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**Critical Thinking Skills Framework**

- **The Interpreter's brain**
  - *Scripts*
  - *Deaf culture*
  - *Models define role*
- **The lawyer's brain**
  - *Logical reasoning discourse structure*
  - *Analogize and Distinguish*
  - *Chronological*
  - *Non-feelings based language*

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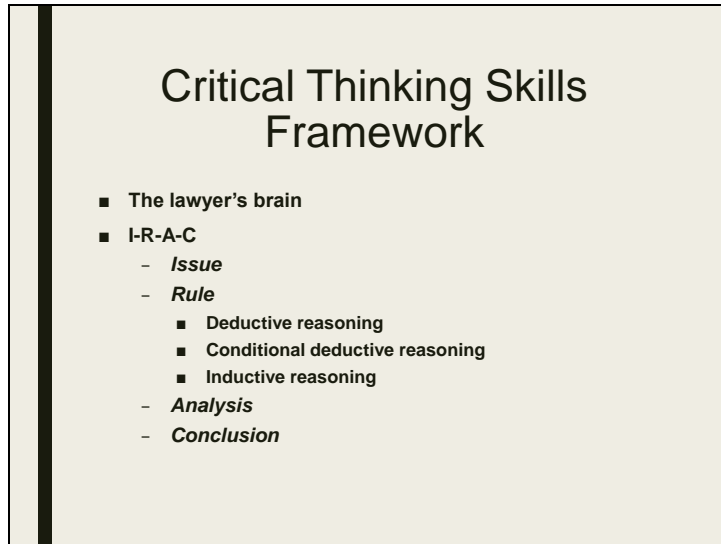
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The slide features a light beige background with a vertical black bar on the left side. The title "Critical Thinking Skills Framework" is centered at the top. Below it is a bulleted list with a mix of squares and dashes.

**Critical Thinking Skills Framework**

- The lawyer’s brain
- I-R-A-C
  - *Issue*
  - *Rule*
    - Deductive reasoning
    - Conditional deductive reasoning
    - Inductive reasoning
  - *Analysis*
  - *Conclusion*

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## Deductive Reasoning

- All X are Y
  - (*general rule*)
  - (*major premise*)
- Z is an X
  - (*specific instance*)
  - (*minor premise*)
- Therefore, Z = Y (conclusion)

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**Conditional Deductive Reasoning**

- If P, then Q (major premise)
- P (minor premise)
- Therefore, Q. (conclusion)

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## Inductive Reasoning

- XXXXX (experience)
  
- From experience  $X = Y$ 
  - (*major premise/general rule*)
  
- Have X
  - (*minor premise*)
  
- Therefore, Y
  - (*conclusion*)

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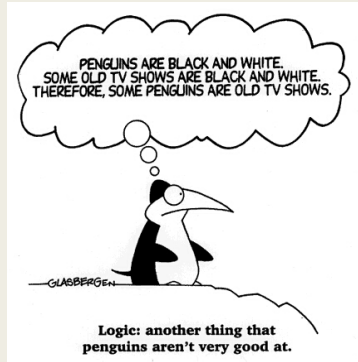
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## Don't Ya Love Logic?



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**Finding Nemo: ISO  
Major Premise**

- Hierarchical
- Rule-based
- Ethics-driven
- Statutorily-based
- Constitutionally-based

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**Foundational work**

- **Functions, Roles and Ethics**
  - *Legal interpreting*
  - *Court interpreting*
  - *RID*
  - *AOC rules*
  - *State interpreting statutes*
  - *Federal interpreting statutes*

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### Analytical Process – IRAC

- Statement of the issue or problem.
- Finding the major premise
- Determine rule and type of analysis
  - Framework for **functional** analysis
  - Framework for **ethical** constraints
  - Framework for **staffing**
- Apply the rule (minor premise or specific instance).
- Conclude

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## Application

You have been assigned to interpret a proceeding. The deaf witness' testimony has been partially completed, and you are asked to interpret the final portion. The attorney has said that the first day-long session was done by a single interpreter who advertises that she can do the work of two interpreters for the price of one. The attorney expects you to work under the same conditions.

- *State the issue*
- *State what rules apply*
- *State your analysis*
- *State your conclusions*
- *Role play*

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**Authority: Interpreter's Oath**

- Do you solemnly swear or affirm that you will well and truly interpret all of the proceedings in this court under fear of the penalty of perjury.

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## **Authority: Canon 1 Accuracy & Completeness**

- Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.

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## Authority: Court Code of Professional Responsibility

- **Preamble.** As officers of the court, interpreters help assure that such persons may enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively.
- **Canon 3 Commentary:** The interpreter serves as an officer of the court and the interpreter's duty in a court proceeding is to serve the court and the public to which the court is a servant.

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## Authority: Interpreter Fatigue

- Studies from the fields of spoken and sign language interpreting have shown that mental fatigue sets in after approximately 30 minutes of sustained simultaneous interpretation, resulting in a marked loss in the accuracy of the interpretation (Cokely, 1992; Moser-Mercer, 1998).

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## **Authority: NCSC Best Practices -- Teams**

- Team interpreters are necessary for the purposes of turn-taking to reduce mental fatigue, reducing the potential for errors in the interpretation, monitoring the accuracy of the interpretation, assisting with notetaking, and monitoring the environment and logistics of the setting while the interpreting is produced.

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**Authority: Due Process Test  
(criminal matters only)**

- Criminal defendant is denied due process when:
  - *What is interpreted is incomprehensible;*
  - *The accuracy and scope of the interpretation is subject to great doubt;*
  - *The nature of the proceeding is not explained to him in a manner to ensure full comprehension;*
  - *A credible claim of incapacity to understand due to language difficulty is made and the court fails to review the evidence of incompetency.*
  - *U.S. v. Cirrincion, 780 F.2d 620 (7<sup>th</sup> Cir. 1985)*

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## Assignment

- Create 3 scenarios from your experience illustrating issues where you struggled to explain a issue to someone;
- Apply the analytical framework to each scenario;
- Spell out the IRAC(s).
- Note the type of logic used to arrive at any conclusions;
- Present at least one scenario, analysis, and conclusions to the group.

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