Heather Adams (and Laura Cruz García)
University of Las Palmas de Gran Canaria
Gran Canaria, Spain

Advertisements for Financial Products: How Legal Constraints Affect Advertising Claims

Session 2C, 7/13, 9-10:15, Mary Gates Hall 251

This paper presents the findings of a study carried out on the way in which advertisements in English and Spanish newspapers aimed at the general public present the terms and conditions of financial products. The study consisted of the analysis of two corpora of advertisements (30 adverts each) for financial products that appeared in early 2004 in the British and Spanish press. Lexical and semantic characteristics, syntax and phonic and graphic elements were identified and examined in terms of their function within the texts, and comparisons drawn with advertisements for consumer products.

The nature of this type of product, the legislations that governs advertising in this section and the expectations and perception of potential consumers/purchasers all play a part in determining how these products are presented, and the use of language in their presentation.

Our paper outlines the main differences in language use identified between the English and the Spanish advertisements. Our objective is to examine to what extent the legislation applicable in both cases, which mirrors the degree to which this product sector has evolved in each of the two cultures from which our ads are taken, affects the way in which the products are presented. We also show the relevance and possible applications of our findings in the teaching of translation of this type of text between these two languages and cultures.

Frank Albrecht, Panel Participant/ Panel on Authorship Attribution
Bonn University
Germany

Frank Albrecht, Silvia Dahmen, Hannes Kniffka
On the History and the Current State of Forensic Linguistic Expert Testimony in Authorship Analysis Cases in Germany

Session 7A, 7/14, 1-5:15, Communication 120

The three papers by Frank Albrecht, Silvia Dahmen and Hannes Kniffka address the history and development of forensic linguistic expert testimony in and for German (criminal) courts.

The overall hypothesis is that we want to give a detailed account of how linguistic or "linguistic" expert testimony was given in Germany some 40 years ago, of some of the (undisputedly) "bad" examples of forensic linguistic expert testimony that can be stated, and of the improvements, corrections, and achievements that have been made to date. In short, we want to present data-driven "good" and "bad" examples of forensic linguistic expert testimony. (Needless to say, the "good" ones are from our own, the others are from other experts' testimony.)

It is also part of the overall hypothesis that it needs thorough elaboration and discussion of what we did wrong, what mistakes were made some 40 years ago, what mistakes we don't make any more (and which ones we might still make today). We feel that forensic linguists act half of the time as if it were self-evident what mistakes we don't make any more and which ones we do. We act as if we know precisely which results, which "solutions", which methods were/are "real good" or "real bad", or something in between. In fact, we don't have much detailed hard empirical evidence even on "real bad" solutions, let alone just "bad" answers, arguments and examples produced by forensic linguistic experts. We three are convinced that it is useful and not at all trivial to gain a more precise picture of what has been done wrong or more or less wrong in forensic linguistic expert testimony in the past and of where we stand now. As you will see, it is not trivial also when dealing with data from other than your own native language, e.g. from an exotic language like German.

Frank Albrecht
Bonn University
Germany

A Retrospective Account of Linguistic Expert Testimony on Anonymous Authorship in a Case of the 1970's

The first of three papers on German affairs (s. also **Dahmen** and **Kniffka**) concerns an abduction and extortion case tried in a German Superior Criminal Court. Altogether, 8 (eight) expert witnesses of various professional denominations gave "linguistic expert testimony" on whether the suspect had authored several typewritten extortion letters to the victim's family. The suspect was later convicted and served a sentence of 15 years in prison.

The paper wants (1) to illustrate the high degree of divergence in methods and techniques applied by the "expert witnesses", who, with one exception, lacked linguistic training and experience; (2) to outline the findings presented to the court; (3) to briefly characterize the court's evaluation of the expert witnesses' conclusions.

(3) is of particular interest here, since the court had to deal with so many different and partly contradicting expert opinions.

Sophia Ananiadou (and Katerina T. Frantzi)
University of Manchester
United Kingdom

C-value for Authorship Identification

Session 6C, 7/14, 10:30-11:45, Mary Gates Hall 251

C-value is a measure originally proposed for the automatic identification of both multi-word terms from special language corpora and collocations from general and special language corpora. *C-value* is language and domain independent. As a collocation extraction tool is merely based on statistical information while when used as a term

extraction tool, linguistic information is combined with statistical information. The measure's most important advantage is that it is able to deal with "nested" collocations, i.e. independent collocations found within other longer collocations, neither overestimating nor underestimating them (Frantzi and Ananiadou, 1996; Frantzi et al., 2000). In this work, *C-value* is used for the characterization of forensic texts aiming to their author identification. *C-value,* applied to a forensic text, results to a list of collocations sorted according their "collocation-ness" which is assigned to them. The texts are now characterized by their lists of sorted collocations. Comparisons are made among those lists for the acquisition of elements on the degree of similarity among the corresponding texts. The measure is applied on real forensic texts and evaluation of the results shows that collocations extracted by *C-value* give indeed stylistic information that can be used as an informative parameter for authorship identification.

Shlomo Argamon (and Moshe Koppel, James W. Pennebaker, and Jonathan Schler)
Illinois Institute of Technology

Automated Authorship Profiling

Session 12B, 7/15, 1-2:15, Mary Gates Hall 251

Automated statistical analysis of texts promises to provide useful quantitative evidence for questions of authorship, a particularly useful goal in light of the *Daubert* decision. Existing automated methods for the statistical/linguistic *attribution* of an anonymous text to a given author require developing a controlled comparison corpus of documents from possible suspects (as well as plausible others). In many cases, a natural such corpus does not exist, however, and so little direct statistical evidence for authorship can be brought to bear. We consider here the possibility of automated *authorship profiling*, in which we seek to construct as complete a description of the unknown author as possible (including demographics, personality, background, etc.) from the author's usage of language in the given text. Such information is of clear use in forensic (as well as security) applications, and does not require other documents written by the actual author, but just a corpus of documents written by other individuals both similar to and different from the author in various ways. We have developed a system that applied machine learning methods for text classification to lexical and syntactic features of texts, and can reliably determine author *gender*, *age*, *native language*, and *personality*. Accuracy for these profiling tasks varies between 66% and 82%, depending on the task and the type of text considered, while meaningful estimates of the reliability of the process in a given case can be made. Such methods thus already comprise a useful tool for investigations; with some further development, we believe that results with evidential force will be adducible as well. The system also provides intuitive access to the key features involved in its classifications, which can be used by human experts to refine and explain forensic determinations.

Sol Azuelos-Atias
University of Haifa
Israel

The Paradox of Honesty in Persuasion and its Expressions in the Legal Argumentation

Session 7C, 7/14, 1-2:15, Mary Gates Hall 251

I intend to discuss in this lecture some linguistic strategies of persuasion that are used regularly in Israeli courts as well as other courts and places. Some of the strategies may be used in order to cope with the paradox of honesty in persuasion. In general, we do not trust a person unless we believe he is honest, therefore, in order to convince us, a person has to appear honest. The easiest way to appear honest is, of course, to be honest. However, honesty is not always the best policy. If we know that a person is making a special effort to convince us, we will naturally suspect his words as a form of *art engagée*. If a person who tries to persuade us is perfectly honest he will disclose his intentions, and will be therefore less persuasive.

As a consequence of this paradox, maximum persuasiveness requires honesty and neutrality; in order to convince, a person should appear disinterested. It is obvious that a person who bothers to present a complete logical argument tries to prove something he is not disinterested and therefore his arguments would not be as convincing. I will discuss some linguistic strategies that are regularly used by the institutionalized speakers in Israeli courts in order to bypass the limitation of the persuasiveness of arguments.

Joan Bachenko (co-author Eileen Fitzpatrick)/Panel Participant, Linguistics of Deception
United States

Detecting Deception in Civil and Criminal Narratives

Session 5A, 7/14, 9-11, Communication 120

We describe a test of the reliability of using linguistic cues to identify deceptive and non-deceptive regions in "real world" narratives — criminal statements, police interrogations and legal testimony. Twelve linguistic indicators of deception cited in the psychological and criminal justice literature that can be formally represented were selected for the test. The indicators fall into three classes: (1) Linguistic devices used to avoid making a direct statement of fact, including linguistic hedges, qualified assertions, which leave open whether an act was performed, unexplained lapses of time, overzealous expressions, and rationalizations. (2) Preference for negative expressions in word choice, syntactic structure and semantics. (3) Inconsistencies with respect to verb and noun forms, including verb tense changes, thematic role changes, noun phrase and pronoun changes, where different forms denote the same referent. Trained annotators hand tagged the narratives for the deception cues and another group of annotators marked the truth value of all propositions that could be externally verified as true or false. A measure of the density of cues was then calculated, with high cue density taken to identify a passage as deceptive. This method correctly distinguishes 71% of the hand-tagged propositions as true or false, using classification and regression techniques, compared to a human subject average of 78% on the same task. This preliminary result suggests that linguistic cues can provide a reasonable guide to the sectioning of narratives into deceptive and non-deceptive statements. Examples of the cues and further statistical approaches aimed at improving the original results will also be presented.

Susan Berk-Seligson

Center for Latin American and Iberian Studies
Vanderbilt University
United States

Judicial Systems in Contact: Access to Justice and the Right to Interpreting/Translating Services among the Kichwa of Ecuador

Session 2B, 7/13, 9-10:15, Mary Gates Hall 231

The right to a court-appointed interpreter has been established in a number of countries (e.g., Australia, Canada, Guatemala, South Africa, U.K., U.S.A.). Yet in many nations, such rights are far less clearcut. In Latin America, countries having substantial indigenous populations that vary in their command of the official language(s) of the State often display a divergence between official policy and de facto policy. Ecuador is a case in point.

Interviews with 93 Ecuadorians (judges, public defenders, private attorneys, prosecutors, interpreters/translators, justices of the peace, police officers, commisioners specializing in domestic violence cases, elected officials, officials working in NGOs and human rights agencies) have revealed that the political leadership of the Kichwa--the largest indigenous group in Ecuador--on the whole prefers not to use the State justice system. However, when the Kichwa do have recourse to it, they send bilingual community leaders to the State courts to act as interpreters. This includes restraining order hearings. When judicial proceedings are carried out within the borders of the Kichwa territories, proceedings are conducted bilingually, that is, defendants and witnesses speak in either Spanish or Kichwa, and the leaders who try these cases interact with them in both languages. This sociolinguistic configuration has important repercussions for cases in which jurisdictional issues involving people of different ethnic background remain unresolved.

The Ecuadorian case is particularly interesting from a forensic linguistic standpoint, in the light of recent (1998) reforms to Ecuador's constitution giving indigenous and Afro-Ecuadorian groups a large measure of judicial autonomy with respect to administration of justice.

Susan Berk-Seligson (and Bethany Dumas), Shuy Panel Participant
Center for Latin American and Iberian Studies
Vanderbilt University
United States
Special Session, 7/13, 1-3:45, Johnson 075

Carl S. Bjerre
University of Oregon, School of Law
United States

The Force Dynamics of Contract Law

Session 4B, 7/13, 4:15-5:30, Mary Gates Hall 231

This paper uses the linguist Leonard Talmy's idea of "force dynamics" to show an

underlying unity between otherwise disparate aspects of contract law.

For Talmy, physical notions of the exertion of force also apply in non-physical realms, including internal psychological states and interpersonal interactions. E.g., in "I refrained from responding," one part of the self is conceptualized as exerting force against another, in what Talmy calls "onset causation of rest." Similarly, in "she indulged his verbosity," one person is conceptualized as yielding to force by another, in what Talmy calls "extended letting of motion." Taken together (with permutations between onset and extended forces, causation and letting, and motion and rest), many abstract concepts are unified within this fundamental semantic category of force dynamics.

I show that much of the discourse of contract law reduces to similar exertions of force. The nature of offers and acceptances and rejections, bargaining power, choice and duress, breach, and mitigation of damages, to take just a few examples, are all shown to be explainable in terms of Talmy's permutations. In fact, the standard rhetoric of freedom of contract is all about onset causation of motion ("your signature obligates you"), extended letting of rest ("the law leaves you free to choose deals"), and the like. It is well established that legal concepts are constructed, but this linguistic framework suggests that many of those constructions are subconscious, fairly primitive, and uniform.

Susan Blackwell
University of Birmingham
United Kingdom

Defining Denial: The Language of Legislation Concerning the Holocaust

Session 8A, 7/14, 2:30-3:45, Communication 226

Holocaust denial is currently illegal in 11 countries: Austria, Belgium, the Czech Republic, France, Germany, Israel, Lithuania, Poland, Romania, Slovakia and Switzerland. A British citizen, David Irving, recently served a prison sentence in Austria for speeches made there, and some politicians and organisations are now campaigning for such a law to be introduced in England and Wales. An obvious question which presents itself to linguists is how such a law might be worded in order to be enforceable.

This paper reviews and compares the wording of the relevant legislation in the countries concerned and identifies a number of problems. Several of the existing laws refer specifically to the crimes of German National Socialism, while those of Poland group together the crimes of nazism and communism, and the Swiss law refers inclusively to "genocide or other crimes against humanity". The degree to which the victims are defined is equally variable. Some of the legislation criminalizes "minimalising" or "trivialising" the acts concerned as well as merely "denying" them, and in some cases "seeking to justfiy" or "expressing sympathy with" the perpetrators is also punishable.

It emerges that this particular "language crime" is extremely slippery to define. Some examples will be given of how the wording of the legislation is interpreted in practice when cases come to court. The paper concludes that there are linguistic grounds, as well as ethical and political ones, for opposing the introduction of new laws of this kind.

Ronald R. Butters (co-authors Tyler Kendall and Phillip Carter)/Shuy Panel Participant
Duke University
United States

Discourse Analysis of Instant Messages Used as Incriminating Evidence in "Sexual Predator" Prosecutions

Special Session, 7/13, 1-3:45, Johnson 075

One of Roger Shuy's greatest contributions to forensic linguistics is his extensive and detailed analysis of surreptitiously recorded evidence used in "language crimes" prosecutions. Our paper builds upon Shuy's methodology to analyze prosecutorial allegations about Instant Message exchanges between an unsuspecting middle-aged man and an adult who was pretending to be a 13-year-old boy. The case, which led to sexual enticement and solicitation convictions, is one of hundreds of "mark-and- decoy" IM conversations instigated by agents of Perverted Justice, an organization dedicated to the exposure, arrest, and conviction of "sexual predators." "Dateline," the NBC news magazine, has paid Perverted Justice hundreds of thousands of dollars to employ online decoys; "Dateline" reporters then conducted surprise "interviews" upon the marks as they arrived at what they were led to believe were the homes of the "youths." The web site Perverted-Justice.com publishes transcripts of over 150 such IM exchanges.

Anyone who has seen the "Dateline" broadcasts may wonder what sort of defense could be possible in the face of such overwhelming-seeming evidence of sexual crimes against underage youths. It is not our purpose to dispute the decision of the trial judge in the case under analysis here, who found the mark guilty of two felony charges and sentenced him to six years in federal prison. We do seek to demonstrate, however, that the interpretation of the evidence could have been significantly altered by the use of discourse analysis of the IMs and the "Dateline" broadcast—none of which was presented to the court.

Elisabeth Kate Carter
University of Essex
United Kingdom

Laughing Matters: Investigating Officer and Suspect Laughter in the Police Interview on a Conversation Analytic Level

Session 12B, 7/15, 1-2:15, Mary Gates Hall 251

This conversation analytic research uses police interviews as data in investigating the role of laughter by police officers and suspects in managing aspects of police interviews. Laughter in police interviews has not been the subject of extensive research in this field, unlike that of ordinary conversation. Amongst other uses, laughter in ordinary conversation can be used as a tool to enable talk about troubles and create intimacy. Analysis of laughter used in this institutional setting identifies similarities and differences in its use from ordinary conversation. This

research finds that the uses typical of ordinary conversation creep into this institutional talk, however the constraints the parties are operating under mean they get sanctioned for doing precisely that, therefore highlighting what these constraints are.

The two-tiered approach to the analysis finds the basic actions performed by the laughter (such as in response to a ridiculous comment in the prior turn) are uniform across participants. Attention is then given to the way it is used by the suspect to support his/her position, for instance that of innocence, or to deflect contradiction of the officer. On the part of the officer, laughter is used to frame a 'time out' from the constraints he/she is operating under. This suggests that laughter may be used for similar interactional purposes by both the suspect and the officer, but that they can be directed toward differential second order objectives due to the divergent positions, rights and obligations of the two parties.

Luciana Carvalho**
Universidade de São Paulo
São Paulo, Brazil

Copyright Issues in Bilingual Legal Dictionaries: A Case Study

Session 2C, 7/13, 9-10:30, Mary Gates Hall 251

This paper aims at describing copyright issues raised in a legal suit involving copyright infringement by the authors and publishers of a bilingual legal dictionary in Brazil. This suit was filed by the publisher of another bilingual dictionary in 2004 and, therefore, was still in course at the time of writing. We have been closely following the case for research purposes seeing that this suit addresses a number of relevant legal [and] language issues such as plagiarism, expert opinions, translation and terminology.

We shall begin by elucidating how the Brazilian civil law system operates in this regard focusing on the sources of expert opinion admissible in and/or required by the court. We shall then proceed to examine the questions the plaintiffs and the defendants posed to the court-appointed expert and the opinion issued by the latter. Lastly we shall discuss how the experts appointed by each one of the parties responded to the opinion written by the court-designated expert. And, to conclude, we shall seek to establish points of convergence and divergence involving the three expert opinions at issue.

Luciana Carvalho
Universidade de São Paulo
São Paulo, Brazil

Translating Binomial Expressions in Common Law Agreements: A Corpus-Based Study

Session 11A, 7/15, 10:30-11:45, Mary Gates Hall 231

This paper aims at presenting the final results of last year's presentation at the IAFL Barcelona conference.

We have spent the last couple of years studying binomial expressions in

common law agreements in light of Corpus Linguistics in an attempt to provide translators with the necessary linguistic elements that will enable them to render a natural translation.

Binomial expressions are formed by two words belonging to the same grammatical category and joined by *and* or *or*. Some examples are: *terms and conditions, any and all, due and payable, action or proceeding, agreement or obligation*.

To study binomials in English legal language and provide elements for translators to arrive at their own translation into Brazilian Portuguese, we compiled and explored a bilingual comparable corpus consisting of authentic agreements and *contratos*, totaling, approximately, 1 million words—705,744 in English and 289,984 in Brazilian Portuguese—made up of 5 samples of 28 different kinds of *contratos* and agreements, a total of 140 documents in each language.

Exploring such a corpus depended on principles and tools of Corpus Linguistics. To tag the corpus we used UCREL's CLAWS 7 (the Constituent Likelihood Automatic Word-tagging System) and to explore the corpus we used Mike Scott's WordSmith Tools.

We were, therefore, able to retrieve 1,065 binomial candidates of which 819 were confirmed to be binomial or multinomial expressions formed by various grammatical categories. We found 7 binomials formed by determiners, 54 formed by prepositions, 102 formed by adjectives, 490 formed by nouns, 11 formed by pronouns, 15 formed by adverbs, and 140 formed by verbs.

Krisda Chaemsaithong
University of Houston, Downtown
United States

Self-Face in Early Modern Witchcraft Trials and Contemporary Trials

Session 2A, 7/13, 9-10:15, Communication 326

Drawing data from Early Modern English witchcraft trials and the Salem witchcraft trials in the sixteenth and seventeenth centuries, this paper aims to show the strategies used by examinees in the trials from the perspective of linguistic politeness.

However, politeness as used in this paper, refers to self-politeness—politeness done to save one's own face, rather than others' face, I claim that the examinees' responses were produced primarily for them to save their own face, though in some cases to save the magistrates' face as well. Such politeness strategies for self can be explained and attributed to the differences in legal paradigms and procedures in which guilt was presupposed during such a period and in which capital punishment of being hanged was reserved for those found to be witches (whereas contemporary Anglo American trials adopt the innocent-until-proven-guilty paradigm). Self-politeness is important in witch trials because it helps the accused to achieve two tasks at the same time: first, they could respond to the arbitrates' questions as well as possible in ways that are pragmatically co-operative, and, second, functioning as a defense attorney for themselves, they had to produce optimal responses that might lead them to acquittal or partial and more lenient punishment (although it could not be guaranteed whether those optimal responses would work to satisfactory ends). Finally, I compare the examinees' self-politeness strategies in

witch trials with some data from contemporary trials to show that the strategies for self politeness in the Early Modern period were much more diverse due to socio-legal differences.

Carole E. Chaski, Panel Chair/ Panel on the Linguistics of Deception
ALIAS Technology LLC
United States

An Overview of Research in the Linguistics of Deception Detection

Session 5A, 7/14, 9-11, Communication 120

The interrogation is essential to both civil, criminal and security investigations. Detecting deception within the interrogation and throughout the investigative process enables investigators to allocate resources efficiently, thereby making it a highly valued skill. As an introduction to the following talks, I focus on previous research which has attempted to define, operationalize or in any way measure the skill of detecting deception through linguistic cues, including the work of Sapir, DePaulo, Pennebaker, Hartwig and others.

Carole E. Chaski, Panel Participant/ Panel on Authorship Attribution
ALIAS Technology LLC
United States

Empirically Testing the Uniqueness of Aggregated Stylemarkers

Session 7A, 7/14, 1-5:15, Communication 120

One of the central claims of forensic stylistics is that each person has a unique set of stylemarkers (McMenamin 2002). McMenamin (2002) provides no empirical evidence for this claim, but he does list the kinds of stylemarkers which have been used within forensic stylistics. Following Foster (2000), Koppel and Schler (2003) tested 99 stylemarkers on large writing samples of 11 authors, obtaining only 67% classification accuracy when they used these stylemarkers with two very powerful classification algorithms. Schler, Koppel, Argamon and Pennebaker (2006) have recently made available a corpus of almost 20,000 bloggers. Some of the bloggers who have produced approximately 150,000 words. From this corpus, I have extracted the writing samples of bloggers who have produced less than 3,000 words, so that the amount of data is forensically feasible. This study reports the frequencies of aggregated punctuation stylemarkers. Even though forensic stylistics includes other features besides punctuation, in every forensic stylistic analysis I have ever read, punctuation plays a key role. This study provides empirical results as well as a discussion of presence versus rate in stylemarkers aggregation.

Carole E. Chaski
ALIAS Technology LLC
United States

Multilingual Forensic Author Identification through N-Gram Analysis

Session 12B, 7/15, 1-2:15, Mary Gates Hall 251

In many criminal and civil disputes, the issue of authorship identification is relevant. Current approaches can be forensically difficult because the quality of the required text is too large or the approach requires complicated and time-consuming natural language processing or the approach is domain-dependent. N-gram analysis, in which sequences of various n lengths, has proven its utility in part-of-speech tagging, parsing, information retrieval and authorship identification (Keselj et al. 2000, Peng et al. 2001, Koppel et al. 2006). Whether this technique can also be used in forensic author identification is explored in this paper. Further, we discuss n-gram analysis in terms of doman- and language-dependence. We hypothesize that different language groups requires different n-gram lengths for the best accuracy. We compare the results of using Keselj et al.'s (2000) Relative Distance Metric versus Frantzeskou et al.'s (2007) Overlap Metric. Finally, we report a series of experiments using the two metrics with different n-gram lengths under varying conditions of textual quality for English, Russian and Arabic.

Sgt. Wes Clark / Panel on the Linguistics of Deception
Connecticut State Police
United States

The Practical Application of Investigative Statement Analysis

Session 5A, 7/14, 9-11, Communication 120

This talk focuses on the practical application of investigative statement analysis within the context of criminal investigations. I will show how various principles and practices of statement analysis techniques have proven to be a valuable tool for law enforcement in specific cases by helping investigators identify missing information and assist with distinguishing between truthful and deceptive communication.

Effie Papazikou Cochran (and Alice H. Deakins)
City University of New York
United States

What Legal Writers Should Know: A Syntactic Analysis of a Legal Brief

Session 6B, 7/14, 10:30-11:45, Mary Gates Hall 231

Among the many types of written expression, the legal register is fraught with denseness and dryness, which posing a challenge to writers of legal texts. How much of this is syntactic? And how does syntax interact with content?

In this paper, the editing process on the first paragraph of three drafts of a U.S. legal brief will be explored and then connected to the content of the paragraph. After an introduction of the analytic system, the syntactic changes over the three drafts will be examined, revealing the superiority and accessibility of the final version. With its fewer

sentences, reduced number of different subjects, and simpler predicates, the final version of the brief unpacks the density of the previous drafts by dropping or shifting information. It also uses the full spectrum of sectors in the English sentence by adding information in "extra" insert positions. In terms of content, the syntax of the final version interacts with the substance of the brief by presenting a drama which uses only three different subjects: *the court, the jury, and the defendant.* Each subject/agent has a role that as assessed via judgment words, making them, respectively, impartial, decisive, and weak. The plaintiff becomes a wise observer.

Through examination of the changes in syntax over the three versions of the brief, a movement from obfuscation to clarity and simplicity becomes apparent. The syntactic structures and the content of the brief work in synergy to create a simpler yet powerful and sophisticated final version.

G. Burns Cooper
University of Alaska Fairbanks
United State

Stability of Certain Stylistic Features Over Time

Session 3A, 7/13, 10:30-11:45, Mary Gates Hall 231

A persistent problem in authorship analysis is that authors' styles may change over time; comparisons of documents written within the same relatively short time frame are thought to be most reliable. Complicating this problem, we do not know in any detail which features are most likely to change, how much they may change, or exactly why they change. It would be useful to have much more information about how consistent the process of change is between authors, and about which aspects change most (or least) over time. The present study contributes to building the necessary base of knowledge to address these problems. It examines a series of letters written by the same authors over the course of many years. It focuses on the parameter of semantic density, because psycholinguistic and medical evidence has suggested that it is relatively stable over time (Snowden, et al. 1996). The present study expands the data set used in Cooper 2007 (in press) to make cross-year comparisons more useful. The document type, Christmas letters sent to family and friends, ensures that topics and audiences are similar, and using actual letters as opposed to documents written expressly for research purposes eliminates the question of whether such documents are truly comparable to real-life ones. The comparability of semantic density to other relatively simple stylistic measures will also be discussed briefly.

Silvia Dahmen, Panel Participant, Authorship Attribution
Cologne University
Germany

Frank Albrecht, Silvia Dahmen, Hannes Kniffka
On the History and the Current State of Forensic Linguistic Expert Testimony in Authorship Analysis Cases in Germany

Session 7A, 7/14, 1-5:15, Communication 120

The three papers by Frank Albrecht, Silvia Dahmen and Hannes Kniffka address the history and development of forensic linguistic expert testimony in and for German (criminal) courts.

The overall hypothesis is that we want to give a detailed account of how linguistic or "linguistic" expert testimony was given in Germany some 40 years ago, of some of the (undisputedly) "bad" examples of forensic linguistic expert testimony that can be stated, and of the improvements, corrections, and achievements that have been made to date. In short, we want to present data-driven "good" and "bad" examples of forensic linguistic expert testimony. (Needless to say, the "good" ones are from our own, the others are from other experts' testimony.)

It is also part of the overall hypothesis that it needs thorough elaboration and discussion of what we did wrong, what mistakes were made some 40 years ago, what mistakes we don't make any more (and which ones we might still make today). We feel that forensic linguists act half of the time as if it were self-evident what mistakes we don't make any more and which ones we do. We act as if we know precisely which results, which "solutions", which methods were/are "real good" or "real bad", or something in between. In fact, we don't have much detailed hard empirical evidence even on "real bad" solutions, let alone just "bad" answers, arguments and examples produced by forensic linguistic experts. We three are convinced that it is useful and not at all trivial to gain a more precise picture of what has been done wrong or more or less wrong in forensic linguistic expert testimony in the past and of where we stand now. As you will see, it is not trivial also when dealing with data from other than your own native language, e.g. from an exotic language like German.

Silvia Dahmen
Cologne University
Germany

An Example from the "Dark Side" of Forensic Linguistic Expert Testimony in a German Court: A Case Study

This paper symptomatically illustrates data used as evidence and arguments by a "semi-linguist" who on his own initiative gave forensic linguistic expert testimony in the 1980s, but ever since the 1990s has been considered a charlatan by practically all forensic linguists and investigating authorities in Germany. He is still doing (and advertising) the services of a "linguistic detective" and seems to be able to live on that.
The point of this paper is not to give a full-fledged description of a charlatan and his potentially dangerous work. Rather, some of the details of items and arguments that were used in a symptomatically selected expert opinion of his will be illustrated, trying to figure out why courts and some linguists in those days were swayed by his arguments. How could that happen?

Alice H. Deakins (and Effie Paptzikou Cochran)
City University of New York
United States

What Legal Writers Should Know: A Syntactic Analysis of a Legal Brief

Session 6B, 7/14, 10:30-11:45, Mary Gates Hall 231

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Through examination of the changes in syntax over the three versions of the brief, a movement from obfuscation to clarity and simplicity becomes apparent. The syntactic structures and the content of the brief work in synergy to create a simpler yet powerful and sophisticated final version.

Sandra Ferrari Disner
Linguistic Consultant
Los Angeles, United States

Speaker Identification and the Reassigned Spectrogram

Session 10B, 7/15, 9-10:15, Mary Gates Hall 251

A relatively new method for imaging the time-frequency content of speech, variously referred to as the Hilbert Transform, or more colloquially, the reassigned spectrogram, is applied to the problem of speaker identification. Reassigned spectrograms show the instantaneous frequencies of signal components as well as the occurrence of impulses with increased precision compared to conventional spectrograms. A small pilot study has shown that students of linguistics and engineering who received one hour of familiarization with the technique were able to match pairs of reassigned spectrograms correctly 50 out of 52 times, yielding a reliability measure that matches the most optimistic estimates of conventional spectrography. Importantly, the reassigned spectrogram requires only a brief (50 ms, or just about four pulsations of the vocal chords) sample of speech, which makes it useful in examining utterances consisting of only a few words. At the very least, reassigned spectrograms may be presented in conjunction with conventional imaging techniques in forensic cases, possibly yielding more reliable results than either technique on its own.

Bethany Dumas (and Susan Berk-Seligson), Shuy Panel Participant
University of Tennessee, Knoxville
United States
Special Session, 7/13, 1-3:45, Johnson 075

Diana Eades
University of New England
Armidale, Australia

"Carrying on silly" or "antics"?: Recontextualisation and Dialectal Subtleties

Session 4C, 7/13, 4:15-5:30, Mary Gates Hall 251

An ongoing concern of forensic linguistics in Australia relates to dialectal difference between general Australian English and the varieties of Aboriginal English spoken by most Aboriginal people in their dealings with the law. Previous research and expert evidence has examined issues involved in fabricated confessions, as well as pragmatic features affecting intercultural communication in the legal process. In this paper, it is lexical semantics which is central to a case study on dialectal difference in the criminal justice process. The paper will examine subtle transformations which occurred when police officers summarised in general Australian English the story of a suspect speaking a closely related dialect of Aboriginal English. Seemingly unaware of key lexical semantic differences between the two dialects, the police officers produced a Fact Sheet which removed a central element of the suspect's story. Theoretically, the paper will be situated in current research in linguistic anthropology and sociolinguistics on the recontextualisation of stories in the legal process (e.g. Trinch, Cotterill, Rock, Matoesian). While cross-examination makes much of the "ideology of inconsistency" in the way in which an individual might re-tell their story, other legal contexts seem to find the transformation of individuals' stories unproblematic. The paper concludes by considering the possibility of training police in basic discourse analysis.

William G. Eggington
Brigham Young University
United States

The Linguistic Component of Hate Crimes

Session 12A, 7/15, 1-2:15, Mary Gates Hall 231

In recent times, hate crime legislation has been enacted in many Western nations. Hate crimes are defined as "any of various crimes … when motivated by hostility to the victim as a member of a group (as one based on color, creed, gender, or sexual orientation)." "Hostility to the victim" is often evidenced by the offender's use of language or symbols. In this sense, defining the nature and degree of that hostility becomes a matter of linguistic inquiry. The potential centrality claim of linguistic analysis applied to hate crimes is further enhanced when we consider the American Psychological Association's notion that "hate crimes are message crimes. They are different from other crimes in that the offender is sending a message to members of a

certain group that they are unwelcome." The crime is in the message and often the message is conveyed through language. This paper examines the following compounded questions. Is it a hate crime when an offender uses (and is exposed to) hate crime qualifying phrases not only when referring to the victim, or the victim's group, but also when referring to friends, acquaintances, and the general public; and when that marked language encompasses a wide range of register variation including popular media culture; and when that language is accepted as normal usage in the offender's and the victim's speech communities? These questions become more serious when asked in a context that, if answered in the affirmative, will result in the offender facing the death penalty.

Sabine Ehrhardt
Bundeskriminalamt KT54-Author Identification
Germany

Disguise in Incriminating Texts—Theoretical Possibilities Compared to Authentic Instances of Language Manipulation

Session 11B, 7/15, 10:30-11:45, Mary Gates Hall 251

Incriminating texts are for obvious reasons anonymous. In many cases, authors are not content with just withholding their names, they intentionally try to disguise their identity by manipulating the language they use.

In theory, these authors have plenty of different possibilities at hand: for instance, they could feign to write German as a foreign language, use a technical terminology that has nothing to do with their actual professions, use a vocabulary that is typically associated with persons of an older/younger age, they could try to appear less educated than they actually are, and they could use the terminology of any political, religious, etc. group although they are not a follower or even a member of that group.

In practice, authors of incriminated texts use only a very limited number of manipulation strategies. Usually, they pretend to be writers of German as a foreign language. And even this strategy is narrowed down to some few changes of spelling and verb inflection.

The analysis of authentic instances of disguise in incriminating texts will show that most authors of incriminated texts have only limited access to manipulation strategies (compared to the theoretical possibilities) as it requires a thorough knowledge of what their own language habits and the language features of their feigned identity actually consist of.

Sandra Evans
University of the West Indies, St. Augustine Campus
Trinidad and Tobago

Creole and English in a St. Lucia Court

Session 9C, 7/14, 4-5:15, Communication 226

During the 150 years prior to 1803, there was a drawn out power struggle between the French and the British for ownership of the island of St. Lucia. In 1814, the island

was ceded to the British and it remained a British colony until its independence in 1979. By 1842, English was established as the only official language of St. Lucia, which implied that it was to be used in all official social domains. The legal system logically adopted English as its language of operation. However, at that time, many St. Lucians were monolingual speakers of a new language, a French-lexicon Creole, which had developed during the period of French rule. This Creole is etymologically linked to French but it is not mutually intelligible with either French or English. The lack of mutual intelligibility between English and French-lexicon Creole continues to generate a considerable linguistic gap between monolingual speakers of French-lexicon Creole and the language of the legal process in St. Lucia.

This paper is based on recent research in the linguistic practices of the criminal justice system in St. Lucia. It examines some of the specific ways in which some of these common practices place French-lexicon Creole speaking defendants at a disadvantage before the law, particularly in cases where they are not legally represented. Special emphasis will be placed on disempowerment engendered by the absence of an articulated official language policy for the criminal justice system, the absence of court-trained interpreters and the appointment of foreign magistrates. Ultimately, this paper seeks to examine the accepted practice of using English as the sole official language of the law in a bilingual/multilingual linguistic environment.

Lorna Fadden
Simon Fraser University
British Columbia, Canada

To Deny or Dispute: Discourse Strategic Differences between Aboriginal and Non-Aboriginal Suspects

Session 1A, 7/12, 3-4:15, Communication 326

This paper examines the discourse strategies of aboriginal and non-aboriginal suspects during investigative police interviews in Western Canada. Throughout the literature, studies have shown that in institutional settings such as courtrooms, members of dominant and non-dominant cultures show different linguistic behavior. The police interview, as another genre of institutional dialog, remains to be examined. In this preliminary study I examine the discourse strategies of three aboriginal and three non-aboriginal suspects questioned by experienced investigators. While the sample size at this pilot stage is small, patterns have emerged with respect to discourse behavior differences along cultural lines. Among these patterns, we see a strong tendency for aboriginal suspects to deny police assertions, volunteering little or no information, whereas non-aboriginal suspects dispute them, offering alternative accounts of their actions and whereabouts. Also, when the suspect is aboriginal, the ratio of investigator-to-suspect speech is high. This ratio is lower when the suspect is non-aboriginal. Lastly, aboriginal suspects offer little or no evaluative comment throughout the interview, while non-aboriginal suspects often comment throughout the interview and make reference to legal procedure and the interview itself.

Discourse strategies typical of Canadian aboriginal speakers may be giving police and juries the impression that aboriginal suspects are not defending themselves, when

instead, their discourse strategies do not align with a set of expected behaviors in the interview room. The results of a study such as this may inform agencies that are taking steps to incorporate cultural knowledge into police practice.

Ol'ga Feiguina (and Graeme Hirst)
University of Toronto
Canada

Forensic Authorship Attribution for Small Texts

Session 6C, 7/14, 10:30-11:45, Mary Gates Hall 251

Determining the authorship of a questioned document is a common forensic need. But methods of authorship attribution developed in literary analysis generally make assumptions that are unrealistic in a forensic setting; for example, they typically require the document to be long and the comparison corpus to be large (did Shakespeare or Marlowe write this play?). In this paper, we present a method for authorship attribution suitable for texts as short as around 200 words.

Earlier research on the use of syntax in authorship attribution (e.g., Baayen et al 1996, Stamatatos et al 2000) has shown both the strengths and limitations of limitations of using either full parses or simple syntactic chunking. By using partial parsing (Abney 1996), we obtain the strength of syntax while minimizing the weaknesses (Hirst and Feiguina 2006). We represent a sentence as the sequence of labels of its bracketed substructures and terminals, and a document by the frequencies of bigrams of these syntactic labels. These frequencies, along with a number of lexical features, are then used as features for classification by a support-vector machine. We show that this method achieves a higher accuracy (87%) in pairwise author identification on Chaski's (2005) model forensic dataset of short texts (average length 265 words) than Chaski's own syntactically-aware method (81.5%), and 81% accuracy for 200-word excerpts of the same data. We show also that the syntactic-label bigrams account for most of the accuracy, with lexical features contributing only a few percentage points.

Luna Filipović
Department of Psychology
University College, London
United Kingdom

Language in the Witness Stand: Witness Testimonies through a Forensic Linguistic Prism

Session 9C, 7/14, 4-5:15, Communication 226

The paper examines the effects of habitual language use that affects information content of witness testimonies in translation. Original transcripts of witness testimonies in Spanish and their official translations in English by certified court interpreters have been used in this study. The experiential domain in focus here is that of motion events. Spanish pattern (cf. Talmy 1985, Slobin 1996) involves directional verbs in motion expressions and scarce reference to manner, whereas the English pattern “favours” detailed reference

to the manner of motion due to the abundance of manner verbs and constructions. The interest in the present study lies in the potential consequences of these typological differences for the presence/absence of information in the witness testimonies and their translation in official transcripts. We can report that Spanish transcripts contain significantly fewer types and tokens of manner verbs compared to those of directional verbs and that information on manner is frequently omitted, even on occasions where it could be crucial. The English pattern, which favours manner verbs strongly, induces interpreters to add manner in their translations, affecting the content of the testimonies. Other issues discussed in this paper include the predominant use of agentive vs. non-agentive constructions in English and Spanish respectively, the departure from the habitual pattern in Spanish in order to foreground information, and the general narrative effects of the entrenched language patterns that signal the need for more profound linguistic typological sensitivity in the processes of interpreting and interrogating witnesses.

James R. Fitzgerald
Supervisory Special Agent, Critical Incident Response Group
FBI Academy
Quantico, VA

The Threat as a Speech Act: Defining Threats and Assessing Threatening Communications

Session 9A, 7/14, 4-5:15, Mary Gates Hall 231

A communicated threat is a verbalized, written, keystroked, computer generated, electronically transmitted statement, or a combination of some or all of these methods, that states or suggests that some potentially harmful incident or event will occur that negatively will affect the recipient, someone or something associated with the recipient, or specified or non-specified other individuals or entities. Communicated threats can generally be classified into three behaviorally based categories: direct, veiled, or conditional. Basic behavioral and linguistic related analytical techniques to consider when undertaking a threat assessment are covered.

This paper focuses on the assessment of communicated threats and threatening behavior as it applies to the potential for violence. It includes the definitions and nature of threats, motivations of people who make threats, levels of threat, and the potential for subsequent violent behavior. Questions to ask and things to look for in assessing credibility of threats are covered.

The paper also includes the seven primary factors to consider when undertaking a threat assessment. These factors include the level of personalization present in the communication, the level of apparent commitment, the level of escalation, if any, and the presence or non-presence of external ancillary factors. Mitigating conditions which could obviate some of these factors are also discussed.

Eileen Fitzpatrick (co-author Joan Bachenko) / Panel on Linguistics of Deception
Montclair State University
United States

Detecting Deception in Civil and Criminal Narratives

Session 5A, 7/14, 9-11, Communication 120

We describe a test of the reliability of using linguistic cues to identify deceptive and non-deceptive regions in "real world" narratives — criminal statements, police interrogations and legal testimony. Twelve linguistic indicators of deception cited in the psychological and criminal justice literature that can be formally represented were selected for the test. The indicators fall into three classes: (1) Linguistic devices used to avoid making a direct statement of fact, including linguistic hedges, qualified assertions, which leave open whether an act was performed, unexplained lapses of time, overzealous expressions, and rationalizations. (2) Preference for negative expressions in word choice, syntactic structure and semantics. (3) Inconsistencies with respect to verb and noun forms, including verb tense changes, thematic role changes, noun phrase and pronoun changes, where different forms denote the same referent. Trained annotators hand tagged the narratives for the deception cues and another group of annotators marked the truth value of all propositions that could be externally verified as true or false. A measure of the density of cues was then calculated, with high cue density taken to identify a passage as deceptive. This method correctly distinguishes 71% of the hand-tagged propositions as true or false, using classification and regression techniques, compared to a human subject average of 78% on the same task. This preliminary result suggests that linguistic cues can provide a reasonable guide to the sectioning of narratives into deceptive and non-deceptive statements. Examples of the cues and further statistical approaches aimed at improving the original results will also be presented.

Katerina T. Franzi (and Sophia Ananiadou)
University of the Aegean
Rhodes, Greece

C-value for Authorship Identification

Session 6C, 7/14, 10:30-11:45, Mary Gates Hall 251

C-value is a measure originally proposed for the automatic identification of both multi-word terms from special language corpora and collocations from general and special language corpora. *C-value* is language and domain independent. As a collocation extraction tool is merely based on statistical information while when used as a term extraction tool, linguistic information is combined with statistical information. The measure's most important advantage is that it is able to deal with "nested" collocations, i.e. independent collocations found within other longer collocations, neither overestimating nor underestimating them (Frantzi and Ananiadou, 1996; Frantzi et al., 2000). In this work, *C-value* is used for the characterization of forensic texts aiming to their author identification. *C-value,* applied to a forensic text, results to a list of collocations sorted according their "collocation-ness" which is assigned to them. The texts are now characterized by their lists of sorted collocations. Comparisons are made among those lists for the acquisition of elements on the degree of similarity among the corresponding texts. The measure is applied on real forensic texts and evaluation of the results shows that collocations extracted by *C-value* give indeed stylistic information that can be used as an informative parameter for authorship identification.

Philip Gaines
Montana State University
United States

Insuring Clarity: Ambiguity in an Exclusions Clause of a Homeowner's Policy

Session 4B, 7/13, 4:15-5:30, Mary Gates Hall 231

In December of 2004, a young man was killed in an auto accident in Montana. To help with the ensuing damages, a claim was made against the man's homeowner's insurance policy. To the claimant's heirs, it was clear that coverage included normal use of an automobile. The insurance company, on the other hand, argued that the policy excluded coverage unless the automobile was being used in the maintenance of the premises. I was retained by the claimant's attorney to give an expert opinion as to clarity and ambiguity in the clause in question.

This presentation will feature a workshop in which participants will examine the insurance policy and its exclusion clause and evaluate and discuss its meaning—or meanings—and apply their findings to the law that says ambiguity in insurance clauses gives the benefit of the doubt to the policy holder. The presentation will also include a discussion of the authoring, drafting, and editing of insurance clauses.

Philip Gaines, Shuy Panel Participant
Montana State University
United States
Special Session, 7/13, 1-3:45, Johnson 075

Laura Cruz García (and Heather Adams)
University of Las Palmas de Gran Canaria
Gran Canaria, Spain

Advertisements for Financial Products: How Legal Constraints Affect Advertising Claims

Session 2C, 7/13, 9-10:15, Mary Gates Hall 251

This paper presents the findings of a study carried out on the way in which advertisements in English and Spanish newspapers aimed at the general public present the terms and conditions of financial products. The study consisted of the analysis of two corpora of advertisements (30 adverts each) for financial products that appeared in early 2004 in the British and Spanish press. Lexical and semantic characteristics, syntax and phonic and graphic elements were identified and examined in terms of their function within the texts, and comparisons drawn with advertisements for consumer products.

The nature of this type of product, the legislations that governs advertising in this section and the expectations and perception of potential consumers/purchasers all play a part in determining how these products are presented, and the use of language in their presentation.

Our paper outlines the main differences in language use identified between the English and the Spanish advertisements. Our objective is to examine to what extent the legislation applicable in both cases, which mirrors the degree to which this product sector has evolved in each of the two cultures from which our ads are taken, affects the way in which the products are presented. We also show the relevance and possible applications of our findings in the teaching of translation of this type of text between these two languages and cultures.

Tim Grant
University of Leicester
United Kingdom

Calculating TXTual Distance in Forensic Authorship Analysis

Session 10C, 7/15, 9-10:15, Mary Gates Hall 251

Quantitative methods in literary and historical authorship analysis tend to concentrate on the analysis of large numbers of frequently occurring features such as collections of functional words. The use of rarely occurring lexical words, unusual phrases or unusual collocations is harder to quantify. The brevity of SMS text messages, and subsequently the infrequency of occurring types, also require the development of novel statistical approaches to authorship analysis problems. Using a specifically collected corpus of SMS text messages this paper develops such a method. In particular the notion of stylistic distance between two texts is developed using Jaccard's coefficient and 'delta s'; a new measure developed from work in marine ecology. Through a webpage more than one hundred and fifty participants each entered ten text messages into a corpus. These messages were used to create three collections of pairs of texts; within-author pairs, texts written by the same author; associated-pairs, texts from authors who correspond with one another; and random-pairs, texts from authors who are not thus associated. Within-author pairs were shown to be closer than associated pairs which in turn were shown to be closer than random pairs. Predictions of authorship using textual distance are demonstrated using data from previous UK criminal cases and the idea of textual distance is discussed in terms of its application
beyond text messaging.

Tim Grant, Panel Participant/ Panel on Authorship Attribution
University of Leicester
United Kingdom

Where Linguists (Should) Fear to Tread - Some Limits to Forensic Linguistic Evidence

Session 7A, 7/14, 1-5:15, Communication 120

In this paper I shall attempt to describe some lines of demarcation for forensic linguistic evidence. I shall review and describe a range of cases where linguistics has been imaginatively applied to problems facing the courts and attempt to indicate the range of possible areas in which linguists might present evidence. I shall specifically

examine two borderlines which linguists may be tempted to cross. The first is the essential border between that which can be said and that which should not be said by a linguist in court. The second borderline is that between forensic psychology and forensic linguistics. In this area I shall consider issues of demarcation and overlap which might affect the choice of an expert from one discipline or other in answering a range of specific questions. In conclusion I shall suggest some principles which suggest limits to forensic linguistic expertise and so improve the standing of the discipline.

Mel Greenlee, J.D.
California Appellate Project
San Francisco, California
United States

Homies, Hearsay and Expert Standards: Sociolinguistics of Gang Testimony

Session 5B, 7/14, 9-10:15, Mary Gates Hall 231

In California, categorization of persons as members of a gang can lead to significant civil-law restrictions on speech, association, and even manner of dress. Moreover, criminal allegations that a defendant was involved in a gang-related homicide can possibly subject that defendant to a death sentence.

This paper concentrates on the role of language behavior in testimony from trial transcripts and pleadings in which gang allegations form a significant part of the proceedings. In these data, gang membership and activities are frequently established or supported by law enforcement expert witnesses who may testify about matters traditionally within the realm of sociolinguistics or pragmatics. For example, a gang expert may explain the social significance of symbols, nicknames, or graffiti, or why certain greetings or numbers could lead to a deadly confrontation.

However, the experts' conclusions may be subject to question both on linguistic and legal grounds. Association of certain language practices with gang membership can sweep too broadly, drawing in general features of minority youth culture. Expert testimony may be further challenged as less relevant than prejudicial, as unreliable, founded on hearsay, or failing to meet the scientific standards of *Daubert v. Merrell-Dow* (1993) 509 U.S. 579. In light of these critiques, and in view of the severity of the penalties which may result, the paper concludes with suggestions for improvement, through collaboration between the linguistic and legal communities.

Gillian Grebler
Cultural and Linguistic Forensics, Santa Monica
United States

Compelling Evidence but Is it Reliable?

Session 9B, 7/14, 4-5:15, Mary Gates Hall 251

Spoken language evidence can be gathered and constructed with the same intentionality as passages in a piece of fiction and fabricated into a coherent, dramatic and compelling account even if distorted or untrue. It can then be used to draw

conclusions, paint portraits and tell stories of crimes that may be further fictions but which are sometimes accepted uncritically by judges and jurors. The use of detailed imagery and reported speech are two of the linguistic/literary devices used to manipulate spoken language evidence at every stage of a case.

This paper will look at the manipulability of spoken language evidence by focusing on a recent anti-terrorist case in the central California town of Lodi, a case which the prosecution characterized as preemptive but which may have been wholly fabricated; a case where actual truth may have been trumped by narrative truth. The evidence I consider spans pre-trial and trial and includes surreptitiously tape-recorded conversation, police interrogation and closing arguments.

In April, 2006, after a nine-week trial, a 22-year old youth from a Pakistani immigrant family in Lodi was convicted of providing material support to terrorists by having spent time at an Al Queda training camp. The government had a videotaped confession as well as hours of surreptitiously recorded conversations between the defendant and an informant. Although the confession was problematic and the informant was discredited at trial, these two pieces of evidence were woven into a compelling closing argument by the prosecution, particularly in rebuttal, and used to create a portrait of a young 'jihadist' and his apparent crime.

The willingness of jurors to accept the prosecution's anti-terrorist rhetoric and to find the defendant guilty in light of deeply flawed evidence and a crime as yet uncommitted, is troubling but not surprising. The success of the prosecution in this case demonstrates the way spoken language evidence can be manipulated and the importance of examining it critically.

Justice Peter R.A. Gray
Federal Court of Australia

Truth, Justice and Fact-Finding

Session 7C, 7/14, 1-2:15, Mary Gates Hall 251

There are occasions when courts in civil cases are required to make crucial findings of fact solely on oral testimony that is in direct conflict. Traditionally, the approach has been to determine which of the witnesses is telling the truth about the event or transaction in question. Theories of how to determine whether a witness is lying abound. None of them is capable of providing an answer to the question whether a particular witness is lying on a particular occasion. A better approach than the traditional one recognises that the process of human recollection is flawed at the best of times. Rather than seeking to label one person a liar, and the other the teller of the truth, courts should seek to perform their own processes of reconstruction of the facts, in accordance with the probabilities. In determining what the probabilities are in a particular situation, the court might be assisted by greater use of expert opinion.

Ellen Grote (and Margaret Mitchell and Rhonda Oliver)
Edith Cowan University
Mount Lawley, Western Australia
Australia

A Comparison of the 'Pen-and-Paper' and 'Video-Assisted' Methods of Writing Witness Statements: Propositional Content and Police Recruits' Perceptions

Session 8B, 7/14, 2:30-3:45, Mary Gates Hall 251

Witness statements are central to criminal investigations and prosecutions, but the process of writing them can be seen as a complex 'literacy event' involving listening, speaking, reading, writing and viewing. Engaging in more than one of these activities, often simultaneously, is a seen as a cognitively demanding exercise that can result in the loss and/or distortion of significant details and nuances. It has been suggested that the assistance of audio/video recordings can reduce the cognitive load and preserve important information. In Western Australia (WA) police interviews with witnesses are not audio or video recorded. In view of research advocating this practice, this study sought to compare the propositional content of witness statements written using the current 'pen-and-paper' method and a 'video-assisted' method. It draws on data from a study exploring the use of spoken and written language by a cohort of 32 WA Police Academy recruits in (simulated) witness interviews and the resulting witness statements. To minimise disruption to the training program, the study employed a quasi-experimental design. Data include field notes taken in training classrooms, DVD video recordings of the recruits' interviews with witnesses (actors), witness statements written using both methods, and follow-up interviews with participants in which they rated the two methods and then discussed their reasons for their evaluations. This paper presents the findings of the propositional analysis of the witness statements which contrast with the recruits' own reported experiences.

M. Catherine Gruber
University of Chicago
Chicago, Illinois

The Morphology of Courtroom Apologies

Session 11B, 7/15, 10:30-11:45, Mary Gates Hall 251

As Natapoff (2005) observes, once defendants obtain representation, we hear very little from them in their own voice. The invitation to address the court at sentencing, called an allocution, is one of very few opportunities that defendants have to speak on their own behalf. Very little has been said about the content of these turns-at-talk. This paper presents findings of ethnographic research on the apology narratives produced by 52 defendants during their allocutions at sentencing hearings. The allocutions making up this dataset were produced in 3 different federal courtrooms between November 2004 and March 2006.

I begin by describing some of the overarching patterns of defendants' allocutions. I introduce the coding system that I used and discuss the patterns of use and ordering of components that were common across allocutions. For example, offense-related statements tended to occupy the first content position of allocutions and sentence-related utterances (such as requests for a lenient sentence) tended to occur at the ends of

allocutions. Not surprisingly, potentially risky statements such as criticism of the sentence or offering of mitigating factors tended to not occur in content-final position – instead, they were couched within more socially-approved kinds of frames, such as apologies and statements in which defendants "accepted responsibility" for their actions.

The patterning evident in defendants' sequencing of different compositional text segments suggests that they are tapping into shared cultural scripts for performing the speech act of apologizing in the context of the courtroom.

Guo Jingying
Zhejiang Police Academy
Zhejiang, China

Court Interpreting in China

Session 3A, 7/13, 10:30-11:45, Mary Gates Hall 231

When judicial activity involves two languages, communication is influenced not only by language barriers but different legal cultures. During court proceedings, interpreters convey information and act as the bridge for all the present. China is a country with diverse nationalities (56 nationalities), languages and law systems (socialist legal system in mainland China, continental law system in Macao and common law system in Hong Kong). Many ethnic groups such as Tibet retain their native spoken and written languages. In order to guarantee the right of people of minority nationalities who are not familiar with the spoken or written language commonly used in the locality, China has enacted related rules and regulations. However, with increasing international trade and foreign people in China, cases involving different languages call for more qualified interpreters. Not like many countries such as America who have enacted court interpreters act (1978), China's act on court interpreting still lags behind and there is no court interpreters' certification program to standardize the performance of court interpreters. Based on the present situation of court interpreting in China, the paper discusses the difficulty of court interpreting and puts forwards some views on how to improve China's court interpreting.

Guo Jingying
Zhejiang Police Academy
Zhejiang, China

The Analysis of Legal Speech Acts

Session 8A, 7/14, 2:30-3:45, Communication 226

It is more than two decades since scholars in such fields as linguistics, psychology, anthropology, social psychology, and law began to investigate the relationship between language and law. However, seldom do studies analyze legal English from the pragmatic perspective. J. L. Austin developed speech act theory and pointed out that speech acts are the basic or minimal units of linguistic communication.

The appropriate comprehension and employment of legal speech acts are of great importance to both law makers and law practitioners. Based on previous studies on speech acts and legal speech acts by Austin (1962), Searle (1975), and Trosborg (1985), this paper analyzes the legal speech acts as realized in legal discourses and classifies legal speech acts into three types: explicit, conventionalized and implicit. Following this analytical framework, an investigation is conducted into the explicit and conventionalized legal speech acts used in English and Chinese legislative discourses in terms of their functions, distribution and frequency. The role of the performative verb in legal language is also discussed in this paper.

Kate Haworth
University of Nottingham
United Kingdom

Police Interviews in England: Contaminated Evidence?

Session 10A, 7/15, 9-10:15, Mary Gates Hall 231

In this paper I will present the findings of my research into police-suspect interview discourse in England. The research project involved an examination of the various roles of police interviews throughout the criminal justice process, revealing a variety of different audiences (police, lawyers, courts) and hence purposes. The research focused on the use of evidence at trial. I also conducted a detailed analysis of actual interviews, using a multi-method approach combining CA, CDA and pragmatics.

My findings highlight problems with the current use of police interview data in the English judicial system. In stark contrast to the strict principles of preservation applied to physical evidence, I will show that interview data go through significant alteration and "contamination" along the route from interview room to courtroom. Further, analysis of interview discourse reveals "contamination" in the other direction: the existence of future audiences and purposes influences the interaction in the interview room itself, adding a further level of "distortion" to the evidence.

The data used in this analysis are taken from my own corpus of around 200 recent police interviews, collected from a variety of English police forces and covering all levels of offence from petty crime up to major murder inquiries. The research also benefits from my own experiences as a barrister practising both criminal prosecution and defence.

He Yanning
Law School of Central University of Finance and Economics
Beijing, China

Study on the Ambiguity of Chinese Banking Law—An Analysis from the Perspective of Language

Session 3B, 7/13, 10:30-11:45, Mary Gates Hall 251

In China, though the system of Chinese banking law has been established sketchily, many conflicts, overlaps and gaps do exist, especially that some of the provisions may lead to various meanings, namely AMBIGUITY. Acting as both legal

norm and market-economy rule, banking law, playing a double role as the subject and an indispensable part, are practically and theoretically obsessing to both legal and banking circles. However, the ambiguity might be solved mostly by methodology of legal science, linguistics and logic with the exception to a minority of ambiguity caused by non-legal factors

Chris Heffer
Centre for Language and Communication Research
Cardiff University
Wales, United Kingdom

Impossible Convictions? 100% Sure and the Judgement of Guilt

Session 5B, 7/14, 9-10:15, Mary Gates Hall 231

Expert witnesses frequently face the problem of having to translate from the subtle complexities of evidence to a rough judgement of confidence in a given categorical conclusion. In making this judgement they are unlikely to express their level of confidence as *100%*, since nothing can be scientifically certain.

In this paper, though, I argue against the 'common-scientific-sense' view that if a layperson declares themselves *100% sure* of a conclusion then they must be expressing that level of confidence on the basis of scientifically certain evidence. Empirical research in the UK has shown that many mock jurors, when presented with an 'English' instruction on the standard of proof which uses *sure* rather than *beyond reasonable doubt*, indicate that they would need to be *100% sure* before convicting a defendant. Given that a trial can never produce scientifically certain proof, critics see these results as 'obviously' showing that the *sure* instruction makes it impossible to convict. Drawing on work in epistemology and cognitive science, I argue that such critics fail to distinguish between scientific and subjective certainty and that confidence levels can be relative to the type of evidence being assessed.

In pursuing this argument, I analyse corpus evidence of the use of *sure* and *certain* both in and out of court, respectively through a large corpus of English courtroom transcripts and the British National Corpus. I also consider the implications of this work for the theory and praxis of forensic linguistics.

Graeme Hirst (and Ol'ga Feiguina)
University of Toronto
Canada

Forensic Authorship Attribution for Small Texts

Session 6C, 7/14, 10:30-11:45, Mary Gates Hall 251

Determining the authorship of a questioned document is a common forensic need. But methods of authorship attribution developed in literary analysis generally make assumptions that are unrealistic in a forensic setting; for example, they typically require the document to be long and the comparison corpus to be large (did Shakespeare or

Marlowe write this play?). In this paper, we present a method for authorship attribution suitable for texts as short as around 200 words.

Earlier research on the use of syntax in authorship attribution (e.g., Baayen et al 1996, Stamatatos et al 2000) has shown both the strengths and limitations of limitations of using either full parses or simple syntactic chunking. By using partial parsing (Abney 1996), we obtain the strength of syntax while minimizing the weaknesses (Hirst and Feiguina 2006). We represent a sentence as the sequence of labels of its bracketed substructures and terminals, and a document by the frequencies of bigrams of these syntactic labels. These frequencies, along with a number of lexical features, are then used as features for classification by a support-vector machine. We show that this method achieves a higher accuracy (87%) in pairwise author identification on Chaski's (2005) model forensic dataset of short texts (average length 265 words) than Chaski's own syntactically-aware method (81.5%), and 81% accuracy for 200-word excerpts of the same data. We show also that the syntactic-label bigrams account for most of the accuracy, with lexical features contributing only a few percentage points.

Blake Stephen Howald, Esq.
Ann Arbor, Michigan, and Georgetown University
United States

Guilty Pleas as Grist for Crime Investigation and Prevention: A Discourse Analytic Case Study of the BTK Killer

Session 11A, 7/15, 10:30-11:45, Mary Gates Hall 231

The use of language in the pre-commission, commission, and post-commission stages of violent crime is an often referred to phenomenon in profiling and investigation literature (Burgess 2001, Turvey 1999); however, beyond simple recognition that language plays a role, there has been no analytic development by linguists or otherwise. A possible reason for this is that relevant data, such as law enforcement-suspect interview transcripts, is frequently incomplete, difficult to obtain and biased. An important but heretofore neglected source of data is the guilty plea, where the defendant discusses his/her crimes, often in great detail, in open court. The types of linguistic interactions that can be garnered from the guilty plea can include, for example, the pragmatic strategies used to gain access to and maintain control and compliance of victims. Discourse analysis can be used to validate or contradict investigative techniques and theories as well as to supplement crime preventative measures. In this paper, through a combined discourse analytic approach (Labovian narrative [1974], Grice's Maxims [1975], and Critical Discourse Analysis [Fairclough 1992]), I will use the guilty plea of Dennis Rader ('the BTK Killer') to demonstrate the types of data that can be extracted from guilty pleas and how the data can be used to validate or contradict offender profiles. I will also discuss how the linguistics of offender-victim interactions can aid in crime prevention.

Blake Stephen Howald, Esq./ Panel Participant/ Panel on Authorship Attribution
Ann Arbor, Michigan, and Georgetown University
United States

Authorship Attribution under the Rules of Evidence: Empirical Approaches in a Lay Person's Legal System

Session 7A, 7/14, 1-5:15, Communication 120

All documentary evidence sought to be admitted at trial needs to be authenticated. Specifically, it must be demonstrated that the evidence is "what its proponent claims" it to be (Federal Rule of Evidence 901(a)). For the linguist who specializes in authorship attribution, this means that it can somehow be demonstrated that the document in question was indeed written by the individual purported to be its author. Of all the different methodologies used to address the question of "who wrote it," the most problematic are those practiced by law enforcement and other non-linguists. The reason for this is two-fold: first, techniques practiced by law enforcement are often not scientifically reasoned, tested nor empirically sound; and second, the legal standards necessary to support a showing of authentication do not have the same scientific requirements found in other evidence raules (e.g., *Daubert*); rather, the legal system defers to the lay person's opinion and ability to make comparisons and draw conclusions. Further problematic, as evidenced by opinions such as *U.S. v. Van Wyk*, law enforcement can testify to aid the court's understanding for purposes of authentication. In this paper, in addition to analyzing policy issues that allow for this situation, I will demonstrate that current empirically based approaches to authorship attribution (Chaski 2001, 2005) often contradict law enforcement testimony under authentication standards. I will also suggest how linguists should best approach using authorship attribution in the legal system.

Pi-chan Hu
National Cheng-chi University
Taipei, Taiwan

On Inform-Consent Doctrine from the Inform Consent Form

Session 4C, 7/13, 4:15-5:30, Mary Gates Hall 251

The Inform Consent Form (ICF) is a legal doctrine with roots in the Nuremberg Code, which requires doctors to obtain the subject's voluntary informed consent prior to conducting medical experimentation. This doctrine obliges doctors to provide all of the relevant information about a proposed procedure before obtaining the patient's consent. Therefore, the ICF is frequently cited as evidence by both doctors and patients during malpractice cases.

The objective of this paper is to analyze the standard ICF used in Taiwan to determine whether the form serves its desired function or whether it is simply a meaningless ritual. Looking at the content of the form, the vague nature of several key words such as 'try,' 'understand,' 'appropriate,' and 'everything' reduces the value of this form to the field of law where precision is prized above all. Also, even though the ICF contains the complete terms of the surgery, most patients lack the medical knowledge needed to comprehend these terms. This paper will investigate a case from a percutaneous transluminal coronary angioplasty bypass (PTCA, one of the most common non-surgical treatments for opening obstructed coronary arteries).

Ostensibly, the ICF protects the patient by providing him/her with the information needed to make an informed decision. However, in reality, the form usually serves to protect the doctor from financial liability provided that the procedure is properly executed according to the prevailing standard of care and without negligence.

Alison Johnson (and Jessica Malay) / Panel Historical Forensic Linguistics
University of Leeds
United Kingdom

'17th century poisoned kisses in the domestic Temple'

Session 2A, 7/13, 9-10:15, Communication 326

Johnson and Malay's texts are from a matrimonial case in the seventeenth century (1670) Court of Arches; the paper takes a contrastive approach to the construction of differing narrative perspectives, showing how a story is manipulated by each side: the wife, the husband and the court. It explores competing narratives within a seventeenth century marital dispute through linguistic analysis which is sensitive to the cultural and textual expectations of the period. These narratives emerge through textual negotiations in the marital dispute between Robert Hampson, of the Inner Temple and his wife Mary Wingfield Hampson. The documents which comprise this narrative are:

1. The depositions of Mary Hampson and Robert Hampson on the restitution of conjugal rights heard in the Court of Arches, an ecclesiastical court which often dealt with marital issues.
2. The pamphlet, 'A Plain and Compendious Relation of the Case of Mrs. Mary Hampson' written by Mary Hampson and published in 1684.
3. Eight letters from Mary Hampson in Holland to William Trumbull, a civil lawyer, at Doctors' Commons, relating to alimony due to her dated 1680-1681

Claire E. L. Jones
University of Essex
United Kingdom

Overlapping Talk: The Suppression of Afro-Caribbean Suspects' Narratives

Session 10A, 7/15, 9-10:15, Mary Gates Hall 231

My research uses data from UK police interviews conducted with White British suspects and Afro-Caribbean suspects. Using a combined quantitative and qualitative approach for the analysis of overlapping talk it was possible to reveal both the frequencies of taken up and not taken up overlaps and the implications for the Afro-Caribbean suspects whose overlaps generally get ignored.

My quantitative findings show that the Afro-Caribbean suspects' overlaps got taken up considerably less than the White British suspects. This shows a marked difference between the two ethnic groups in terms of getting overlaps acknowledged or ignored.

My qualitative analysis reveals that the consequences, for the Afro-Caribbean

suspects whose overlaps generally get ignored, go beyond the level of the overlap. More specifically, through their overlaps not getting taken up, the Afro-Caribbean suspects' narratives get suppressed, crucially when they do not conform to a preferred version of guilt. This culminates in overt accusations of guilt and the repeated rejection of suspects' responses which do not point to guilt. On the other hand the White British suspects' alternative accounts are not suppressed and as a result there are no accusations of guilt but collaboration between the police officer and suspect to construct a version of events.

Essentially overlapping talk empowers the White British suspects because they are given the opportunity to 'tell their side'. On the other hand the Afro-Caribbean suspects are disempowered because their narratives are suppressed. My findings highlight the differential treatment of Afro-Caribbean suspects during the first part of the criminal justice process.

Randy Frances Kandel
John Jay College, CUNY
New York

Listen to Me: Young People's Efforts to Get Their Words Respected in Legal Forums

Session 5B, 7/14, 9-10:15, Mary Gates Hall 231

Drawn from fifteen years of research on children's language in legal settings concerning them, this paper analyzes eight narratives by young people, how use stories to instantiate their lives and describe their needs for justice, personhood, and family. It also discusses the ways that the people who are in control interpret the narratives. The eight narratives come from four venues—mandatory court supervised child custody mediation in Los Angeles Superior Court, Family Court in rural Central New York, the Children's Hearing System in Glasgow, Scotland, and Youth Court in Red Hook Brooklyn. Despite their differences, the four settings are comparable in that the young people are significantly at risk of losing or changing family and possibly liberty; dispositions encompass, with differing emphases, psychosocial as well as legal issues; young people are objects of solicitude where welfare rights and autonomy rights collide; various professional personnel adopt different meanings; the forums are all alternatives to traditional courts; and they struggle with the global rights regime, particularly the United Nations Convention on the Rights of the Child. The gist of the paper is the ways that these forums filter the young people's narratives through concepts of childhood and the young people's efforts to get what they themselves say respected and understood on their own terms.

Jeffrey P. Kaplan
San Diego State University
United States

A Possible Partial Answer to a Question about Miranda

Session 9A, 7/14, 4-5:15, Mary Gates Hall 231

A person in police custody is in an adversary situation, where the suspect and his

or her captors have diametrically opposed interests with essentially no interests in common, a rarity in communicative contexts. In this situation, suspects are told, in the second sentence of the standard Miranda warning, "Anything you say can and will be used against you." Given this universally quantified statement, coming from an antagonist, why would anybody ever say anything? In fact many suspects in custody do waive their right to silence. Reasons for doing so may include, inter alia, police tactics, the desire to tell one's side of the story, failure to understand the Miranda warning, and--the focus of this paper—the pragmatics of the warning, especially the role of Gricean Quantity ("Q"). In response to an accusation, Q generates the expectation of talk. However, the right encoded in the first sentence of the Miranda warning ("You have the right to remain silent.") protect suspects from having to talk. The Miranda warning thereby may communicate to the suspect something quite surprising, namely that he or she is magically exempt from Q. However, since all suspects (unconsciously) know Q and its effects, the way any language user does, but most do not know the legal nature of the right to silence, a suspect might doubt or disbelieve the exemption, and infer that Q operates in the arrest context as it ordinarily does in other contexts: silence in the face of an accusation, absent opposing factors, implicates guilt. It might be thought that the Miranda warning's second sentence ("Anything you say can and will be used against you.") would be effective in warning suspects not to talk, but that sentence is obviously false because of its universality: utterances like "May I have a drink" will not be used against one, and a suspect might erroneously believe that exculpatory assertions or explanations ("I didn't kill him, Joe did; I was just the driver") might actually exculpate, thereby falsifying that second sentence in another way. It is at least plausible, therefore, that suspects might infer that the Miranda warning is merely a manifestation of a routine bureaucratic requirement, a notion supported by the routinization many police officers implicate about it, via techniques such as intonationally flat delivery. If the Miranda warning is (a) in part surprising, hence perhaps not entirely believable, (b) in part false, and (c) a manifestation of a routine bureaucratic requirement, perhaps it can safely be ignored. Since Q calls for talk, this inference may ally with aspects of extralinguistic context to induce suspects to waive their right to silence.

Tinatin Kbilashvili
Ivane Javakhishvili Tbilisi State University
Georgia

Legal Documents, Translation, and Issues Related to English and Georgian

Session 4C, 7/13, 4-5:15, Mary Gates Hall 251

The key objective of Georgia, former Soviet Union country during last decade and especially after famous “Rose Revolution” has been integration into European Union and NATO. The EU-Georgia Action Plan is a political document laying out the strategic objectives of the cooperation between Georgia and the EU. Implementation of the Action Plan will significantly advance the approximation of Georgian legislation, norms and standards to those of the European Union. Particular attention is given to some priority areas and first among them is to, “Strengthen rule of law especially through reform of the judicial system, including the penitentiary system, and through rebuilding state

institutions" (PCA, Council of Europe, OSCE, UN). Law reform in Georgia has taken significant steps forward after Rose Revolution. Gradually harmonization of legal system with European one becomes more vivid. Because there are all of the above-mentioned reasons and taking into consideration that language is the physical manifestation of law, it will not be surprising that translation of legal documents from foreign languages and especially from English into Georgian and vise versa has become inevitable and of utmost importance.

The first part of my paper will briefly review the history of translation of legal documents from English into Georgian and vise versa beginning from "Regulations of Royal Court", 14th century's Georgian document ended with modern ones and outline the main differences between those translated documents. The main part of my paper will outline the mainstreams of translation of modern legal documents from English into Georgian and vise versa. I will speak about categorization of semantic equivalence (denotative, equivalence, functional equivalence conceptual equivalence, conceptual equivalence etc.) which can be found by a linguist during surveying the translated legal documents in source and target languages. I will present findings of neologisms in Georgian legal system having been emerged from European and US legal institutions by outlining difficulties encountered during their translations. At the end of my paper I will suggest that the Georgian Language, official language of Georgia, being one of the ancient languages in the world and the script of which is one of the world's 14 alphabets, has "legal capacity" and to perform translation of legal documents from English into Georgian with its own lexical base.

Hannes Kniffka / Panel Chair, Authorship Attribution
Bonn University
Germany

Frank Albrecht, Silvia Dahmen, Hannes Kniffka
On the History and the Current State of Forensic Linguistic Expert Testimony in Authorship Analysis Cases in Germany

Session 7A, 7/14, 1-5:15, Communication 120

The three papers by Frank Albrecht, Silvia Dahmen and Hannes Kniffka address the history and development of forensic linguistic expert testimony in and for German (criminal) courts.

The overall hypothesis is that we want to give a detailed account of how linguistic or "linguistic" expert testimony was given in Germany some 40 years ago, of some of the (undisputedly) "bad" examples of forensic linguistic expert testimony that can be stated, and of the improvements, corrections, and achievements that have been made to date. In short, we want to present data-driven "good" and "bad" examples of forensic linguistic expert testimony. (Needless to say, the "good" ones are from our own, the others are from other experts' testimony.)

It is also part of the overall hypothesis that it needs thorough elaboration and discussion of what we did wrong, what mistakes were made some 40 years ago, what mistakes we don't make any more (and which ones we might still make today). We feel that forensic linguists act half of the time as if it were self-evident what mistakes we

don't make any more and which ones we do. We act as if we know precisely which results, which "solutions", which methods were/are "real good" or "real bad", or something in between. In fact, we don't have much detailed hard empirical evidence even on "real bad" solutions, let alone just "bad" answers, arguments and examples produced by forensic linguistic experts. We three are convinced that it is useful and not at all trivial to gain a more precise picture of what has been done wrong or more or less wrong in forensic linguistic expert testimony in the past and of where we stand now. As you will see, it is not trivial also when dealing with data from other than your own native language, e.g. from an exotic language like German.

Hannes Kniffka
Bonn University
Germany

Where Have We Come from and Where Do We Stand in Forensic Linguistic Authorship Analysis in Germany?

This paper sums up the development of forensic linguistic expert testimony in Germany, focusing on the data presented in the two previous papers (**Albrecht** and **Dahmen**). It tries to pinpoint some achievements we have made over the years and also points out some deficits, shortcomings, and caveats we are facing at present. Finally, it briefly describes the direction into which we are going in the field.

Hannes Kniffka, Shuy Panel Participant
Bonn University
Germany

Giving Linguistic Expert Testimony Here and Abroad

Special Session, 7/13, 1-3:45, Johnson 075

There is a considerable number of studies of forensic linguistic expert testimony on both sides of the Atlantic. There are fewer studies on the variants and invariants across countries and cultures. This paper wants to give an exemplaric descriptive account of what giving forensic linguistic expert testimony means in real life in the U.S. legal system and in the German legal system. It will incorporate some essentials of the work of Roger Shuy and its impact on our way to establish the necessary tertium comparationis for an adequate comparative study of different legal systems. How Roger Shuy enlarged the horizon of Applied Linguistics in the area of Language and Law will be documented by some authentic examples from communications between him and the author in the last twenty years or so.

Moshe Koppel (with Shlomo Argamon, James W. Pennebaker, and Jonathan Schler)
Bar-Ilan University

Automated Authorship Profiling

Session 12B, 7/15, 1-2:15, Mary Gates Hall 251

Automated statistical analysis of texts promises to provide useful quantitative evidence for questions of authorship, a particularly useful goal in light of the *Daubert* decision. Existing automated methods for the statistical/linguistic *attribution* of an anonymous text to a given author require developing a controlled comparison corpus of documents from possible suspects (as well as plausible others). In many cases, a natural such corpus does not exist, however, and so little direct statistical evidence for authorship can be brought to bear. We consider here the possibility of automated *authorship profiling*, in which we seek to construct as complete a description of the unknown author as possible (including demographics, personality, background, etc.) from the author's usage of language in the given text. Such information is of clear use in forensic (as well as security) applications, and does not require other documents written by the actual author, but just a corpus of documents written by other individuals both similar to and different from the author in various ways. We have developed a system that applied machine learning methods for text classification to lexical and syntactic features of texts, and can reliably determine author *gender*, *age*, *native language*, and *personality*. Accuracy for these profiling tasks varies between 66% and 82%, depending on the task and the type of text considered, while meaningful estimates of the reliability of the process in a given case can be made. Such methods thus already comprise a useful tool for investigations; with some further development, we believe that results with evidential force will be adducible as well. The system also provides intuitive access to the key features involved in its classifications, which can be used by human experts to refine and explain forensic determinations.

Krzysztof Kredens/Panel Participant, Authorship Attribution
University of Lodz
Poland

Linguistic Expert Evidence in Polish Courts

Session 7A, 7/14, 1-5:15, Communication 120

Based upon Napoleonic law, the Polish legal system is inquisitorial. All expert evidence commissioned by the court is admitted automatically. Significantly, most forensic science laboratories are run by police, which may raise serious doubts as to the objectivity of relevant expert testimony. At the same time, however, prosecution and defence can propose to introduce their own experts.

In Poland the court asks an expert for an opinion if "the uncovering of circumstances of importance for the resolution of the case requires special knowledge (Polish Code of Criminal Procedure 193.1). Importantly, not only an expert on the court's register is obliged to make available his/her expertise, but also "any person of whom it is known that he or she possesses appropriate knowledge in a given area (*ibid* 195).

The status of linguistic evidence on authorship attribution in Poland seems to be the result of common sense rather than scientific proof. What is more, such evidence often has probative value, as was the case in the *Augustynek* case (*cf.* Kredens and

Goralewska-Lach 1998), in which the accused was found guilty of attempted extortion effectively on the testimony of an expert linguist. In *Augustynek* the commonsense approach became particularly manifest in the judgement of the Appeals Court, which, upholding the conviction, observed that a greater emphasis should have been placed in the lower court's judgement on the unique nature of voice and speech patterns and its implications for the verdict.

In this paper, I will review the status of linguistic evidence and role of the expert linguist in the Polish legal system. I will suggest possible answers to the question about the often probative nature of expert evidence on the authorship of incriminating linguistic substance in Polish courts.

Ruth Lanouette
Lawrence University
United States

Addressing Jury Instructions in Opening and Closing Arguments

Session 6A, 7/14, 10:30-11:45, Communication 226

While jury instructions used in trials held at the Outagamie County Courthouse in Appleton, WI have been made more comprehensible over the years, they still contain many of the structures that can make it difficult for juries to understand them fully: passives, multiple embeddings, nominalizations, and technical vocabulary. Judges seem generally reluctant to do more than simply read the instructions. However, attorneys often directly address the jury instructions in opening and closing arguments. This paper examines the ways in which attorneys for both the prosecution and the defense attempt to "unpack" jury instructions by using simpler sentence structure, fewer passives and nominalizations, more familiar vocabulary, illustrative examples, and repetition.

Cheng Le*/Panel Participant, Language and Law: Issues Related to Chinese
City University of Hong Kong
Hong Kong

A Discursive Contrast of Court Judgments in Mainland and Hong Kong of PRC

Session 7B, 7/14, 1-3, Mary Gates Hall 231

Based on the theory of contrastive rhetoric and Bhatia's multi-perspective model for genre analysis, the initial purpose of this study is to examine contrastively the genre structure and rhetoric of 20 court judgments having concurrent or dissenting opinions in the Mainland of China and Hong Kong available on http://www.chinacourt.org/and http://www.hklii.org, with the aim of specifying the structural and rhetorical preferences that are characteristic of "good" judgments as discourse. Goodness is value-oriented, therefore the paper comes to its significant point, legal cultures and social cultures are analyzed to account for differences and preferences. For the preliminary investigation, the author identifies conflicting social and legal values result in intertextuality and interdiscursivity, which create room for the dialogic aspects in judgments. This research has an underlying pedagogical motivation as it attempts to help Chinese legal

professions, who should have a good understanding of the way of writing effective judgments that meets the international legal community's expectations, because court judgments are the embodiment of many factors such as trial modes, legal tradition, judges' quality and procedural democracy. The approach of analyzing and producing the results has a qualitatively and quantitatively combined basis. In combination with the literature review related to court judgments and interview of some jurists, a qualitative analysis is used to decide the structure of a court judgment. As to the size and percentage of each segment as well as the lexical density, it depends mainly on computer-based calculation and part of them needs manual computation. As to the underlying cultural analysis, intersubjectivity is employed to maximize the objectivity of the study.

Robert A. Leonard/Panel Participant, Panel Honoring Roger Shuy
Hofstra University
United States

Linguistic Evidence of "Promises", "Threats" and "Power" in an FBI Interrogation of a Suspected Spy"

Special Session, 7/13, 1-3:45, Johnson 075

In 2005 FIU Prof. Carlos Alvarez was brought to a hotel room by two FBI agents who interrogated Alvarez for 11 hours that day and the next. Alvarez made statements that were subsequently used to charge him with espionage-related crimes. At no point was he Mirandized.

Dr. Benji Wald and I, consulting with the defense team, found that the linguistic data in the interrogation videotape and other sources supported the contention that FBI agents, in an effort to induce Alvarez to reveal information, made promises and threats (though those words were never used), and further demonstrated custodial control and other aspects of control over Alvarez such that his admissions could be argued to be non-voluntary. Schema, context, speech act, cooperative principle, and metamessage are explored, in addition to analysis of individual lexical and grammatical signals and their meanings. Our analysis was strongly influenced by Roger Shuy's forensic linguistic principles, as in Shuy 1993, 1998, 2005, and personal communications throughout our analysis.

Meizhen Liao, Panel Member and Co-Proposer
Language and the Law: Issues Related to Chinese
(See Weiming Wu)
Central China Normal University, Wuhan, China, and
China University of Political Sciences and the Law, Beijing
Visiting Scholar, Brooklyn Law School

Courtroom Discourse in China and the U.S.: A Comparative Analysis

Session 7B, 7/14, 1-3, Mary Gates Hall 231

This paper will present a detailed comparison between Chinese criminal court judgments and American criminal judgments, highlighting the differences. Chinese

judgments tend to concentrate on the moral and ethical lapses of the defendant, whereas American judgments are far more legalistic. For example, Chinese judgments frequently contain denunciations of the defendant. Explanations based on differences between the legal systems such as the presumption of innocence in the American system, and differences between the larger cultures, will be offered.

Liu Wei
Guangdong Kingsway Law Office
China

Primary Research on Building a Forensic Corpus

Session 2C, 7/13, 9-10:15, Mary Gates Hall 251

A forensic corpus is a collection of linguistic materials which denote legal meaning. The construction of such a corpus can not only enhance the application of legal language, but also promote both the research and the standardization of legal language. To do so is also a good experience for exploring a professional and practical corpus, where its guiding ideology, the range and principles of choosing linguistic materials as well as the data processing and retrieval are needed urgently to be studied. A forensic corpus has a lot to be exploited, in which many legal products can be presently produced, such as "The Research on Legal Polysemy," "A Dictionary for Legislation, " "The Database of Legal Languages" and "The Forensic Corpus for Sino-British Languages."

Liu Yanping
China University of Political Science and Law
Beijing, China

Study on Conversion of Language of Criminal Law between English and Chinese

Session 5C, 7/14, 9-10:15, Mary Gates Hall 251

In China, with the rapid development of economy and entry into WTO, there comes increasing opportunity to communicate with foreign countries. With more and more communications with foreign countries, conversion between legal languages is also on the rise. Since China has a different legal system from the common law system adopted in the United States, which combined with the different cultural elements, language levels, have caused a great variety of ambiguity or even errors in the conversion of language of law, lots of misunderstanding between the two legal systems and inconvenience in the communication arise. This paper will focus mainly on the conversion between the two languages conducted in the context of criminal law. It is designated to display the problems in the process of conversion, the characteristics of the language of criminal law in both of the countries and try to seek ways to avoid and clear the misunderstandings in the conversion.

Nicola J. MacLeod
Aston University
United Kingdom

Critical Discourse Analysis of Police Interviews with Rape Complainants: Some Preliminary Findings

Session 11A, 7/15, 10:30-11:45, Mary Gates Hall 231

The continuing decline in the UK conviction rate for rape, reaching an all-time low of 5.6% in 2002, compounded by high attrition and low reporting rates, is a matter of great concern. Fairclough's critical discourse analytic approach (CDA) has been used with great effect to examine the processes at work during rape trials (Ehrlich, 2001; de Carvalho Figuiredo, 2000). CDA looks for evidence of how social structures and practices determine the choice of linguistic elements in a text, and the effects these choices have, in turn, on social structures and practices. In the context of a rape trial, CDA has highlighted the ideological functions of exchanges: for example, grammatical constructions distancing the defendant from the action, minimization of the victim's resistance, constructions of the victim as 'prototypical' versus 'non-prototypical,' and so on. The focus until now has been on the trial, a relatively late stage of proceedings, while initial police contact has largely been neglected, despite claims that examination of this stage could be the key to improving the current situation. This papers aims to address this gap by critiquing the current training package designed for West Midlands Police interviewers, and discussing the key points arising from a number of qualitative interviews with recipients of sexual violence who have experienced the investigative process first-hand. This two-pronged analysis provides an insight into the key problems of the current methods of evidence collection. The paper concludes with an evaluation of the success of CDA in identifying ideological bias in police questioning.

Nicola MacLeod
Aston University
United Kingdom

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Jessica Malay (and Alison Johnson) /Panel: Historical Forensic Linguistics
University of Huddersfield
United Kingdom

'17th century poisoned kisses in the domestic Temple'

Session 2A, 7/13, 9-10:15, Communication 326

Johnson and Malay's texts are from a matrimonial case in the seventeenth century (1670) Court of Arches; the paper takes a contrastive approach to the construction of differing narrative perspectives, showing how a story is manipulated by each side: the wife, the husband and the court. It explores competing narratives within a seventeenth century marital dispute through linguistic analysis which is sensitive to the cultural and textual expectations of the period. These narratives emerge through textual negotiations in the marital dispute between Robert Hampson, of the Inner Temple and his wife Mary Wingfield Hampson. The documents which comprise this narrative are:

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2. The pamphlet, 'A Plain and Compendious Relation of the Case of Mrs. Mary Hampson' written by Mary Hampson and published in 1684.
3. Eight letters from Mary Hampson in Holland to William Trumbull, a civil lawyers, at Doctors' Commons, relating to alimony due to her, dated 1680-1681.

Gerald McMenamin/Panel Participant, Authorship Attribution
California State University Fresno
United States
Session 7A, 7/14, 1-5:15, Communication 120

Testimony in Cases of Questioned Authorship

As academic linguists we rarely, if ever, find ourselves in such an adversarial context as the courtroom can be. Even if we have experienced acrimonious university politics, disturbing faculty meetings, or a difficult dissertation defense, we most often strive for harmony and peace in every university context.

In this paper, I will attempt to lay out some ideas for how to function effectively and confidently in the face of courtroom adversaries. To do this, I will discuss how I prepare to testify at trial, basing my outline on about 40 actual court appearances. Many IAFL members have more experience than this, so I take the position here that we must all begin to articulate some of what has been learned, especially for those who, for

whatever reason, may not see themselves as 'practicing' forensic linguistics in court.

I will review and provide examples of how I prepare for an authorship case, including record and file maintenance, data analysis, report writing, preparation for direct and cross examination, and preparation of the client-attorney. I will also discuss some details related to our role as an expert witness and what that means for how we do our work inside the courtroom.

Margaret Mitchell (and Ellen Grote, and Rhonda Oliver)
Director of the Sellenger Centre for Research in Law, Justice and Policing
Australia

A Comparison of the 'Pen-and-Paper' and 'Video-Assisted' Methods of Writing Witness Statements: Propositional Content and Police Recruits' Perceptions

Session 8B, 7/14, 2:30-3:45, Mary Gates Hall 251

Witness statements are central to criminal investigations and prosecutions, but the process of writing them can be seen as a complex 'literacy event' involving listening, speaking, reading, writing and viewing. Engaging in more than one of these activities, often simultaneously, is a seen as a cognitively demanding exercise that can result in the loss and/or distortion of significant details and nuances. It has been suggested that the assistance of audio/video recordings can reduce the cognitive load and preserve important information. In Western Australia (WA) police interviews with witnesses are not audio or video recorded. In view of research advocating this practice, this study sought to compare the propositional content of witness statements written using the current 'pen-and-paper' method and a 'video-assisted' method. It draws on data from a study exploring the use of spoken and written language by a cohort of 32 WA Police Academy recruits in (simulated) witness interviews and the resulting witness statements. To minimise disruption to the training program, the study employed a quasi-experimental design. Data include field notes taken in training classrooms, DVD video recordings of the recruits' interviews with witnesses (actors), witness statements written using both methods, and follow-up interviews with participants in which they rated the two methods and then discussed their reasons for their evaluations. This paper presents the findings of the propositional analysis of the witness statements which contrast with the recruits' own reported experiences.

CA Morgan III M.D. / Panel on the Linguistics of Deception
Yale University Medical School
(co-authors George Steffian, Ph.D, K. Colwell Ph.D, Vladimir Coric, M.D, G.A. Hazlett Psy. D.)
United States

Efficacy of Forensic Statement Analysis in Distinguishing True from False Eyewitness Accounts

Session 5A, 7/14, 9-11, Communication 120

The present study was designed to test how well forensic statement analysis (FSA) methods would distinguish between genuine and false eyewitness accounts of

exposure to a highly stressful, personally relevant event. Active duty military personnel were randomized to Genuine or Deceptive Eyewitnesses groups. Genuine eyewitness reported on exposure to interrogation stress at Survival School; Deceptive eyewitnesses studied genuine eyewitness's transcripts for 3 days prior to interviews. Cognitive Interviews were recorded, transcribed and assessed by FSA raters blind to status of participants. Genuine accounts contained greater numbers of external and contextual referents, unique words, and larger response length than did false accounts. The type-token ratio (TTR) was significantly lower in genuine, compared to false, witness statements. When controlling for differences in response length, the mnemonic prompt elicited more detail in genuine compared to deceptive eyewitnesses. FSA methods distinguished genuine from false eyewitness accounts for real world, high-stress events. Access to genuine accounts and rehearsal on the part of deceptive eyewitnesses may have contributed to differences in the present, compared to previous, findings.

Margaret van Naerssen
Imaculata University
United States

Going from Language Proficiency Findings to Valid Linguistic Evidence

Session 4A, 7/13, 4:15-5:30, Communication 226

It is not enough for a language assessment expert to report to the court on the levels or scores on a language proficiency assessment protocol. Linguists and language assessment experts, as well as attorneys and judges need to see beyond the numbers and labels.

In this paper first I'll briefly review definitions of language evidence, language samples (especially as they relate to non-native speakers), language proficiency, and the end result of an analysis-- linguistic evidence. Then I'll discuss three current or emerging concerns in forensic linguistics related to linking language proficiency to linguistic evidence.

1) Do language proficiency assessments actually constitute appropriate sources of linguistic evidence? If so, when and how?
2) Is such linguistic evidence appropriate to the legal issues and relevant communicative tasks?
3) To what degree is an assessment protocol vulnerable to manipulation by the examinee, thus, possibly not evidence of true proficiency?

These issues have been addressed singly in some individual cases. However, with the increase in non-native speakers of the primary language of a legal system, and with the growing application of linguistics in legal cases, language assessment procedures and subsequent findings are becoming more frequently introduced, increasingly more visible. As they become more visible, they are increasingly targets of challenges. Thus, those concerned with use of language assessment need to be better prepared to make informed decisions on the choice of particular protocols and use of results, to evaluate choices and findings of others; and to even explain implications of lack of language assessment.

Margaret van Naerssen (with Susan Berk-Seligson), Shuy Panel Participant
Imaculata University
United States
Special Session, 7/13, 1-3:45, Johnson 075

Nancy Schweda Nicholson
University of Delaware
United States

Language and the Law in the European Union (EU): Efforts to Establish Uniform Standards for Interpreter Services in Criminal Matters

Session 2B, 7/13, 9-10:15, Mary Gates Hall 231

In April, 2004, the European Commission (EC) issued the "Proposal for a Council Framework Decision (PCFD) on certain procedural rights in criminal proceedings throught the European Union (EU)", a document whose goal is to ensure due process for defendants in criminal matters in all 25 EU Member States (MSs). Specifically, Articles 6-9 of the PCFD treat: (1) the right to free interpretation and translation; (2) the importance of accurate source language (SL) to target language (TL) renditions; and (3) the legal and practical implications of recording the proceedings. This presentation reviews these and other PCFD Articles pertinent to language services. It also discusses EU MSs' reactions to the PCFD, as witnessed by the author (one of only 2 American invitees) at a November, 2004, AGIS conference in The Hague. In addition, the talk traces the Proposal's political journey over the past 2 years (including challenges and amendments), and concludes with a description of the PCFD's present status within the EU.

Rhonda Oliver (and Margaret Mitchell, and Ellen Grote)
Edith Cowan University (South West Campus)
Australia

A Comparison of the 'Pen-and-Paper' and 'Video-Assisted' Methods of Writing Witness Statements: Propositional Content and Police Recruits' Perceptions

Session 8B, 7/14, 2:30-3:45, Mary Gates Hall 251

Witness statements are central to criminal investigations and prosecutions, but the process of writing them can be seen as a complex 'literacy event' involving listening, speaking, reading, writing and viewing. Engaging in more than one of these activities, often simultaneously, is a seen as a cognitively demanding exercise that can result in the loss and/or distortion of significant details and nuances. It has been suggested that the assistance of audio/video recordings can reduce the cognitive load and preserve important information. In Western Australia (WA) police interviews with witnesses are not audio or video recorded. In view of research advocating this practice, this study sought to compare the propositional content of witness statements written using the current 'pen-and-paper' method and a 'video-assisted' method. It draws on data from a study exploring the use of spoken and written language by a cohort of 32 WA Police Academy recruits in

(simulated) witness interviews and the resulting witness statements. To minimise disruption to the training program, the study employed a quasi-experimental design. Data include field notes taken in training classrooms, DVD video recordings of the recruits' interviews with witnesses (actors), witness statements written using both methods, and follow-up interviews with participants in which they rated the two methods and then discussed their reasons for their evaluations. This paper presents the findings of the propositional analysis of the witness statements which contrast with the recruits' own reported experiences.

John Olsson
Forensic Linguistics Institute
United Kingdom

Disclosure Process and Witness Influence

Session 12A, 7/15, 1-2:15, Mary Gates Hall 231

The speaker reports on a recent case in which the task was to analyse a prosecutor's written request for disclosure of evidence to the defence. The issue was whether the prosecutor's memo had influenced the police officer whose task it was to make the disclosures. However, the prosecutor had not taken into account that the disclosure officer was also a witness and requested the officer to provide a statement regarding the alleged offence. Two police statements were provided as part of the disclosure: the disclosure officer's and that of a colleague. They were very similar. The linguistic issue was whether the prosecutor's memo and his manner of requesting the evidence had influenced the officer-witness who was also the disclosure officer, and his colleague, who was also a witness. The linguistic argument was that they had been demanded under some degree of duress by the prosecutor. This argument was based on the language of the memo and its status as language-action. The court ruled that an abuse of process had occurred and refused the evidence of the police officers, stating that the prosecutor's memo was an affront to justice.

Three texts will be provided as hand-outs: the prosecutor's memo and the two police officers' statements.

Tunde Opeibi
University of Lagos
Nigeria

"Why I Should Be Set Free?": Aspects of Language Use in the Trial of Naval Admirals in Nigeria

Session 6A, 7/14, 10:30-11:45, Communication 226

In this paper, I examine aspects of language use in a sub-domain of legal discourse that has suffered serious neglect in this part of the world. While much work has been done on legal proceedings in civil courts, unfortunately, similar attention has not been paid to communicative strategies adopted during trials in military courts (court martial). Although guided by a similar legal system, linguistic features and discourse

strategies that often characterise legal proceedings in military courts (tribunals) differ slightly.

It is against this background that this paper investigates linguistic and discourse features in the trial of three Nigerian Naval Admirals accused of conspiring to facilitate the disappearance of a seized ship, MT African Pride. This paper addresses the following questions, among others: What are the similarities and/or differences between legal proceedings in civil and military courts? What are the linguistic and discourse features that characterise trials in military courts?

The data used as text is the original submission of one of the admirals in his defence as published in a Nigerian national newspaper. The approaches of discourse analysis are adopted and the theoretical framework relies on insights from the Speech Act Theory (Austin, 1962; Searle, 1969, Schiffrin, 1994). Relying on the resources encapsulated in the Speech act theory, the paper also examines how discourse acts encoded through the linguistic exchanges constitute discourse actions. While familiar lexico-semantic and discourse features in normal legal texts/proceedings in civil courts are identified, the study shows that legal proceedings in military courts have other special linguistic/discourse features that set them apart from what obtains in proceedings conducted in civil courts.

James W. Pennebaker (with Shlomo Argamon, Moshe Koppel, and Jonathan Schler)
University of Texas at Austin
United States

Automated Authorship Profiling

Session 12B, 7/15, 1-2:15, Mary Gates Hall 251

Automated statistical analysis of texts promises to provide useful quantitative evidence for questions of authorship, a particularly useful goal in light of the *Daubert* decision. Existing automated methods for the statistical/linguistic *attribution* of an anonymous text to a given author require developing a controlled comparison corpus of documents from possible suspects (as well as plausible others). In many cases, a natural such corpus does not exist, however, and so little direct statistical evidence for authorship can be brought to bear. We consider here the possibility of automated *authorship profiling*, in which we seek to construct as complete a description of the unknown author as possible (including demographics, personality, background, etc.) from the author's usage of language in the given text. Such information is of clear use in forensic (as well as security) applications, and does not require other documents written by the actual author, but just a corpus of documents written by other individuals both similar to and different from the author in various ways. We have developed a system that applied machine learning methods for text classification to lexical and syntactic features of texts, and can reliably determine author *gender*, *age*, *native language*, and *personality*. Accuracy for these profiling tasks varies between 66% and 82%, depending on the task and the type of text considered, while meaningful estimates of the reliability of the process in a given case can be made. Such methods thus already comprise a useful tool for investigations; with some further development, we believe that results with evidential force will be adducible as well. The system also provides intuitive access to the key

features involved in its classifications, which can be used by human experts to refine and explain forensic determinations.

Isabel Picornell
Aston University and QED Limited (British Channel Islands)
United Kingdom

Boundaries of Deception: The Role of Marked Sentence Structures in Deceptive Written Narratives

Session 9B, 7/14, 4-5:15, Mary Gates Hall 251

The written witness statement is often the first opportunity authors have to provide a structured narrative of a criminal incident they claim to have experienced. Provided prior to interview by the Police and without guidance as to what to write other than "what happened", these statements are a snapshot of one person's perception of how a sequence of episodes create a believable narrative.

Work by Prideaux (University of Alberta) and others have shown that marked sentence structures code episode boundaries by highlighting major changes in topic, important events, or the passage of unaccounted time.

Building on these studies, it is hypothesised that, a narrative being a story of a sequence of events in chronological order, any attempt to manipulate significant events would automatically result in the creation of an artificial time scale, and in lack of continuity between incidents occurring before or after an excluded or added event.

Such interference with the true chronology of a narrative, and a deceiver's need to highlight or hide events which might or might not have happened, would result in the creation of more episodes in deceptive narratives than in truthful ones.

This presentation explores how the construction of written criminal narratives might help in the identification and isolation of deception, and reports on current work, part of a larger research agenda directed at a more systematic approach to the detection of deception.

Isabel Picornell, Panel Member / Panel on the Linguistics of Deception
Aston University and QED Limited (British Channel Islands)
United Kingdom

I = me² ? The Relativity of First Person Pronouns in Deceptive Text

Session 5A, 7/14, 9-11, Communication 120

The language of deception has long been a subject of study by parties as diverse as psychologists, law-enforcement officers and, since the success of electronic communication, the information technology community. The concept of 'immediacy' introduced by Weiner and Mehrabian in the late 1960s suggested that truth and deception could be identified through the language individuals used to associate or distance themselves from their messages. One way that that deceivers could distance themselves was by referring to themselves less often. And so began the focus on pronouns as a marker of truthfulness or deception. Research to date has highlighted changes in 1st and

3rd person pronouns during deception, while statement analysts cite changes between the first persons 'I' and 'we' as being suggestive of deception. All studies identify 1st person singular pronouns as a reliable indicator of truthfulness. However, is the weighting equal between 1st person pronouns? Is the increased use of 'me' associated with truthfulness in the same way that previous study has shown 'I' to be? My preliminary studies suggest this is not the case. This presentation will report current work, part of a larger research agenda, directed at a more systematic approach to the detection of deception. Using actual written witness statements relating to high-consequence crime, this presentation will explore the use of the 1st person pronouns 'I' and 'me' as a reflection of truth and deception in written text.

Sieglinde E. Pommer
McGill University, Canada and
University of Vienna, Austria

Language Constructing Law? Interdisciplinary Reflections on the Law-Language Link

Session 6B, 7/14, 10:30-11:45, Mary Gates Hall 231

Language is central to law which can be expressed and accessed only by language. Law is inconceivable without language. Language is the medium through which law acts, the use of language being crucial to any legal system. Legal language functions as a product and predictable process where legal texts, spoken or written, are generated in the service of regulating social behavior. To what extent does the medium language have a pervasive effect on what and how purposes can be achieved through law?

Exploring the complex interaction of language and law from legal theoretical and language philosophical perspectives, this contribution investigates the role of language in law, addressing questions such as the nature of legal language, the inevitability of judicial discretion, the repercussions of normativity, the interconnection of legal language and knowledge about the law as well as the impact of legal language on legal reality.

Lawyers tend to think that language is "the false focus for legal theory", yet, it is often unclear which problems are truly created by language. Are laws linguistic and communicative acts or behavioral standards that can just be communicated by language? How can difficulties created by language be circumvented, and is it even possible to discern language-neutral and language-specific law? Reconsidering these fundamental issues in the light of an increasingly multilingual European law, the author outlines the power of language in the construction of law.

Sieglinde E. Pommer
McGill University, Canada and
University of Vienna, Austria

The "Plain Meaning Rule" and the Significance of Context

Session 9C, 7/14, 4-5:15, Communication 226

The "Plain Meaning Rule" is the fundamental canon of statutory construction

which dictates that legal texts are to be interpreted according to the literal meaning of words, unless the result would be absurd.

This textual approach raises important questions about the meaning of words with regard to the understanding of legal texts implicating the consequences of treating the legal text as an object of linguistic study, the relationship of legal and ordinary language, the incompleteness of language, the limits of linguistic analysis as well as the appropriate framework for extensive interpretation, the use of extrinsic aids to construction, and the issue of the indeterminacy of language.

Most importantly, however, the quest for the "plain meaning" of legal terms challenges the distinction between text and context as well as the principle of intertextuality, asking how context affects intention, meaning, and understanding, whether the interpretive approach must vary according to the different types of legal texts, and to what extent evaluative judgments are necessary for identifying the content of the law.

Difficulties in legal interpretation are frequently regarded as difficulties about words but have a lot to do with the applicability of rules to facts. Recent discussions now even recommend completely abandoning the plain meaning rule in favor of purposive approaches to interpretation. Analyzing the conflicting relationship of the plain meaning rule and context, this presentation tries to reconcile the guiding principle of plain meaning with legal change.

Frances E. Rock
Centre for Language and Communication Research
Cardiff University
Wales, United Kingdom

The Crime as Variable, the Witnesses' Accounts as Variants: Exploring Different Witnesses' Talk about a Single Event

Session 7C, 7/14, 1-2:15, Mary Gates Hall 251

The forensic linguist is very interested in the descriptions which people, such as witnesses and suspects, produce within the legal system. We might, for example, want to know whether two strikingly similar accounts or descriptions could really have been produced by two different people.

This paper uses a number of statements from witnesses who all saw the same crime, a murder, to explore these interests. The paper focuses on particular aspects of the crime, its protagonists, location and events, which are described by several witnesses. This makes it possible to examine similarities and differences in the detail of different witnesses' descriptions and accounts of a single incident. The paper identifies variation in the components of the different witnesses' talk and the sequence of those components. It examines differences in lexis, syntax, semantics discourse and pragmatics. These data offer a 'naturally occurring experiment' in that they allow the analyst to compare different responses to a single stimulus. They also illustrate some of the challenges of using the police interview to gather information.

Laura Felton Rosulek
University of Illinois, Urbana-Champaign

United States

Lawyer Identities in Closing Arguments of Criminal Trials

Session 11B, 7/15, 10:30-11:45, Mary Gates Hall 251

In this paper, I demonstrate that lawyers weave together two distinct identities, or roles, for themselves in the closing arguments of criminal trials. Previous research has shown that lawyers play a "character" (Hobbs 2003) or put on a "lawyer persona"(Trenholm 1989) during their trial presentations. This paper analyzes the linguistic devices that lawyers use to project these created identities. Koven (2002), utilizing Bakhtin's (1981) notion of voice and Goffman's (1979, 1981) idea of footing, developed a framework for examining a speaker's projected identity in a discourse. Using the categories she developed to analyze 37 closing arguments, I propose that lawyers create two separate identities for themselves in their closing arguments. Through the use of first and second person pronouns, particularly first person plural pronouns; through speech acts such as apologies, imperatives, statements of gratitude, and questions; and through the inclusion of personal information, the lawyers present an interlocutory voice that builds a personal relationship with the jurors that has nothing to do with the case at hand. Lawyers also present a narrator's voice that hides their own personal identity as they present the "facts" of the crime, trial, and law. By using unevaluated statements in this voice, they present themselves as an objective authority on the case. It is in the interaction of these voices, the switching between the two codes, that lawyers are able to create a persona that has a personal relationship with the jurors but still holds an authoritative position in the current context

Víctor M. González Ruiz
Universidad de Las Palmas de Gran Canaría
Gran Canaría, Spain

According to the "Proper" Meaning of Words: How the Spanish Courts Interpret and Apply the Law

Session 8A, 7/14, 2:30-3:45, Communication 226

When deciding on a case, Spanish judges must rely on a very ambiguous and limited set of rules to construe relevant legislation. Apart from the general principles collected in the Constitution and those set forth in the international conventions and agreements to which Spain is a signatory, there are only a few guidelines available for interpreting statutes. Among these, subsection 3(1) of the Spanish Civil Code seems to provide lawyers and judges with the key in order to understand all sorts of legal texts:

> Rules will be interpreted according to the proper meaning of words, in connection with their context, historical circumstances, previous relevant legislation, and the social reality of the time in which these rules are to be applied. In all cases, the purpose of the rule must be regarded as an essential tool of construction[1].

1 The Spanish text is as follows: "**Art.3.º** 1. Las normas se interpretarán según el sentido propio de sus

These interpretive criteria, which may be considered rather vague, support the principle of judicial independence, under which Spanish judges are free to make any decisions they think suitable, without feeling bound by any doctrine of precedent as it is understood in common law systems.

This paper intends to describe the principles of statutory interpretation in Spain, including any aid or custom which lawyers and judges may use in courtrooms and private offices in practice. Likewise, it will emphasize how the application of these rules, together with the concept of judicial independence, makes statutory interpretation and court decisions a rather unpredictable process.

Sanford Schane
University of California, San Diego
United States

A Linguistic Analysis of Hearsay

Session 6A, 7/14, 10:30-11:45, Communication 226

' "Hearsay" is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.'[2] The *rule against hearsay* concerns those statements that may be admitted as evidence by a witness testifying in court, and the law has carefully worked out a classification of relevant types: verbal acts, utterances *qua* statements, utterances eliciting hearers' reactions and those indicating speakers' indirect states of mind.

Austin, in his seminal work on speech acts, drew a distinction between 'performative' and 'constative' sentences—utterances where a speaker engages in the act designated by the words as opposed to utterances that describe events or states. Although hearsay data played no direct role in the formulation of his theory, Austin noted in passing that "in the American law of evidence a report of what someone else said is admitted as evidence if what he said is an utterance of our performative kind…"[3]. It is instructive then to pursue more fully Austin's suggestion. We examine several court cases involving issues about hearsay from the perspective of speech-act theory as proposed by Austin and further developed by Searle.[4] We demonstrate that the relevant legal categories fall out directly from the various components of speech-acts and show how this theory is able to provide a novel and elegant account of an intriguing legal topic

Jonathan Schler (with Shlomo Argamon, Moshe Koppel, and James W. Pennebaker)
Bar-Ilan University

Automated Authorship Profiling

Session 12B, 7/15, 1-2:15, Mary Gates Hall 251

palabras, en relación con el contexto, los antecedentes históricos y legislativos, y la realidad social del tiempo en que han de ser aplicadas, atendiendo fundamentalmente al espíritu y finalidad de aquéllas."
2 *Federal Rules of Evidence*, 2003: 401.
3 John Austin, *How to do Things with Words*, Harvard Univ. Press, Cambridge, Mass., 1962: 13.
4 John Searle, *Speech Acts*, Cambridge Univ. Press, Cambridge, 1969.

Automated statistical analysis of texts promises to provide useful quantitative evidence for questions of authorship, a particularly useful goal in light of the *Daubert* decision. Existing automated methods for the statistical/linguistic *attribution* of an anonymous text to a given author require developing a controlled comparison corpus of documents from possible suspects (as well as plausible others). In many cases, a natural such corpus does not exist, however, and so little direct statistical evidence for authorship can be brought to bear. We consider here the possibility of automated *authorship profiling*, in which we seek to construct as complete a description of the unknown author as possible (including demographics, personality, background, etc.) from the author's usage of language in the given text. Such information is of clear use in forensic (as well as security) applications, and does not require other documents written by the actual author, but just a corpus of documents written by other individuals both similar to and different from the author in various ways. We have developed a system that applied machine learning methods for text classification to lexical and syntactic features of texts, and can reliably determine author *gender*, *age*, *native language*, and *personality*. Accuracy for these profiling tasks varies between 66% and 82%, depending on the task and the type of text considered, while meaningful estimates of the reliability of the process in a given case can be made. Such methods thus already comprise a useful tool for investigations; with some further development, we believe that results with evidential force will be adducible as well. The system also provides intuitive access to the key features involved in its classifications, which can be used by human experts to refine and explain forensic determinations.

Jess Shapero
University of Birmingham
United Kingdom

The Anatomy of a Suicide Text

Session 9B, 7/14, 4-5:15, Mary Gates Hall 251

Suicide notes can be difficult to analyse, not least because they tend to be short in length. This can aggravate the problem of trying to tell whether a suicide note is genuine or falsified. However, in general, there are features that are found in a typical suicide note that may not be present in a fabricated note; and there can also be other features present in a fabricated note that one would not expect to find in a genuine one.

Until now, most methods proposed to aid the distinction between real and fabricated suicide notes have come from psychologists, and usually required the use of statistical techniques. This paper will present a two-pronged linguistic approach to the problem, which can be effective even for texts too short to admit statistical analysis. Firstly, an outline of the anatomy of a typical suicide text is derived from a set of genuine suicide notes by means of analysis at the discourse level. It is then possible, by assessing how well this fits a selection of faked notes, to identify one group of salient characteristics. Secondly, by analysing a set of simulated suicide notes, then applying the results of this to some genuine notes (a method developed by the Birmingham University Forensic Linguistics Group), it may be possible to find a second group of characteristics which can then be used as diagnostic criteria which can contribute some insight into

equivocal suicide texts.

Sharon S. Smith, Ph.D.
Supervisory Special Agent (Retired)
Federal Bureau of Investigation
Fredricksburg, Virginia, United States

Violence Risk Assessment in Threatening Communication

Session 9A, 7/14, 4-5:15, Mary Gates Hall 231

The goal of this research was to identify factors that improve the accuracy of violence risk assessments made in cases involving threatening communications. Specifically, this research examined psychopathological, social, demographic, and dispositional characteristics of threateners, target/victim types and their relationship with threateners, psycholinguistic features of threatening communications, and methods of contact. The goal was to assess whether or not these variables are significantly associated with a greater likelihood that threateners would approach or harm targets. The outcome of each threat case was retrospectively determined through interviews of local, state, and federal law enforcement officers who investigated these cases. The study's database consisted of 96 cases investigated and assessed by the Federal Bureau of Investigation's National Center for the Analysis of Violent Crime. Variables were scored manually and by two computer software programs which identified threateners' cognitive and emotional states.

Eight risk-enhancing and four risk-reducing factors related to the threatening communication and methods of communicating were associated with case outcome. Two variables appear to signal the presence of cognition and emotion associated with predatory violence. An equation was created that accurately predicted 70.8% of all case outcomes in this study and 93.2% of the outcomes in the low (.00-.19) and 92.9% in the high (.5-1.0) ranges of prediction scores.

Lawrence Solan/Panel Participant, Authorship Attribution
Brooklyn Law School
United States
Session 7A, 7/14, 1-5:15, Communication 120

Lawrence Solan/Panel Participant, Panel Honoring Roger Shuy
Brooklyn Law School
United States
Special Session, 7/13, 1-3:45, Johnson 075

Why it is Easier to Blame than to Praise

Much of the law involves the attribution of responsibility for bad things that have happened. In earlier work, I have argued that this task may be a little easier than it should be because we are designed as natural blaming machines. To blame a person involves attributing 1) causation 2) of a bad outcome 3) with a bad state of mind. Linguistics and

cognitive psychology teach us that all three of these elements are natural cognitive processes that we use all the time independent of the attribution of blame. Thus, the ability to attribute responsibility is a cognitively inexpensive one.

In response, the philosopher Joshua Knobe has argued that I have proven too much. For if blaming is that easy, praising should be just as easy. In a series of interesting and challenging studies, Knobe and others have demonstrated that we attribute intent more to those whose actions lead to bad results than to those whose actions lead to good results. In this presentation, I will argue that the reason we appear to blame more easily than we praise is that we make judgments not from a neutral perspective (in which this asymmetry would hold), but rather from the perspective of expecting things in our lives to go right, and intentionally so. We do not give praise to what appears normal, but we do blame for what appears to violate our expectations. The argument in many ways resembles the important observation of Roger Shuy: Before we begin to draw inferences from speech, we should be careful to learn who is doing the talking.

Song Beiping
Institute of Applied Legal Language
Beijing College of Politics and Law
China

The Past, Present and Future of the China`s Forensic Studies

Session 5C, 7/14, 9-10:15, Mary Gates Hall 251

The "past" of China`s forensic studies refers to the embryonic stage which lasted 20 years in the previous century. Most of the researchers were Chinese-teaching staff from law schools, whose major research methods were to apply the Chinese grammar rules to analyze the grammatical drawbacks in the articles of law, then to put forward some amendments. However, such a kind of practice lacks the analysis and discussions of legal meaning. The "present" of the China`s forensic studies is the developing stage which begins from the 21st century, whose research focus is changing from the grammatical studies of the legal language itself to the discovery of the legal meaning. This stage will probably last another 20 years or so, and then commences the mature period, in which the goal of forensic studies is to solve the language problems in the legislation, judicature and enforcement with the help of linguistics. This is also the trend of forensic studies in China in the "future."

Maria S. Spassova
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Universitat Pompeu Fabra
Barcelona, Spain

The Relevance of Inter and Intra Authorial Variation in Authorship Attribution: Some Findings on Syntactic Identification Markers

Session 6C, 7/14, 10:30-11:45, Mary Gates Hall 251

In the process of determining the authorship of a disputed or anonymous text, there is a series of factors to be taken into account when analyzing the data available. One of these very important factors is the intra authorial variation that is likely to be observed in an author's style in terms of linguistic production across genre and time. The necessity of measuring this kind of variation has been present but hardly explored since the early days of Forensic Linguistics. Furthermore, establishing criteria levels in accordance with exploited identification markers is an issue yet to be resolved in present-day authorship attribution studies.

In an attempt to define the levels of relative intra authorial variation with particular interest set on the intra textual behavior of the syntactic variable considered as an identification marker in this case, several experiments were carried out on a morpho-syntactically annotated corpus consisting of the writing of six native Spanish-speaking authors. The texts compiled in the corpus under analysis were produced by the author in the time span of approximately 10 years. For each author, 40 written texts were included in the corpus, and of those 25 were novel fragments and 15 were newspaper articles. Preliminary results indicate that real time studies can contribute to the validation of one of the key pending research questions in forensic studies of authorship, namely, that an individual's style doesn't seem to change across time.

John Staczek
Thunderbird, The Garvin School of International Management
United States

Now as Discourse Marker in Courtroom Interrogation

Session 1A, 7/12, 3-4:15, Communication 326

Courtroom discourse is a source of ritual language use that reveals a personal style of attorney or judge interrogation of witnesses. This paper examines the use of *now* as an opening, directing, focusing, and ordering transition marker for questioning. Much like *so* in conversation, *now* acquires a discourse role not to situate events in time but to signal a discourse transition from previous to new topic, from statement to elaboration.

Tokens from the verbatim stenographic notes of a civil action suit in the United States District Court in the District of Columbia in August 1997 betray a courtroom interrogatory style while also demonstrating how *now* is actually a ritual transition marker in discourse. The civil suit involves a claim of workplace racial harassment. The computer-aided transcription of stenographic notes represents approximately 12 hours of courtroom discourse over 4 days. The data include:

1. Defense attorney (D) — Now, did you conduct that investigation…
2. Court (C) — Now, Cajuns are of what ancestry?
3. D — Now, you indicated that the term for some people
4. Plaintiff attorney (P) — Now, you went to the dictionary…
5. P — Now, the two slang dictionaries…
6. P — Now, there what you say is…

7. D Now, since June of 1995…
8. (C) OK. Now, this may show my age…
9. (C) Now, that is fairly general…
10. (C) Now, how are we going to decide the facts…

These data provide new evidence of *now* as a discourse marker in a legal setting.

Sun Guorui
Law School, Beijing University of Aeronautics and Astronautics
Beijing, China

Basic Problem Solving Measures of Forensic Study in China

Session 5C, 7/14, 9-10:15, Mary Gates Hall 251

It's a little bit late for the researchers of the forensic language study in China to start comparative research with their counterparts in the Euro-US. There are four basic problems, in my opinion. First, there are over ten concepts about forensic language, which strengthened the different linguistic characteristics without forensic ones at the same time; second, the research aim focuses only on the linguistics but not on settling the legal problems; third, almost all of the researchers lack legal accomplishments, whose thought is localized by the language itself; and fourth, the researchers ignore the differences between the two types of linguistics and the two legal systems when they use the forensic language of Euro-US for reference. This article discusses how to solve the above-mentioned problems.

Li Sun, Panel Member/ Language and the Law: Issues Related to Chinese
School of Business English
Guangdong University of Foreign Studies
Guangzhou, China

Question Sequence and Witness Statements in Chinese

Session 7B, 7/14, 1-3, Mary Gates Hall 231

Elena Tapia
Eastern Connecticut State University
United States

"He Speaks Perfectly Good English, or Does He?: Due Process and English Language Proficiency"

Session 4A, 7/13, 4:15-5:30, Communication 226

The author presents results of a discourse analysis of the pre-trial hearings of a Somalian-born, Somali-speaking youth convicted of murder in a jury trial in Marion County, Indiana (2006). Called upon as expert linguistic witness in a motion for a new trial, the author reviewed videotapes of police interviews and pre-trial hearing transcripts to determine the defendant's proficiency in English at the time of his arrest and trial. The

defendant was never provided an interpreter although analysis of the transcripts showed him repeatedly expressing an inability to comprehend. Testimony based on discourse analysis of the records indicated that the defendant was operating at a limited working proficiency of the English language. Employing knowledge of oral proficiency interviewing (similar to the OPI of the Defense Language Institute) and of stages of second language acquisition, the author discovered numerous communication breakdowns and the defendant's inability to negotiate or repair them. This inability stands in marked contrast to the language skills of highly proficient speakers, whose conversations rarely beak down and who possess a repertoire of repair strategies in the event they do. The analysis also revealed pervasive use of "tag questions" by police, lawyers, and judges. The English tag question -- the most complex question form -- involves numerous grammatical steps and different intonation and pitch patterns to be formed and may consequently cause communicative misunderstanding for English learners. Other linguistic evidence will be presented and will show that the defendant was clearly denied due process. The case is currently under appeal.

Peter Tiersma
Loyola Law School
Los Angeles, California, United States

The Contractual Text

Session 4B, 7/13, 4:15-5:30, Mary Gates Hall 231

The English term "contract" can refer to either a mental state (sometimes called a "meeting of the minds" or "consensus ad idem") or to the document or text that contains a written record of the terms. It will refer to the former as an "agreement" and to the latter as a "contractual text." This presentation will discuss the nature of the contractual text.

As with agreements more generally, a contractual text can arise by means of the process of offer and acceptance. For example, sometimes parties engage in oral negotiations that consist of offers, counteroffers, and finally an acceptance. They may later draft a contractual text to create a written record of the agreement. In that case, questions can sometimes arise regarding whether the contractual text accurately reflects the agreement, or whether it completely states all its terms. On other occasions, the offer and acceptance process is performed by means of written documents. While it might seem that the use of written documents would reduce uncertainty, this process in reality can often make it even more difficult to determine what is part of the contractual text and what is not.

Traditional legal analysis, focusing as it does on the requirements of offer and acceptance, contemplates a simplistic exchange of cooperative speech acts that is not an adequate or accurate description of how contractual texts are actually created. In this presentation I hope to propose a more realistic analysis of how contractual texts are created.

Carlos Torres
Georgetown University

United States

The 2004 Language Access Act

Session 2B, 7/13, 9-10:15, Mary Gates Hall 231

Signed into law in 2004, the Language Access Act (LAA) is intended to provide equal access and participation to public services, programs and activities for residents of the District of Columbia who are not English proficient. The act requires District government agencies, program and services, with major public contact, provide written translation of vital documents and assess the need for and offer oral language services. The five languages spoken largely by the immigrant community are Spanish, Chinese, Vietnamese, Korean and Amharic. Latinos represent the largest share of limited English proficiency individuals living and working in the District. This article examines the historical background, enactment and implementation of the act, as well as current compliance at agencies ranging the full spectrum of public service, from health and employment services to police department and the public school system. The District's demographics are described and analyzed, and trends and social and cultural implications are identified. Finally, the most frequent problems during the implementation phase are discussed and suggestions to improve accountability and community involvement are made, taking into consideration international case studies of cities with similar population characteristics.

Yvonne Tsai
University of Newcastle upon Tyne
United Kingdom

An Analysis of Standardization in Chinese to English Translations of Patent Abstracts

Session 3B, 7/13, 10:30-11:45, Mary Gates Hall 251

Patents contribute to internationalization in the growing number of worldwide patent filings and the increasing use of international patent systems. Patents are important to industries for good patent quality lead to profitability. On the national scale, patents reflect national economic growth by noting creative activities and displaying knowledge power.

As a patent abstract is an essential application document for patent filings, an increasing number of worldwide patent applications resemble more patent abstracts to be translated for international visibility. World Intellectual Property Organization regulates the writing of patent abstracts be clear, concise, and written for the general public without using legal phraseology. Within one paragraph of around 200 words, technical information of the disclosed invention summarized in brevity and the varied level of readability complicates the translation process for a translation in concise and clear form.

The paper presents an analysis of standardization in Chinese to English translations of patent abstracts. The study applies comparative analysis of the source text and the translated text from granted patent filings published online, and identifies the occurrences of any features in terms of translation unit to examine the standard of patent abstract translation as accepted by Intellectual Property offices. Since patent abstract

translations published online have been translated and proofread by professionals, it can be inferred that the translations are approved and are up to a set standard. Therefore, the standard of patent abstract translation can be generalized from the end product.

Mari Luz Vazquez
University of Coruña
Spain

Lying Equivocally and Irrelevantly in a Police Interview

Session 10A, 7/15, 9-10:15, Mary Gates Hall 231

For the last decades a great deal of scholarly attention has been given to clues on how to detect deception. However, the intention that lies on the mind of deceivers cannot be accurately identified without regarding linguistic, psychological or sociological aspects. From a linguistic approach, a midpoint between covert or lying by omission and overt or explicitly stated lies includes two types of deception which are to be addressed in this paper. In a police interview, the responses of a man who found his wife violently killed are analysed, and two linguistic devices seem to be the strategies he uses to conceal the truth. First, through referencing, the interviewee creates an interpreted ambiguity by the use of equivocal words that obscure what his motivation is. Second, topic changing and topic recycling of the interviewee's responses provide clues on how he deviates from the questions formulated.

Thus, referencing and topic analysis prove to be crucial in understanding intentionality (Shuy 1981). It is assumed that in a police interview there is a reason for each response which means that its interpretation will rely on how this response is being said. How speakers manipulate referents and how they provide irrelevant information disassociating themselves from what they are being questioned about allows to draw conclusions on how determined linguistic behaviours can be related to deception.

Jie Wang, Panel Member/ Language and the Law: Issues Related to Chinese
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Beijing, China

The Use of Language Evidence in the Court System of China

Session 7B, 7/14, 1-3, Mary Gates Hall 231

Ann Wennerstrom
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United States

Immigrant Voices in the Courts

Session 1A, 7/12, 3-4:15, Communication 326

This study reports on how asylum seekers' persecution stories are represented in court opinions. It is widely acknowledged that the power structure of the courtroom and its ritualized communication requirements leave the language of the litigant considerably circumscribed. Would-be immigrants face additional barriers: an unfamiliar legal system, different cultural norms of communication, and the filtering of their talk through an interpreter. Moreover, they may "face" the judge via a video teleconference. For all of these reasons, the voices of immigrants are severely curtailed in American courts.

For this project, the researcher analyzed a corpus of asylum cases that reached the Ninth Circuit Court of Appeals. The investigation centered on the extent to which the applicants' original stories of persecution survived into the higher court's opinions. Of particular interest was quoted and reported speech: When did judges choose to represent the applicant's own words, directly or indirectly, in their opinions?

The representation of others' speech has long been recognized by discourse analysts as a rhetorical device to mark evaluative or otherwise "report-worthy" material. Invoking another's words to describe an event is a way of endowing that event with special significance while justifying one's own moral stance toward it. Thus, the rare occasions on which judges convey an asylum applicant's original speech in their opinions is not arbitrary; instead it reveals their moral stance toward particular aspects of the persecution story. More broadly, the role of the immigrant voice in achieving judicial goals sheds light on broader tensions that surround immigration in American society.

David Woolls / Panel on Historical Forensic Linguistics
Poster Presentation
CFL Software Development
United Kingdom

'Pyrates, politicians and preachers: Historical authorship investigations'.

Session 2A, 7/13, 9-10:15, Communication 326

The focus of this paper is on authorship attribution in eighteenth and nineteenth century literary texts. One of the problems faced by students and practitioners of forensic linguistics is the relative paucity of the data available. Historical authorship attribution, in contrast, usually allows a much larger corpus of comparative material to be assembled and involves a multi-disciplinary approach, such work normally being commissioned by academic field specialists. This paper argues that it thus affords a rich resource for the development of forensic linguistic skills relevant to any investigator.

The paper uses three investigations to look at five areas:

1. data collection and verification,
2. whether any authorial consistency for all potential authors can be demonstrated in known material,
3. the description of the relationship of the anonymous or disputed data to known material,
4. the grounding of computer analysis in vocabulary, phrasal and sometimes stylistic features of the texts
5. and the presentation of the findings.

The three cases reviewed are 1) whether Daniel Defoe was the true author of A

General History of the *Pyrates*, published in 1724 in the name of Captain Charles Johnson; 2) whether two pamphlets from 1788 and 1789, attributed by hand to the philosophical anarchist William Godwin, could indeed be attributed to him; and 3) which of two potential candidates was the most likely author of *Marita*, a novel published in serial form in the Gold Coast in the 1890s. In each case the investigation of authorship covers fiction and non-fiction, and the conclusions reached range from probable, through uncertain to probably not.

Wu Weiping
New Asia—Yale in China Chinese Language Center
Chinese University of Hong Kong
Hong Kong
Panel: Language and the Law: Issues Related to Chinese

Session 7B, 7/14, 1-3, Mary Gates Hall 231

Research on language and the law has attracted more and more attention in China, with an increasing number of publications, including books, journal articles and dissertations, in the past few years. Speakers in this panel will focus on issues related to the Chinese language in the field of law, including courtroom discourse with special reference to the US system, bilingual issues in the judiciary system in Hong Kong, findings from a systematic study of witness statement in Chinese and other studies. (see abstracts from individual presenters).

Wu Weiping/Panel Participant, Language and Law: Issues Related to Chinese
New Asia—Yale in China Chinese Language Center
Chinese University of Hong Kong
Hong Kong

Bilingual Issues in the Judiciary System in Hong Kong

Session 7B, 7/14, 1-3, Mary Gates Hall 231

Wu Weiping/Panel Participant, Panel Honoring Roger Shuy
New Asia—Yale in China Chinese Language Center
Chinese University of Hong Kong
Hong Kong
Special Session, 7/13, 1-3:45, Johnson 075

Yeung Sze Man Simone
University of Hong Kong
Hong Kong

Law is Flux: Postmodern Geography and Metaphor in Intellectual Property Law

Session 6B, 7/14, 10:30-11:45, Mary Gates Hall 231

The paper examines the role of metaphor in legal decision-making, focusing on

spatial metaphors in intellectual property law. For some lawyers, law is a rigorous, logical discipline and metaphor is a potential source of distortion. Justice Cardozo warned that "metaphors in law are to be narrowly watched". However, metaphor is pervasive in law. Property rights can be understood as "bundle of sticks" and freedom of speech is often defended in terms of the metaphor of the "marketplace of ideas". Some metaphors have arguably become the actual basis of legal reasoning, e.g. the metaphor of the "wall of separation between the church and states" in First Amendment cases.

The question of metaphor is central to intellectual property law, especially where courts are asked to restrict or extend existing laws into cyberspace. An early celebrated case of statutory interpretation involving metaphor and new technology is Olmstead v. United States (1928). The issue at stake was whether wiretapping was a "search". Similar questions can be raised about the "sowing and reaping" metaphor used in discussions of "piracy". The "global mapping" Internet as an "information highway" is a central conduit metaphor in postmodern borderless geographical space.

Cognitive metaphor theories suggest that the study of metaphor is a science involving systemic mappings between domains. Yet metaphors highlight certain features and conceal others, create emotive effects, and shape legal reasoning in complex ways. The paper considers whether these two positions can be reconciled, illustrating this with a discussion of the postmodern geography of cyber space.

Cem Yuksel
National Police Headquarters
Turkey

Determination of An Intraspeaker Variability by Using Pitch, Jitter, Shimmer and NHR

Session 10B, 7/15, 9-10:15, Mary Gates Hall 251

This study aims to increase the number and the quality of parametric analysis techniques of the forensic speaker identification. The degree of the changeability of the vowels in same utterance pronounced consecutively will be analysed by determined parameters, which compute consistency amongst the very short terms.

Eight cardinal vowels in Turkish have positions--head, middle and last—on words. A nominative word having one of these positions of the vowel was chosen and this word was fixed in the middle of the utterance to increase the effects of the motor-speech. Twenty three utterances were determined. In the first step, subjects uttered them with prosody of their determined context. In the second step, the first record of the same utterance was played and the subject was asked to repeat it with the same prosody. The utterances were analysed on KAY CSL. The vowel was segmented from the utterance and analysed. Pair of the same parameter's numerical result is evaluated in 95 % confidence interval with t-test. Acceptable intervals for pitch and jitter were observed. Values of the shimmer and NHR were not as consistent as those of jitter and pitch. In forensic process, the exemplar voice has to be recorded very carefully to reach this level of consistency in pitch and jitter. The results of the study are harmonious with the results of all 423 utterances captured from real forensic cases.

Zhang Huiying
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Shenzen, China

The Judge's Role in Courtroom Interpretation--A Case Study from China

Session 3A, 7/13, 10:30-11:45, Mary Gates Hall 231

While the interpreter performs the interpreting duties in courtroom interpretation, the judge's role in the same process could not be ignored. To understand this role in depth would be illuminating for improving and smoothing the courtroom discourse and hearing.

This paper examines the judge's role in courtroom interpretation through three types of occasions (case study) in courtroom discourse interpretation. The first, when interpreting the court opening or court hearing procedure announced by the judge, though the interpreter interpreted in explicit professional language, it could not be understood by the accused because of the latter's lack of proficiency in forensic language, at which occasion, the judge is the decision maker to allow the interpreter to interpret in more commonly used language to make the court's opinion communicated to the accused. The second, when the interpreter miss-carried the meaning of a word of the accused, the judge could play the corrector's role in which he could have the error corrected by questioning the accused whom would utter the second time of the same word for the interpreter to correct. Third, when the lawyer of the plaintiff and of the defendant holds different opinion to the interpretation or one of the lawyers is making use of the interpreter's role to defend his client, how shall the judge play his role under such circumstances? By such examination, this paper purports to conclude the judge's key role in the courtroom interpretation and the importance to have bilingual judges in the international cases hearing in the court of P R China.

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*Winner of the Malcolm Coulthard Scholarship for Best Proposal by a Graduate Student

** Runner-up for Best Proposal for a Graduate Student