

Breaking into language and law: The trials of the insider-linguist

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Robert Bork, when he was being interviewed for an appointment to the United States Supreme Court, was asked, “Why do you want this job?” His response, which for some reason caused him great distress, was: “Because being on the Supreme Court would be an intellectual feast.” Some years ago I wrote an article called, “Breaking into and out of Linguistics” (Shuy 1975), in which I tried to provide an outline of the intellectual feast that is out there in the real world, ripe and ready for linguists to consume. A quarter century later, I want to say some of the same things, only this time I will focus on only one course of this intellectual feast, that of linguistics and law. This paper is directed to scholars who are thinking about a career in forensic linguistics. Its secondary goal is to familiarize other linguists, even established ones, with the ways in which forensic linguistics is the same as or different from more conventional work in the field. A third goal is to show how applying linguistic knowledge in real world contexts, such as education, medical and therapeutic communication, diplomacy, business, journalism, or in this case, law, causes one to approach the work somewhat differently than might be expected.

In the past quarter century, linguists have become more and more involved in language issues that grow out of criminal and civil law cases, leading to the creation of the term forensic linguistics to describe such work. In this paper I will classify this work that forensic linguists do into two types: work that is done without becoming involved in specific litigation, which I call outsider work, and work that is carried out within individual law cases, which I refer to as insider work. Both types of work are important. Both advance knowledge. Both advance the field of linguistics into another significant area of life. But working from the outside can be the more comfortable, more academic way.

Academic research is self-paced, subject only to well-known and comfortable restrictions, and reasonably stable in terms of expected methods of evaluation. Outsider forensic linguistics falls neatly into this category. Insider forensic linguistics, however, has many differences. The purpose of this paper is to examine these differences and examine the ways that insider linguists have to deal with them.

Outside forensic linguist work, among other things, involves the study of the language of the law itself, (Mellinkoff 1963; Tiersma 1999), transcripts or other

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records of the language of judges (Solan 1993; Stygall 1994; Philips 1998), trial language (Matoesian 1993), the language of mediation (Conley and O'Barr 1998), courtroom language (Conley and O'Barr 1990), witness language (Berk-Seeligson 1990), and the language of trial attorneys.

By insider forensic linguistics, I refer to the occasions in which linguists enter into the courtroom as expert witnesses or when they consult with attorneys on ongoing law cases. Insider forensic linguistics is controlled by a different set of circumstances, a different way of doing the work, and a different audience. It is, in many ways, quite different from the way linguists normally conduct their business, do their research, and write their academic papers. Some linguists find this different approach so daunting that they stay away from it. Others respond to the challenge and leap right into the fire. Those who contemplate becoming insider forensic linguists would do well to consider these differences carefully. They will have to adjust their thinking to a new way of doing their analysis, a new way of being judged by their peers, and a new set of requirements for their work.

It should be pointed out, in addition, that insider forensic linguistics has parallels in other areas in which linguists have tried to make contributions to different academic fields. Similar things might be said about insider and outsider linguistics in education, therapy, medical communication, political discourse, and other areas as well. Expected outcomes of such contributions may often depend on whether or not the linguist attempting such work fully appreciates the differences between being an insider or an outsider.

There are numerous, undeniable advantages that come from being an insider forensic linguist. For one thing, our data are gathered for us by the legal system. When we work on a case, in which the data consist of tape recordings, letters, trademarks, speeches, or warning labels, we have no need to go out and gather our data. Nor do we need to worry about whether or not these data are complete, since the evidence in a case is what it is; no more, no less. That issue is determined before we even begin.

A second advantage is that of the significance of the problem. We don't need to worry about whether or not the issue is one that will grab our audience. This too has been determined by the fact that litigation is taking place. The case wouldn't be in court if it were not a serious problem. Finally, those of us who are deeply interested in justice are placed in the very arena where justice is supposed to be of paramount importance, whether such justice involves individual freedom in a criminal case or proper business practice in a civil case.

Balanced against these advantages are certain problems facing an insider forensic linguist. Eight such problems are:

1. short time limits imposed by a law case, as opposed to the more familiar time limits enjoyed in everyday academic pursuits;
2. an audience almost totally unfamiliar with our field;

3. restrictions on what we can say and when we can say it;
4. restrictions on what we can write;
5. restrictions on how to write;
6. the need to represent complex technical knowledge in ways that can be understood by people who know nothing of our field while maintaining our role as experts who have deep knowledge of these complex technical ideas;
7. constant changes or jurisdictional differences in the field of law itself; and
8. maintaining an objective, nonadvocacy stance in a field in which advocacy is the major form of presentation.

1. Getting used to short time limits. Attorneys sometimes involve the forensic linguist early, especially in civil cases that tend to have a long life span anyway. But other times, especially in criminal cases, the linguist may be called only a week or so before trial. My advice is to be very cautious about agreeing to work on such late-arriving cases. Attorneys who get inspired to use a linguist at such a stage may be in such trouble with their evidence that they are desperate for a miracle of some sort. In one case, an attorney accompanied his request for my services with these words: "I want you to work your magic here." After pointing out that there is nothing magical about linguistic analysis, I politely declined to be involved.

The late request for a linguist may also be a sign that the attorney is not well organized or prepared. Preparation is essential in any civil or criminal case and a prepared linguist working with a relatively unprepared attorney can spell only doom. Years ago I agreed to work on a criminal case in Oklahoma in which a district judge was being tried for bribery. The time for analysis was short but, since there were only four taped conversations involved, I agreed to take the case. I thought it odd that my many efforts to communicate by telephone with the attorney were unsuccessful. I wanted to share with him my findings, which cast at least some doubt on the judge's involvement in any crime, but he didn't return my calls.

Finally, as the trial date approached, I decided to write out the questions the attorney could ask me in court, along with my answers and charts illustrating the points I would make. I arrived in Oklahoma City the day before the trial, hoping to go over this question-and-answer script with him. He had other things to do and this was not possible. An hour before my testimony I finally got to talk with him and show him the questions and answers. He looked at it quickly and said: "Fine." He followed my script exactly and the testimony was as good as it could be under those circumstances. I will never know how much better it might have been if he had managed to discuss it with me, make corrections, or delete things that were not germane to the case. As it turned out, he was also unprepared for many other things that happened during the trial and the client was convicted.

One of the most difficult things to get used to in the work of insider forensic linguistics, however, is the fact that short time limits to accomplish the analysis are unlike the normal academic process of creating an article or a book. In the academic world, deadlines for submitting abstracts can be missed and the only damage is that we don't get on the program. Deadlines for paper submissions can be missed and the only thing that happens is that the paper is published at a later date. With court trials, such delay is not possible. Linguists have to learn that they do not control the time line; the Court does.

Nor is there the normal time for ideas to develop and mature, resources to be explored, or changes to be made. The insider linguist has to make do within the time allotted, no matter how short. This can lead to some interesting problems, particularly if the other side in the case uses a linguist to offer counter testimony. That linguist may have thought of new approaches, leaving with no time to explore them. The judgment of one's linguistic knowledge and skills, therefore, can be the result of compressed preparation time that would not have occurred in an academic setting. This takes some getting used to.

2. *Making adjustments to the audience.* Linguists, like most academics, commonly talk to other linguists at conventions, in classrooms, or in private discussions. We share common assumptions about language and argue about its edges. Some of the things we take for granted, however, are not shared by most other nonlinguists. Audiences of linguists who deal with education issues at least have the common ground of teaching and learning upon which to base their statements. When applying linguistics to the trial arena, however, we face two different kinds of audiences.

One audience is the lawyers themselves, who work with language daily and are very aware of its power. Although they may seem like kindred spirits with whom linguists can share assumptions, this is not always the case. Lawyers, like other professionals such as doctors and politicians, are used to controlling the language around them, making it sometimes difficult to convince them of some of even the simplest percepts of our field. More than one lawyer and judge have told me that they use language as their basic tool and are quite familiar with it, thank you.

The second audience is the jury, about whom the courtroom linguist can never be totally certain. On the whole, juries are made up of people with widely different educational and social backgrounds, making for a much more diverse audience than, say, the teachers to whom educational linguists normally speak.

Addressing the lawyer audience is the first step, of course. The linguist must accept the lawyers' language skills, treat them as equals, then present the linguist's way of seeing the issues as a complement to the lawyers' approach and not as a threat to their linguistic competence. Once this hurdle is met, the more serious problem of addressing the jury audience can be tackled.

Most jury members know no linguistics whatsoever. This means that the common ground has to begin somewhere else. I have found that it can be deadly to give the appearance of being smarter or more knowledgeable than they are. So I try to begin with them on more familiar ground, often with their seventh-grade English class. Instead of describing anaphora or other referencing that is often crucial in litigation, for example, I sometimes remind them of how in seventh grade they learned that pronouns like “he” relate to what was then called “the noun that ‘he’ stands for.” This usually rings at least a few bells among jurors, assuring them that they will understand what I’m talking about.

3. *Restrictions on how we can talk.* As any experienced expert witness knows, the courtroom is a place where topics can be introduced only by questions asked by attorneys. This ritualized behavior is unlike most other forms of language behavior faced by human beings. The purpose for such a procedure is that in this way information can be unfolded in a manner that the question asker believes to be most efficient, allegedly a time-saving device. It also controls the language of the witnesses, preventing them from presenting facts that might not be in the best interest of the case being made.

During the direct examination, the linguist as expert witness has some room to control what is introduced. But this must be prearranged with the attorney who does the questioning. As noted earlier, after discussing my potential contribution with the attorney, I often write out a set of questions that can be asked of me, along with a sketch of my answers. In this manner, it can be said that I have some control of topic introduction even in this restricted context. If I happen to think of a new topic during the direct examination, however, it is difficult to figure out a way to bring it up without first privately discussing it with the attorney.

On cross-examination, it is extremely difficult to bring up new topics. Any effort to do so often meets with stoney glances and words such as, “I’ll ask the questions here; you just answer.” But there are ways, however dangerous, of circumventing this problem. For example, in a Texas criminal trial in which I served as an expert witness, the defense attorney, named Racehorse Haynes, had me avoid testifying about one of the tape recordings that the prosecution believed was the most damaging evidence against the defendant. After my direct examination ended, the prosecutor took the bait and straightaway asked me about that tape. My response was: “I’m glad you asked about that because I’ve prepared a chart of it for the jury. Would you like me to show it to you?” Dumbfounded, the prosecutor couldn’t say, “No.” Thus I proceeded to introduce a topic in response to his question, a topic that is said to have greatly helped obtain a verdict of not guilty for the defendant. Such courtroom drama is neither common nor is it often a wise way to go. I would never have done this without careful coordination with this attorney, who was known to have a flare for the unusual and dramatic.

4. *Restrictions on what we can write.* Then there are the restrictions related to discovery. In the academic world, it is not uncommon to draft some ideas, try a manuscript out on colleagues, fix it up, and then submit it. For us, drafts do not count in the creation of the final product. But in law cases, even the expert's notes can be discovered and used to show that at different stages in the analysis, different positions were held. In one of my earlier civil cases, for example, I followed my usual procedure of taking notes on telephone calls with the attorney and keeping all of the notes that I had taken about the documents I was analyzing. When asked if I had kept any notes in a deposition, I honestly replied that I had and I produced them when asked. This led to several hours of questions during my deposition in which I had to explain how at one stage of my analysis I was thinking one thing while at a later stage I was thinking another way. To make matters worse, my handwriting was not clear in several instances, making it difficult, even for me, to reconstruct what I might have been thinking at the time I wrote the notes.

From this experience I learned to take as few notes as possible and to discard whatever notes I made once my ideas have become clear. I suspect that this may not be in the true spirit of discovery, but it is clearly in my own best interests. Upon reviewing depositions of other experts in various fields, I have also learned that this appears to be standard practice. Attorneys, of course, will not advise experts to not keep notes, much less to discard them, but there is no question that this is what they would prefer. I have also noted that law enforcement officers follow the same general practice. The police write reports based on notes they took during investigations, but they are seldom able to recover these notes once the report is produced. Some say, in fact, that it is their standard practice to destroy all such notes.

A similar practice exists in civil cases, where reports are more common than in criminal cases. I have learned never to submit a report to the attorney with whom I am working without first discussing it at length over the telephone. The word "discovery" is usually not mentioned, but the implication is clear enough. They don't want to have to say that they had any influence on the creation of such a report. The advent of word processing has contributed considerably to the ability to destroy original drafts. I learned this from a linguistic expert on the other side of a trademark case I once worked on, who testified simply that he revised his reports as he went along without making printed copies of the earlier versions. It would appear that this meant that no copies of the earlier versions were in existence.

One might consider this avoidance of making or producing notes and early drafts a kind of charade. Of course we do it, but we operate in a system for which a penalty exists for not doing it. So we figure out ways in which the letter of the law is preserved while its spirit may be somewhat neglected.

5. *Restrictions on how to write.* One of the first things an insider forensic linguist has to learn is how to write reports and affidavits in a style that is foreign to our past experience in the academic world. There it is expected that our papers begin with a clear statement of the problem we are addressing, followed by citations of others whose work is relevant to this problem, our methodology of attacking the problem, and, finally, our conclusions. Under no circumstances are we to brag about our own qualifications, and any personal opinions are to be avoided in an effort to be scientifically pure.

This obvious organization is not the one preferred in reports and affidavits we must write in law cases. Affidavits, for example, must begin by our touting our own expertise (including reference to our curriculum vitae, which is attached to the finished document). Then we state our conclusions (I am told that judges are impatient and want to know this right from the start). Then we can describe our methods and the results of our analysis. The affidavit then ends with a zinger opinion that supports the client's position. This opinion is usually couched in terms such as: "Based on my training and knowledge in linguistics and on my forty years' experience in analyzing language, it is my opinion that. . . ." In most cases, affidavits contain numbered paragraphs as well.

One can learn to write affidavits like this, but it always feels a bit odd to the academic. However, unless insider forensic linguists learn to write like this, they must spend hours with their attorneys restructuring their otherwise academic style to fit the required legal mode. It's easier to learn to do it ourselves.

Report writing is slightly more relaxed. I have learned, however, that it is better to make reports as brief as possible. They should make the most salient and defensible points and steer clear of points that are only marginally significant. For one thing, briefness and salience turn out to be useful in reducing the time spent in the inevitable deposition that follows. One does not want to expend time and energy on the points that are marginal, especially if they can show one to be trying too hard to make the client's case, suggesting nonobjective analysis. Briefness is not an inherent quality of academics, and opposing attorneys are well aware of this. The more they get us to talk, the more opportunities they have to poke holes in our analyses. It is well known that many attorneys love to cross-examine academics for this very reason.

6. *The paradox of being expert, yet understandable.* Insider forensic linguists would not be called upon unless they are experts in something relevant to the case. This gets us into the case, but then the problems begin. It is a kiss of death to maintain the language of the expert while trying to explain what we know to nonexpert juries. For one thing, they probably won't understand what we are saying. Even worse, it is likely that they will be turned off by the commonly held stereotype of the absent-minded professor. Our discipline is, in their eyes, arcane and mysterious.

If they have heard of linguistics at all, they probably think we speak a lot of languages. Our relevance in a monolingual English-speaking case will be attacked by the other side from the outset. In short, we begin in a one-down position.

One of the first questions asked on direct examination, when we are first introduced to the case, is to tell the jury what linguistics is. A one-paragraph response along the following lines is usually enough.

Linguistics is the scientific study of language, including English. Like other sciences, our field describes a system, organizes it, and makes predictions based on that knowledge. Also like other sciences, our field is made up of different parts. For example, we study the sound system, called phonetics; the way words are made up, called morphology; the words themselves, called lexicography; the way words go together to make sentences, called syntax; the way sentences go together to make discourse, called discourse analysis; and the way words, sentences, and discourse make meaning, called semantics and pragmatics.

In most cases, this definition, starting with common words and followed by our technical terms, will suffice. But if the case involves other aspects of linguistic analysis, such as changes in meaning or use over time, variability of language use, or language learning issues, we might add the areas of historical linguistics, sociolinguistics, and psycholinguistics to the definition.

The direct examiner will then help narrow down this broad definition to the case at hand with a question such as, "And which of these aspects of linguistics did you carry out in this case?" From that point on, the expert need only deal with how those specific areas relate to the analysis. It is useful, however, to repeat the earlier clear definitions from time to time, to remind the jury of what is meant.

Juries are often impressed as much by stories as by facts. I have found it useful to give personal anecdotes and comparisons that help explain what I'm saying. In one case in which I was trying to explain what the speech act of apologizing meant, I told a story about a disagreement my wife and I had one Halloween. We were hosting a Linguistics Department party and we bought eight pumpkins that we planned to carve into conventional Halloween faces. Since we had a lot of preparation to do, I decided to carve the pumpkins myself. While I was carving the last one, my wife came into the room, saw what I was doing, and expressed unhappiness that she didn't get to help. I said, "I'm sorry." She replied, "No you're not." She was right, of course. I thoroughly enjoyed what I was doing and was not a bit sorry for having done it. Eventually she got me to say that I was sorry for not thinking about her and what she wanted. But my first apology, as she recognized immediately, was not felicitous. My weak, "I'm sorry," was intended to cover all sins. It didn't. She knew it. I repented. And I've remembered this for

many years. My point to the jury was that our client, by saying that he was sorry, did no better at specifying what he was sorry for than I had to my wife about the pumpkins. The prosecutor was then unsuccessful in his attempt to extend the client's apology to cover the crime for which he was charged.

7. *The changing battlefield.* Changes happen in linguistics all the time. Last year's doctrine becomes outdated quickly, as we all know. Law is much the same. New interpretations of old laws and jurisdictional differences in practice, to say nothing of the creation of new laws, support the need for experts to be aware of angles that they had not thought of before.

For example, the recent rulings on Miranda rights of suspects (being warned that they have the right to an attorney and to be silent) may make linguistic analysis of police interrogations less salient than it has been in the past. This issue, currently under consideration by the United States Supreme Court, may change what linguists can contribute to this important issue.

Differences between federal and state standards for allowing experts to testify at trial and changes in those standards over the past twenty years can be confusing. One might expect the attorneys with whom we work to be abreast of the nuances of these changes, but this is not always true. Rule 702 of the Federal Rules of Evidence governs the determination of whether expert testimony should be admitted. The Court may admit expert testimony into evidence: (1) if the expert is qualified to testify competently regarding matters he or she intends to address; (2) if the methodology by which the expert reaches his or her conclusions is sufficiently reliable; (3) if the testimony assists the trier of fact, through the application of scientific, technical, or specialized expertise, to understand the evidence or to determine a fact in issue.

With respect to reliability, the Supreme Court listed the following factors that a court may consider in order to determine whether expert testimony is reliable: (1) whether the technique the expert employs is generally accepted in the scientific community; (2) whether the theory has been subjected to peer review and publication; (3) whether the theory can be and has been tested; and (4) whether the known or potential rate of error is acceptable (*Daubert v. Merrell Dow Pharmaceuticals, Inc.* 509 U.S. 579, 589, 1993). More recently, the Court noted that inquiry under Rule 702 should be a flexible one: "The trial judge must have considerable leeway in deciding in a particular case how to go about determining whether particular expert testimony is reliable" (*Kumho Tire Co., Ltd. v. Carmichael*, 119 S.Ct. 1167, 1176, 1999).

In a recent case in Florida, I was proffered as an expert witness by one of the leading criminal attorneys in the country. The issue was whether a certain audiotape was natural or staged. Upon hearing my proffer (testimony heard outside the presence of the jury), the judge ruled that I was indeed an expert and that the field of linguistics was indeed an established and acceptable discipline. However, the

judge ruled that the technique about which I proposed to testify “was not generally accepted in the scientific community” since the specific type of data in evidence had not been previously researched. In short, I could point out no publications or studies comparing naturally occurring conversation with allegedly staged conversation. What I could point out was the well-researched attributes of naturally occurring conversation and how these attributes were the same ones that occurred in the allegedly staged tapes, but I could not identify any pertinent published research on staged conversations by themselves.

In this case the flexibility afforded to judges by the *Kumho Tire Co.* case was not, as was generally believed, a relaxing of stringent standards for expert witnesses. It was actually a tightening of such standards. The judge was saying, in essence, that what a linguist knows about how natural conversation works is not relevant to the application of such knowledge to conversation that is alleged to have been nonnaturally occurring or staged. It is not my point here to argue the merits of the judge’s decision as much as it is to point out the type of pits that the insider forensic linguist can fall into. Science, including linguistic science, has advanced by following the same procedure that I followed, taking what is known and applying it to what is new. But in the courts, we find ourselves in a different battlefield, where different ways of thinking obtain and where different standards of judgment are used.

8. *Maintaining objectivity and nonadvocacy.* Insider forensic linguists have to adopt an approach to each case that is somewhat unnatural. Like anyone else, we may have strong beliefs in issues of human rights, gun control, abortion, politics, economics, the death penalty, religion, or our personal ideas about fairness and justice. When we agree to work on a specific criminal or civil case, however, these beliefs have to be set aside. My own politically liberal leanings could not be relevant when I worked on cases involving politically conservative figures such as Secretary Caspar Weinberger’s Iran Contra case or Senator Robert Packwood’s sexual harassment charges. My working class background could not get in the way of my working on cases involving millionaires such as Armand Hammer in a defamation case or John Z. DeLorean’s drug indictment. My disgust for child sex abuse could not color my work on cases involving defendants in the *McMartin* cases in California or the forty-two defendants in the *Wenatchee*, Washington, sex ring cases.

The very first criminal case I worked on, *Texas v. T. Cullen Davis*, was my personal test on this issue. Wide media publicity before trial gave every indication that Davis had indeed solicited the murder of his wife and a local judge. With fear and trepidation, I agreed to listen to the tape recordings in evidence. Many of my linguist friends warned me not to get involved. One of my best friends, along with many others, asked me how I could work toward allowing a guilty

man to go free. Somehow, I was not persuaded by such rhetoric. My linguistic background had taught me that the data drive the analysis and that whatever the data point to is what it is. I told myself that if I had been asked by the prosecution to do my analysis, I would come up with the same results. If this were not the case, I would not be much of a linguistic scientist.

The obvious point here is that one's professional, scientific self must not be manipulated by one's social or personal self. In my early years in this work I was called upon only by defense attorneys, not by the prosecution. There may have been many reasons for this, including the fact that defendants are sometimes more affluent than the government. I also suspect that since prosecutors usually tried to make much of the fact that I had worked only for defendants, I was considered one of those co-opted "hired guns." If it should happen that I were to testify for the prosecution, such an event would defuse their characterization of me.

As time went by, however, I had several opportunities to work with the government rather than against it. I was invited by the Drug Enforcement Agency to give a workshop to undercover DEA agents who used tape recordings of drug transactions to capture offenders. The Organized Crime Task Force asked me to lecture at one of their regional meetings. An Assistant District Attorney asked me to consult, but not testify, in the notorious "Dirty Dozen" case involving twelve corrupt policemen in the District of Columbia. More recently I've worked with the FBI in cases involving the Unibomber, the Atlanta Olympics bombing, and various threat message cases. I've done the same for the Royal Canadian Mounted Police. In addition, the United States Senate has called on me to consult in the impeachment hearings of three federal judges, and I was asked to testify before the Senate in one of these cases.

I point to these cases of working for the government by way of illustrating how important it is to maintain not just the appearance of objectivity, but also to establish its reality. It is unfortunate that some forensic experts in medicine, psychology, and psychiatry may well be justifiably called "hired guns." Forensic linguists must never fall into that trap. Even if we volunteer our services and work pro bono, as I have often done, it is necessary to establish our arm's-length objectivity.

Unfortunately, I have not always observed such objectivity among fellow forensic linguists. Working with advocates can be contagious. Litigators are, by definition, advocates. Expert witnesses most definitely are not. I can recall one civil case in which the linguist on the other side appeared to go far beyond this nonadvocacy position, joining his attorney in an effort to win the case rather than to simply present his findings in a detached and objective manner. This case contrasted sharply with a later civil case that pitted me against my colleague and friend, Ron Butters. We both maintained an objective, professional stance throughout the proceedings, neither attacking each other personally, as attorneys are known to do, nor stretching the limits of our findings in an adversarial way. In

my book, *Language Crimes* (1993), I tried to make the case that it would be better for all concerned if experts could be enlisted by the Court rather than by either of the two advocate-attorneys involved. However impractical such a suggestion might be, the appearance or reality of expert advocacy could be diminished greatly, if not eliminated entirely.

Where is insider forensic linguistics headed? However satisfying forensic linguistics work has been for me, I have to be honest and point out that the field is still very small, the opportunities are still somewhat limited, and, at this point in time, we have few academic centers where students can get comprehensive and specialized training. Most current forensic linguists in America (there are probably no more than two or three dozen) operate out of departments of linguistics, English, or foreign language, and some are not affiliated with a university at all. Students interested in this area take whatever courses are available under such titles as Language and Law. It is rare that more than one forensic linguist exists per department, making it difficult for interested students to develop a broad curriculum or to produce a dissertation on this topic. In fact, in my own teaching days, I had only three students who did doctoral dissertations in this area and I regret that I was unable to create a forensic linguistics specialization. In short, forensic linguistics is not an easy field to break into.

My best advice for students wanting to break into forensic linguistics is to get broad training in the language with which they plan to work, with special emphasis on language variability by region, social status, age, gender, and ethnicity. This includes much of what goes under the name of sociolinguistics, discourse analysis, pragmatics, dialectology, stylistics, and language change. Students should also have a firm grasp, of course, of the core essentials of linguistics, including phonetics, phonology, morphology, syntax, and semantics. Obviously, they should affiliate with whatever forensic linguistic societies they can, including The International Association of Forensic Linguistics. Training in linguistics, unlike that of some other fields, equips one to deal with the large quantities of data found in many law cases. It also shows one how to let the data drive the analysis and how to make multiple passes through the data when analyzing it, another approach not commonly used by some fields.

Once students have completed such training, how do they then break into insider forensic linguistics? One way is to do some outsider forensic linguistics research, building a name for themselves in the field and establishing them as credible scholars. One of the first things experts must establish is that they are, indeed, experts. A solid research, teaching, and publication record is crucial in this regard.

To break into insider forensic linguistics, newcomers usually need to be invited, usually by an attorney who has heard of the field and is looking for someone who can pass the test of expert. Even then, however, one should expect to be

challenged by the other side who sees, for example, that this is the first time the expert has testified and uses this as a reason why he or she should not be admitted or to downplay his or her credibility as expert.

Rather than waiting for an invitation that might not come, one way to get involved is to volunteer. Nonprofit agencies such as the National Senior Citizens Law Center, various advocacy groups such as the Center for Medicare Advocacy, virtually any law school's legal services program, the office of a public defender, and local or regional groups concerned about human rights all need expert assistance. I have done work for all such organizations, usually on a pro-bono basis. For the newcomer to the field, it is a wonderful training ground and can offer a wealth of useful experience analyzing data, writing reports and affidavits and, on occasion, even testifying at hearings or trials.

It is only natural that work in such cases can lead to ideas for publishing in appropriate academic journals. I know of only one specialized journal at present, *Forensic Linguistics*, but it is also quite possible to publish about forensic matters in most of the journals that focus on discourse analysis, American English, or pragmatics. The more one publishes good work, the easier it is to be accepted as an expert. The more one becomes accepted as an expert, the more difficult it is for opposing attorneys to claim otherwise.

The field of law is full of skillful practitioners who use and analyze language daily as part of their daily work. However good they are with language, lawyers still lack expertise about how language works, the kind of knowledge that can help them with their cases. Insider forensic linguists can provide such knowledge if we can figure out a way to break into the business and eat of the intellectual feast. My years of breaking and entering have taught me some of the things that I have presented here. In the spirit of passing on the torch to interested newcomers, I share this with you now.

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