

Legal Interpreting Skill Development: Improving Interpreting of Lines of Legal Questioning

Peter Tiersma (1999), in his book entitled *Legal Language*, discusses the role of these interactive narratives in the courtroom - indicating that the attorney, even during direct examination, make polite commands to tell a "mini-narrative" followed by a series of questions to clarify, expand or focus on particular points.

In direct examination, questions typically flow from open-ended questions/requests for a brief narrative to increasingly coercive or controlling questions to give the witness very little leeway. The broadest type of such questions is the WH question - however, even these types questions are phrased in such a way as to limit the answer to a brief replay.

- EX: "With respect to the white young man, where was he when you first observed him?"
- Also common are the yes/no questions: EX: "Did he appear to you to be deceased?"
- Or the disjunctive question in which the answer is restricted to two choices, both explicitly present in the question. EX: "Who was closer to the door that you entered, the young man or the young lady?"

In cross-examination leading questions are often used - these are assertions of fact or accusations for which the attorney seeks agreement. "The cross examiner should strive to make the assertions and statements of fact: the witness should simply be asked to agree with them" (Tiersma, 1999, p. 165). Although not all cross examination consists of leading questions - they are very common.

Samples of each type of legal question form.

1. **Open questions** are WH questions that do not restrict the content included in the response.

- Q. Why was it important to join the organization?
A. Because only members were allowed to vote on critical issues.

2. **Semi-open questions** are similar to a yes/no form of a question in that they have a specific and brief answer that can be predetermined. They can also come in the form of a yes/no question. When they are posed in the form of a yes/no question, they are typically followed by another semi-open question.

Example 1:

- Q. When did you join the organization?
A. In April of 1972.
- Q. Do you know how many people belong to the organization?
A. Yes.
- Q. How many people belong to the organization?
A. About 7,500.

Example 2:

- Q. With respect to the young man, where was he when you first observed him?
A. Lying face down on the bed.

3. **Closed questions** are those that intend a response that is restricted to yes or no.

- Q. And, did he appear to you to be deceased?
A. Yes.

Tiersma, P. (1999). *Legal language*