

# My First Case

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My first case happened in the early 80s. Sadly the full details were lost in multiple changes of home, work and computer. It all began with a phone call from a solicitor out of the blue, saying that he noticed I taught a course on bilingualism, and wondered if I could help. The case involved an elderly man who had migrated from Italy to Australia in adulthood, and had acquired only limited English. In question was a police Record of Interview, which purported to be a verbatim account. (This was before major scandals involving confected police evidence based on interviews led to the imposition of audio and later video recording of any interview to be used as evidence.) The solicitor said that the Record of Interview did not seem to represent the man's English, and asked me to look at the data. It was intriguing, and a justice issue, so I agreed.

The lawyer sent me the Record of Interview, where the language attributed to the suspect looked like a lay person's idea of pidgin English. I interviewed the suspect, and found that his English proficiency consistently fitted a classic second language acquisition stage, which did not include passives, had limited control of tense, and only sentence coordination (not subordination). The Record of Interview included passives, tenses outside his range, and subordination. I therefore informed the lawyer that the Record of Interview was probably not verbatim, even if it represented the semantic content of the interview. As we prepared for court the lawyer warned me that the Prosecution would probably ask whether the suspect had artificially depressed his English performance when I interviewed him in order to invalidate the Record of Interview. My answer was that it was highly unlikely that over a lengthy interview with me he could consistently reduce his performance to an earlier acquisition stage. The problem of course was that it is impossible to fully impart second language acquisition research during courtroom examination. I therefore had to convince the court of the very existence of this field, and its relevance to the case. Fortunately, the court accepted my evidence.

One learning experience was the process of producing a report that would be acceptable in court. It turned out that the report had to follow a strict genre structure and (to use Heffer's terms) had to be in a paradigmatic legal framework. There was consid-

erable to and fro with the solicitor to achieve this. After the case concluded, I received a letter from the solicitor in the case, which included the following:

... Counsel closely cross-examined both the Arresting Officer (Detective Sergeant X) who conducted the Record of Interview in question and Police Constable Y who was the typist. The latter in particular was most confused and decidedly uncomfortable when confronted with your report ... It is our belief that he did not stand up well under cross-examination and we would deduce from this that much of what our client had verbally stated in this interview was conveniently transcribed into better English. The Constable admitted as much...

The main impression that I took away from my courtroom experience was amazement at the language and communication in court. It seemed to be at an opposite extreme to the linguistic yardstick of everyday casual conversation. This became a fascination with legal communication in the broadest sense that stayed with me for the remainder of my career.

Although I worked as an expert on more than thirty cases during my career, it was the more general field that became my focus.

All this out of the blue, following that day when I received a phone call from a solicitor.

## **References**

Heffer, C. (2005). *The Language of Jury Trial: A Corpus-Aided Analysis of Legal-Lay Discourse*. Basingstoke & New York: Palgrave.