverbal perceptions is severed when an interpreter is used. Posture and expressions emanate from the LEP witness, while verbal perceptions come from an interpreter," altering the interpreted message in its original meaning (Santaniello, 2018, p. 114). This dilemma is obvious in instances where the interpreter adds or subtracts elements that they consider to be linguistically insignificant, such as stutters, pauses, or the emotion-driven tone of the speaker, but extends even to nonverbal cues such as facial expressions or physical gestures. On top of these specific barriers, greater "questions of social inequality generally, and situated relationships of power specifically, must also be addressed in order to account for" the silent biases and covert disadvantages a Spanish speaker faces in the courtroom (Eades, 2008, p.188). Despite the judiciary's sworn commitment to unbiased decision-making, all courtroom participants are actively infused with the social values and ideas of the world around them, creating a significant disadvantage for Latinx populations in light of the notably discriminatory history and perspectives against them. The subjective opinion of the English speakers in power is derived from the interpreter's voice and linguistic choices on the Spanish speaker's behalf, adding another layer of personal perception to the original message.

Additionally, the Sixth Amendment states that defendants who opt for a jury in a criminal trial will be tried by a "jury of their peers," and yet in many instances the jury is comprised of

only English speakers who may or may not have any cultural or social relation to the Spanish speaker. Not only does this bar the Spanish speaker from communicating their tone or emotion to the jury due to the language barrier, but sets up a space in which the jury is not truly a peer of the speaker, as sociocultural norms such as idioms and colloquial terms can be severely misconstrued. Studies have shown that "embodied emotionality has also been described as a factor that may increase the perception that a narrative is genuine and may thus enhance a witness's credibility in the eyes of the legal decision maker" (Angermeyer, 2021, p. 160). Therefore, barriers to the speaker's tone or emphasis throughout their statement can count against them in this sense. Another significant barrier to the communicative connection between the English-speaking jury or judge and the Spanish speaker is the necessity of speaking breaks for the interpreter to provide their interpretation. These pauses, or "the inevitable fragmentation of testimony in interpreter-mediated interaction, also makes narratives more prone to interruption by other participants" who believe the non-English speaker has completed their statement (Angermeyer, 2021, p. 160). All of these elements impacting the courtroom environment and linguistic flow exacerbate the cultural and social differences between the Spanish speaker and the other courtroom participants, especially when the English speakers typically have the most influence over the legal outcome. However, the practical and linguistic issues of interpretation do not exist in a vacuum. Rather, they are compounded with the discriminatory history of Latinx populations and Spanish in the United States to put this demographic at a significant disadvantage in the courtroom, as shown in the following case studies of misinterpretation.

Case Studies

To best highlight some of the sociolinguistic pitfalls of interpretation in the real world, this chapter will focus on three case studies analyzing various instances of misinterpretation on

the part of English-Spanish court interpreters. While the comparison of the idealistic approaches to specialized interpretation against the actual experiences of the individual receiving the interpretation has well-established precedent in research on medical interpretation, far less studies have been conducted analyzing the transcripts of courtroom or related legal interpretation. Yet, "of all the specialized languages, legal language may be the one that pragmatically and semantically differs the most from culture to culture" (Orts, 2015, p. 30). This disconnect between the complexity of legal language and the quality of interpretive services provided is a significant failure to the millions of Spanish speakers in the United States, an issue highlighted both through these selected case studies and by the lack of research conducted on the subject overall. Although the consequences for an inadequate medical interpretation are indeed significant, the comparative sizes of these two branches of sociolinguistic specialized interpretation indicates a critical need and severe neglect of study on legal interpretation speakers. Additionally, it is worth noting that the purpose of these analyses is not to debate the precision or accuracy of the interpretations provided in the following studies. Rather, under the logic of accessibility and pragmatic equality discussed in the legal linguistic equivalency debate in Chapter 1, these studies serve as evidence for the real-world effect of poorly constructed courtroom interpretations.

When considering the subjective length and wordiness of an interpretation or translation, it has been concluded that "the Spanish version of a text generally comes out longer than the English. Awareness of this difference stems from the fact that freelance translators are generally paid by the page," and has been further confirmed as relevant in oral English-Spanish interpretation (Berk-Seligson, 2017, p. 118). That said, a longer interpretation from English to Spanish or a shorter interpretation of the opposite does not necessarily constitute the best

interpretation, especially when issues of repetition or summarization appear in any given statement. For example, when "putting together all the semantic and contextual features of the term 'remand' - the making of a court order, the decision to put the accused on trial at a later date and the judicial determination of their situation in the interim - our suggested translation of the phrase 'remand on bail' is *dictar auto de procesamiento en libertad provisional bajo fianza*" (Varó & Hughes, 2002, p. 157). When analyzing the following excerpts from courtroom transcripts, the Spanish statements may be longer or wordier than the English, but this relative length is not considered to be a correlational or causational marker of misinterpretation. Rather, the excerpts below highlight sociolinguistic shortcomings that have been proven to reduce the quality of an interpretation and impede justice, regardless of the respective word count of a given interpretation. The three main issues highlighted by these case studies are that of incomplete interpretations, failure to accommodate language varieties and codeswitching, and the problematic and fracturing nature of the standard interpretation practices in U.S. courtrooms. Each interpretive shortcoming touches on a different combination of sociolinguistic factors and negatively impact the quality of an interpretation and therefore influenced the outcome of a court decision.

Case Study #1: Incomplete Interpretations

Incomplete interpretations, whether as a result of the subtraction or addition of words on the part of the interpreter, are the most common manifestation of sociolinguistic courtroom inequality. Instances in which words or phrases in a witness's testimony are shortened can have a severe negative impact on the perception of the individual in the eyes of the court, as pieces of the narrative or emotionally charged statements are erased in their journey to the judge and jury's ears. Susan Berk-Seligson's book *"The Bilingual Courtroom"* highlights this issue with snippet

of testimony from a case in which a middle aged Mexican American man was relaying his personal record of a recent mugging. After comparing the Spanish testimony of the witness and the interpretation provided, the author provides her own sociolinguistically corrected translation of the witness's statement in parentheses, including all that was omitted in the interpreter's version and underlining those statements to clarify within the corresponding segments.

Excerpt 1:

> Prosecuting Attorney: Mr. Gómez, when you were hit, what, what was taken from you?
>
> Interpreter: *Que cuando fue golpeado ¿qué es lo que le quitaron, qué es lo que tomaron?*
>
> Witness: *Pues todo. Todo se llevaron con mi car - . . . El pasaporte, este, tarjetas, que traíba de importancia, mi - Una prueba, mas prueba voy a darle, mire: acabo de sacar el permiso de, del, de la emigración y aquí está mire* [as he pulls out his wallet], *ahí está, . . . porque se llevaron todo, ¡sss*! [he shows the court his empty wallet]
>
> Interpreter: Everything, my passport, important cards, important cards that I have. I've just, uh, I've just applied for immigration and this is it, because they took everything from me.
>
> (Well, everything. Everything was taken with my wall . . . – My passport, uh, important cards that I was carrying, my – Here's proof, I'm going to give you more proof, look: I've just gotten my permit from Immigration, and here it is, look [indicating his empty wallet], there it is! Because they took everything. Jeez!). (Berk-Seligson, 2017, p. 124).

As shown in the underlined text, several pieces from the witness's original testimony were not interpreted into English for the court at all. Additionally, studies on dialect and stigmatized variations of Spanish have highlighted certain words or grammatical forms as marked in sociolinguistic research, including the use of "/b/ in Imperfect forms (e.g. *traíba* 'I brought' vs. *traía*)," as used by the witness in this instance (Cacoullos & Travis, 2015, p. 372). Though "it is possible that the interpreter considered the utterances that she omitted to be merely repetitions of something that she was about to interpret in one form anyway," these erasures are still an

unnecessary edit to the original statement of the witness (Berk-Seligson, 2017, p. 125). Situations such as these are what linguistically sets apart legal interpretation and legal translation, as the text of a statute contains no stutters or repetitions, but spontaneously produced human speech is riddled with such elements. The most common of these "features are hesitations, discourse markers, repetitions, backtracking, pauses, ungrammaticalities and fillers and hedges," all of which are backed by bodies of extremely detailed sociolinguistic research and referred to as markers of 'online' speech production by linguists (Hale, 2004, p. 95). However, seeing these elements through a sociolinguistically informed lens highlights the personal sentiment that is erased from the witness's original statement when an interpreter over-edits.

"In the particular case cited above, the witness was much more convincing in his Spanish testimony than was the interpreter in her English rendition of that testimony, and this is because she omitted some of the witness's testimony," denoted by the flustered verbal stumblings of the witness as he attempted to demonstrate his frustration and desperation regarding the crimes committed against him (Berk-Seligson, 2017, p. 125). These "omissions corresponded to the emphatic statements of the witness, and the fact that one was a reiteration and other a supplication to view his evidence meant that the sense of indignation and urgency in his message was diminished by the interpreter" (Berk-Seligson, 2017, p. 125). While it may seem insignificant, the more concise, polished interpretation of this witness's statement did not hold to the original sentiment nor convey the emotional experience of the victim. These changes effectively altered the message of the speaker as well as the way in which it landed emotionally with English-speaking courtroom participants. However, the deletion of sections of a witness's statement is not the only way in which a courtroom interpretation can be deemed sociolinguistically incomplete.

In this same chapter, Susan Berk-Seligson addresses the issue of interpreters lengthening the testimonies of their clients, even though research has yet to specifically establish "any linguistic patterning to this lengthening process" (Berk-Seligson, 2017, p. 128). Below are two brief examples of courtroom transcripts in which the interpreter added one or more words to the statements of the Spanish speaker. In Excerpt 2, a witness is testifying in a case regarding the transportation of undocumented immigrants across the border with him; in Excerpt 3, a witness describes an airplane that illegally brought him into the United States from Mexico. In both cases, the words added by the interpreter make the witness's statement appear less confident.

Excerpt 2:

> Attorney: Approximately how many?
>
> Interpreter: *Aproximadamente cuántos?*
>
> Witness: *Un promedio de veintiuno.*
>
> Interpreter: Uh, probably an average of twenty-one people. (Berk-Seligson, 2017, p. 129).

Excerpt 3:

> Witness: *Una avioneta pequena blanca con rayitos azules.*
>
> Interpreter: It was a small airplane, white, with a sort of, a sort of blue lines, blue stripes. (Berk-Seligson, 2017, p. 129).

In Excerpt 2, the witness actually said, 'an average of twenty-one' in Spanish, but "the interpreter has added… elements to her interpretation of the original answer: a hesitation form ('uh'), a hedge ('probably')" (Berk-Seligson, 2017, p. 129). While not exactly the same, "both the hesitation form and the hedge serve to make the answer less sure," with the hesitation being a non-lexical utterance and a hedge being defined as a specific word indicating a lack of sureness or confidence. In linguistics, a hedge is defined "as a particle, word, or phrase that modifies the degree of membership of a predicate or noun phrase in a set; it says of that membership that it is

partial, or only true in certain respects, or that it is more true and complete than perhaps might be expected" (Berk-Seligson, 2017, p. 129). "It is important to notice that most of these mechanisms turn out to be features of powerless testimony style," meaning that the added filler terminology like 'uh,' 'maybe,' 'probably,' and 'sort of' diminish the confidence of the original statement on behalf of the Spanish speaker and their credibility as a witness in the eyes of the court. Despite the reality that these alterations are the responsibility of the interpreter, the "net result is that the witness's answer in English sounds weaker in the strength of its affirmation than it did in Spanish," creating a form of inequality that is entirely caused by the language barrier and the system of mediation (Berk-Seligson, 2017, p. 129). All together, these three excerpts demonstrate how both additions and subtractions to the original statement of a Spanish speaker result in an incomplete interpretation, and therefore create inaccessibility and obstructs justice for non-English speakers.

Case Study #2: Bilingualism in the Courtroom

An interesting phenomenon that has appeared in the United States over the last several decades is the prevalence of bilingualism and adaptation of English words or 'anglicisms' into Spanish, with research on such borrowings dating back to the early 1900s (Clegg, 2000, p. 154). In fact, the interactions of English and Spanish within the United States has such a long and complex history that sociolinguistic research has since begun to recognize U.S. Spanish as a legitimate dialect of the language. However, this bilingual, bicultural reality creates confusion and inadequacy in courtroom interpretation when professionals are not aware of the dialectal differences of any dialect, especially US Spanish. "Despite the persistent ideologies that construct Spanish and Spanish/English bilingualism as dangerous for the nation, the fact is that the US has now become enmeshed in" the world of English-Spanish bilingualism and needs to

adapt its systems and ideologies to reflect this sociolinguistic and population shift (Valle, 2013, p. 255). As previously stated, "there were 62.5 million Latinos in the United States in 2021, accounting for approximately 19% of the total U.S. population," and it has become exponentially clear that English and Spanish-speaking populations will continue to coexist and interact in the future (Moslimani & Noe-Bustamante, 2023). Therefore, courtroom interpreters need to be prepared for English words, phrases, or other elements that mark the dialect of U.S. Spanish to appear in legal settings. However, the following excerpt provided by Philipp Angermeyer in his book, *"Speak English or What?"* demonstrates that courtroom interpreters have yet to catch up with the sociolinguistic realities of Spanish speakers in the United States. In Excerpt 4, English glosses are denoted by parentheses and single quotations marks, and underlining is used to highlight the intentional lexical change of the interpreter.

Excerpt 4

Claimant: *La que está en el lease.* ('The one who's on the lease'.)
Interpreter: *Perdon?* ('Excuse me?')
Claimant: *Esa es la hija mia.* ('That's my daughter.')
Interpreter: That's my daughter who is on the lease.
Claimant: *Ahum. Ella está en <u>el lease</u>.* {'she (=her name) is on the lease'}
Arbitrator: Do you have your <u>lease</u> with you?
Interpreter: *Está con su <u>contrato de arrendamiento</u>?*
Claimant: Yes. (Angermeyer, 2015, p. 184)

At first glance, this interaction seems extremely repetitive and disorganized. "The claimant twice uses the English word 'lease' in Spanish structures, but the interpreter (a Cuban-born man in his 50s) instead chooses the prescriptively correct form 'contrato de arrendamiento'" despite the clear agreement upon the term 'lease' used between the claimant and arbitrator (Angermeyer, 2015, p. 184). While this is not an entirely incorrect interpretation, the Spanish speaker clearly

used the word ‘lease,’ and “the interpreter’s choice of words blatantly violates the ‘same meaning, same form’ principle” of interpretation (Angermeyer, 2015, p. 185). In doing this, the interpreter actively recasts and revoices the term they perceive as informal, ‘lease,’ and substitute the formal variant ‘arrendamiento,’ subscribing to negative assumptions about the validity and credibility of the speaker and overriding more functional and commonly understood term. Furthermore, if the interpreter’s job is to “attempt to remove the language barrier and to the best of their skill and ability place the non-English speaker in a position as similar as possible to that of an English speaker,” they ought to abide by the most pragmatic terminology understood by both non-bilingual parties, unlike the interpreter in Excerpt 4 (Hale, 2004, p. 10). This lack of sociolinguistic awareness around language contact and bilingual pragmatics is not necessarily uncommon, but as highlighted by this excerpt, the blatant disregard for the dialect and bilingualism of the claimant on the part of the interpreter is ineffective, unhelpful, and undermines the Spanish speaker’s credibility and communicative agency.

In this case, the claimant is clearly using a loanword from English, which is also known as a word borrowed from English due to a degree of sociolinguistic exposure. “The general pattern for the use of loanwords is for a foreign concept to enter into the host language,” a phenomenon that increases and branches off in complexity when two languages are constantly in contact with one another (Clegg, 2000, p. 155). Sometimes English-Spanish loanwords or ‘anglicisms’ are spelled exactly as they are in the English, such as the use of the word ‘lease’ in the above example, but they can also adapt pronunciations and spellings to Spanish phonotactics such as the words ‘renta’ (rent) or ‘cliquear’ (to click). Additionally, speakers of U.S. Spanish varieties and Latinx bilinguals will often engage in a sociolinguistic pattern known as codeswitching, where they alternate between English and Spanish within a single statement or a

sentence. It is important to distinguish anglicisms adopted into Spanish or English loanwords from the act of codeswitching. Even though they are both mechanisms and products of language contact between English and Spanish, they are unique sociolinguistic phenomena that are developing as a product of the expanding Latinx population and are making their way into U.S. courtrooms. Interpreters need to be prepared for codeswitching, English loanwords, and other elements of U.S. Spanish varieties to be spoken by their clients, and ought to anticipate the specific demands upon their role in light of their increasing use and popularity among Spanish speakers.

However, bilingualism and the capacity to communicate across varieties and hybrids of English and Spanish does not look the same for all Spanish speakers. Levels of English and Spanish fluency vary among locations, populations, and generations, and the use of anglicized terms, codeswitching, or other linguistic elements originating in language contact are not signifiers of sufficient fluency to waive legal interpretation. Regardless of the influence of borrowings and language contact on their Spanish or English to any degree, Spanish "speakers should not be prevented from speaking English; just as importantly, if they do speak English, that fact should not be taken to imply that they do not 'need' an interpreter for other tasks, such as understanding legal instructions or complex questions" in courtroom settings (Angermeyer, 2015, p. 203). Such behaviors enforce the problematic ideology that U.S. courtrooms are 'English-only,' ostracizing and marking non-English speakers as 'other' or foreign in the public eye. This entire ideological framework diminishes the voice of the Spanish speaker, demeaning their way of speaking and placing it in a lower position on a sociolinguistic hierarchy of English, standardized Spanish, and dialectal Spanish.

Case Study #3: Narrative Fragmentation

The third and final issue that promotes inequality for Spanish speakers in U.S. courtrooms is the complex reality of statement fragmentation and interruption. While some of the more disruptive elements of this struggle can be mediated by a skilled interpreter, this problem is largely structural and characterized as unavoidable in the fields of interpretation and translational studies. This fragmenting of statements is a product of the standardized practice of consecutive interpreting, where the speaker frequently has to stop mid-sentence or in the middle of an emotional moment to allow the interpreter the room to reconstruct their phrases in English. However, this method is problematic for several reasons, which are quite apparent in the following excerpt. Again, English glosses are denoted by parentheses and single quotation marks, and brackets are added to indicate the start and end of overlapping speech.

Excerpt 5:

> Claimant: Eso es después de- de tanta lucha que he tenido ('That's after all the struggle I've had')
>
> Interpreter: [that's]
>
> Claimant: [tantos] pleitos que – tantas [discusiones] ('so many disputes, so many discussions')
>
> Interpreter [after]
>
> Claimant: [que he ido a su casa] ('that I went to her house')
>
> Interpreter: [all this struggle] all the: arguments, ah-
>
> Claimant: que no me contestaban el teléfono, ('that they didn't answer the phone')
>
> Interpreter: [that they weren't answering my calls]
>
> Claimant: [que no me han abierto la] Puerta ('that they didn't open the door')
>
> Interpreter: [they would not-]
>
> Claimant: [han pasado] muchísimas problemas entonces ('many problems occurred, so')
>
> Interpreter: they just wouldn't open the door, there had been too many problems.
>
> (Angermeyer, 2021, p. 160).

"Because of the demands of consecutive interpreting, they are more likely to be interrupted, and, in addition to increasing the risk of miscommunication and of the omission of portions of testimony from the record, it also increases narrative fragmentation, which is liable to undermine their credibility" (Angermeyer, 2021, p. 162). Studies have shown that non-English speakers struggle to stop consistently and at proper places, "particularly if they were performing or became emotional in the course of narration" and that the natural stopping points in a Spanish narration will not align grammatically with the natural pause points in English (Angermeyer, 2021, p. 159). Furthermore, the inconsistency of the length of phrase the interpreter could handle and the lack of willingness from the claimant to speak in divorced clauses creates a rather frantic and chaotic environment. Not only is it difficult for the other courtroom participants to understand what is being said, but both the claimant and the interpreter are suffering to maintain interpretive fluidity and clarity. The interpreter's ability to provide an adequate recreation of the Spanish statement into English will severely drop due to the rushed nature of the speech, and the claimant will appear and speak in a tone of heightened nervousness as they attempt to get their message across clearly.

Some attempts at resolution to this 'inevitable' struggle have been projected as a result of studying the various benefits and complexities of simultaneous and consecutive interpretation styles. However, the overarching reality is that interpretation puts the credibility of the non-English speaker in jeopardy, and the systems in place for interpreting in the United States cannot and do not properly mediate cultural, linguistic, and structural barriers. Recent "findings point toward a need for a greater understanding of the pragmatics of interpreter-mediated courtroom interaction, how it differs from same-language interaction, and how communication can be achieved given an interactional context" (Angermeyer, 2015, p. 204). Although issues of

fragmentation cannot be entirely eliminated from courtroom interpretations, it is important to recognize the compounding effects of fragmented and interrupted statements on the credibility and power of the non-English speaker's message. Because issues of fragmentation affect Latinx populations alongside sociolinguistic biases, interpretive errors, or a lack of bilingual awareness, Spanish speakers are consistently denied access to adequate interpretation as is their legal right.

Implications

Recommendations

As seen in the sociolinguistic research presented above, there are numerous pitfalls and intersectional barriers to accessible courtroom interpretation between English and Spanish. Ranging from a lack of linguistic education or awareness to the impact of implicit biases against Latinx populations, these shortcomings create a significant gap between the proper execution and provision of constitutionally protected rights to Spanish speakers. This status quo simply cannot stand. Improvements must be made to the educational standards and programs for courtroom interpreters with sociolinguistic and critical language awareness at their core. Although it is an unchangeable reality that "the interpreted version will always be another person's reconstruction of the original meaning…with adequate training, interpreters can achieve a pragmatic equivalence which will reflect the speaker's intention," promote sociolinguistic equality, and provide accessible interpretations before the law with the proper resources (Hale, 2004, p. 239). As shown by the quantity of sociolinguistic pitfalls, historically discriminatory categorizations of Latinx identities, and systemic barriers to pragmatically equivalent interpretation, Spanish speakers are particularly disadvantaged in U.S. courtrooms and therefore subjected to injustice more frequently than English speakers. Therefore, it can be concluded that the linguistic elements and social histories surrounding English-Spanish legal interpretation indeed create unnecessary barriers and heavily discriminate against Spanish speakers in the courtroom. These issues manifest as real-life discrimination for those participating in the judicial system with the aid of an interpreter, up to a point of fully misappropriating justice or a wrongful conviction. Tackling such issues of inequality on the part of Spanish-speaking interpreters is most practically

addressed through education, an area in which certified legal interpreters are shown to be extremely lacking.

As addressed in the three case studies in Chapter 3, inadequate interpretations can occur due to an insufficient education on a linguistic basis, a lack of overall sociolinguistic awareness and the diversity of the Spanish-speaking population, or the barriers resulting from monolinguistic interpreting practices and ideologies in the United States. Linguistically speaking, interpreters frequently fall prey to the use of false cognates, improper semantic interpretations of colloquial terminology, or excessively focus on literal accuracy over pragmatic equivalency in their interpretations. However, there are many potential solutions and resources that could aid in the improvement of these shortcomings and better achieve interpretive equality. In particular, the "categorization of false cognates has useful implications not only for the practice of court interpreting, but also for interpreter training, pedagogy, and testing" (Camayd-Freixas, 2000, p. 96). However, most of the categorization and analysis of terminology occurs in the research realm, with little application and transmission of investigative findings into actual training practices or resources for legal interpreters.

Additionally, as discussed in Chapter 1, a large majority of the field-specific or 'specialized' bilingual dictionaries are not organized nor written to successfully mediate and address the most common interpretive pitfalls identified in the literature. To better resource legal interpreters, "an effective bilingual specialized dictionary should not only contain compound nouns in its entries, but also adjective and verb combinations. These publishers should provide different ways of accessing information depending on user needs," making the resources accessible to interpreters beyond the limitations of a printed volume (Buendía-Castro & Faber, 2017, p. 172). This approach allows for the flexibility of Spanish dialects, colloquial phrasings,

and anglicized terminology to not only be treated with respect and professionalism in the courtroom, but further solidify in writing that the language these speakers are using is valid, respected, and acknowledged within the Spanish language and society as a whole. Unfortunately, research shows that there are a variety of common pitfalls for legal interpreters and a shortage of sociolinguistically informed resources to preventatively educate and prepare them for the social realities of Spanish legal interpretation.

Furthermore, it has already been shown that "there is a strong correlation between the way or the manner in which people speak the impression they form on their listeners in terms of their assessment of the speaker's social status, personality, intelligence, trustworthiness and competence," highlighting the need for sociolinguistic awareness on the part of courtroom interpreters (Hale, 2004, p. 87). Beyond the specific issues of language competency in lexicology and semantics, certified court interpreters are not required to have any education on the sociolinguistic history and discrimination of Latinx populations in the United States. Out of all of the informational deficiencies permitted within the standards for legal interpreters, the lack of education on the impact of sociolinguistic discrimination on interpretive equality remains the most widespread issue in the field. A sociolinguistic curriculum would cover the topics of codeswitching, colloquial terms, the intersection of the varied elements of Latinx identities and the Spanish language, and the history of both Latinx people and Spanish in the United States, elements which fundamentally cannot be ignored if interpretive equality is to be achieved. These realities must be taught to interpreters through a lens of critical language awareness, as it works to formulate interpretive standards and practices that best reflect the lived experiences and language varieties of the population in ways the current standards do not. As highlighted by the case studies in Chapter 3, sociolinguistically informed perceptions and mechanisms of Spanish

are one of the greatest deficiencies for interpreters, who are not equipped to simultaneously handle the complex effects of dialect, the frequent hedging and breaking of online speech, and mediate sociolinguistic biases from English speakers. Without significant alterations to the education requirements of legal interpreters, misinterpretations and obstructions of justice via sociolinguistic deficiencies will continue to permeate U.S. courtrooms, furthering the discriminatory realities of history, policy, and language for Latinx people.

Another approach to closing the gap of inequality for Spanish speakers in the courtroom involves altering the ideological frameworks of the judicial system and courtroom themselves. While difficult, alterations in linguistic accessibility have successfully been executed in several European nations that have multiple nationally spoken languages, as well as Australia, with its large Aboriginal population and the many dialects spoken therein. In the United States, however, there is no officially or nationally recognized language. Despite the fact that countless languages are spoken by the population every day, all official documents and government actions are conducted in English. This flexibility of having no official language becomes a double-edged sword for those who do not fluently speak English, requiring that interpretive services then be employed. In fact, "legal practitioners and linguistic analysts alike tend to take monolingualism as the norm for courtroom discourse, even for courts situated in multilingual societies" such as the country of Luxemburg (Powell, 2008, p. 131). A "partial solution that recognizes the different degrees of bilingualism of participants would be for courts to allow for more flexibility of language choice, rather than insist on an 'all-or-nothing' rule of interpreting, where a person who has chosen to communicate with the help of an interpreter is prevented from codeswitching into the language of the court" (Angermeyer, 2021, p. 165). However, the current dominant ideology and assumption in U.S. courtrooms is that English is the language that ought to be

spoken, a perspective that is deeply rooted in the nation's harsh anti-Latinx, anti-immigrant, and anti-Spanish history as detailed in Chapter 2 of this thesis.

Additionally, there is a considerable lack of research on the variety of contexts in which legal interpreter-mediated communications are needed in general, especially at the lower court level or for legal communications that take place outside of the courtroom. Examples of such include interactions between other law enforcement officers and Spanish speakers, interactions between legal counsel and the client, and interpretation in small claims courtrooms. Furthermore, "most linguistic research to date which addresses language and disadvantage in the law has been carried out on courtroom interaction, where data collection is relatively straightforward," meaning there is a significant gap in the research on language and inequality in other legal contexts (Eades, 2008, 189). Research has identified "two other legal settings [that] have to date received little linguistic attention: lawyer-client interviews and alternative legal processes," both of which significantly affect courtroom environment and discourse (Eades, 2008, 189). It is important that linguists prioritize research in these areas, especially considering the disproportionately high rates of incarceration and criminal conviction of people of color in the United States. However, this lack of sociolinguistic legal research expands even beyond research into non-English speakers, as even dialects or stigmatized varieties of the English language have not been properly investigated as sources for legal inequality. For example, "although African Americans in the US are six times more likely to be imprisoned than white Americans, there is virtually no linguistic research which examines African American interactions in the legal process," even though African American English is a recognized dialect of the dominant language in the courtroom (Eades, 2008, p. 185). When put into perspective, this pre-existing research gap paints a bleak future for the sociolinguistic and discriminatory realities of Latinx

people and their chances of exacting true justice in the face of sociolinguistic barriers. Closing the sociolinguistic gaps between two completely different languages requires even more investigation and rigor, and with the low level of investment and research on varieties of the dominant language in the United States it becomes increasingly clear how high the risk of misinterpretation or false perceptions occurring in courtrooms for Latinx Spanish-speakers.

Finally, there are several barriers and issues that obstruct interpretive equality that have nothing to do with a lack of sociolinguistic or critical language awareness on the part of the interpreter. Rather, these barriers stem from the organization of the system and its poorly formulated approaches to addressing misinterpretation when it inevitably occurs in the courtroom. While many of the errors recorded in courtrooms could be preemptively avoided by improved education for interpreters on the sociolinguistic pitfalls and inequities faced by Spanish speakers, "the trial court's failure to record non-English trial testimony and appellate courts' abdication of responsibility to review these errors de novo compounds the harm of the interpreter's mistranslation" (Santaniello, 2018, p. 91). What this means is that official court transcripts only include the English interpretations of a Spanish speaker's testimony, excluding what was said in Spanish and creating ample opportunity for interpretive errors to go unnoticed. Not only does this have consequences in the courtroom, but this lack of record contributes to the insufficient resourcing and poor quality of legal interpretive education, as other interpreters cannot consult the record of their colleagues' semantic, lexical, and sociocultural decisions to improve upon their own skill set. The inclusion of only English legal transcripts enforces the problematic ideology that the United States is a country of only English speakers, reduces Spanish speakers' ability to contest misinterpretations, and limits the possibilities for improvement in future interpreter education.

Furthermore, courts apply a deferential standard of review to interpretive errors that are caught by a non-English speaking participant who understands enough English to raise a question. Official reviews of misinterpretation occur "not because of a procedural safeguard, but instead through happenstance and serendipity," which is an extremely unnecessary and highly problematic risk to run when harsh legal consequences hang in the balance for one or more involved parties (Santaniello, 2018, p. 97). Alongside necessary improvements in the realm of interpreter education, the United States federal court system and the Administrative Office of the United States Court must take responsibility for their failures to uphold due process as it pertains to legal interpretation and the challenging of interpretive error. Written court transcripts should be required to be documented in both English and Spanish to include all interpreted or translated terms alongside statements in the original language, and the system for checking interpretive error should be far more thorough than relying on the negligible potential bilingual skills of any present party. If courtrooms are to be a place of justice, the governing powers must hold all participants to a standard of accuracy and accessibility, regardless of the language in which they communicate.

Conclusion

While the improvement of concrete resources, such as English-Spanish dictionaries, would be an excellent step forward to bettering legal interpretation services, the majority of the barriers to interpretive pragmatic equivalence stem from a deeper disconnect between the recommendations of sociolinguistic research and the current standards of education and for U.S. courtroom interpreters. There is always space for research to expand and establish new ideas and approaches, but the current struggles with inadequate legal interpretation are not due to a lack of research on what needs to be improved upon. Rather, it is the standards of government

institutions that certify legal interpreters who bear the responsibility for the easily avoidable yet concerningly frequent instances of misinterpretation in the courtroom. Considering the centuries of history recounting the discrimination, subordination, and mistreatment of Latinx populations for their race, ethnicity, and language, the burden lies with the United States to combat and reevaluate the ways in which they provide interpretation for these individuals.

Whether as a product of linguistic ignorance, sociolinguistic awareness, or structural limitations, Spanish speakers' constitutionally derived right to adequate interpretation is actively being violated and put in jeopardy by the United States government. Despite the federal systems and programs designed to certify interpreters and establish a baseline quality for Spanish courtroom interpretation, the standards by which interpreters are evaluated fall extremely short in light of the Spanish speaker's needs and severe legal consequences hanging in the balance. Additionally, as the quantity of Latinx individuals and the contact between English and Spanish increases across the country, the need for Spanish interpretation will grow. Without systemic improvements, this population growth will lead to increased instances of courtroom misinterpretation in frequency and severity. Yet, there is already a significant amount of information within sociolinguistic and legal linguistic research pointing to this need and highlighting pathways to resolution. The longer the United States government ignores the failures of its system to certify legal interpreters, the more individuals will fall prey to linguistic mistrials and judicially mediated injustice. At the very least, the standards for education and certification of legal interpreters needs to be raised beyond the equivalent of a minor credit in Spanish from a university and include a marginal amount of sociolinguistic knowledge. Without improvements and increased scrutiny to the quality of legal interpreters, sociolinguistic and racial inequality will continue to permeate this particular area of the justice system,

discriminating against Latinx populations in accordance with the ugly and erased history of injustice that is all too familiar to Spanish speaking individuals. The courtroom is designed to be a place of advocacy, petition, and complaint for those who have been mistreated or need remedy, and with the wealth of resources and research on the sociolinguistic needs of Spanish speakers, there is no rationale for the frequency of English-Spanish misinterpretations and inequality that occurs in U.S. courtrooms.

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