

A MANUAL
and
DICTIONARY OF LEGAL TERMS FOR INTERPRETERS FOR THE DEAF

Developed
and
Compiled by
Agnes T. Foret & Mildred J. Petrowske

Center for the Administration of Justice
Wayne State University Law School
Detroit, Michigan

? NH. Center on Deafness, CSUN

FOREWORD

On October 20, 1974, a group of experts in interpreting for deaf people and in law met for a two-week workshop at Meadow Brook Hall, Rochester, Michigan, to develop a manual to be used in training legal interpreters for deaf people. The participants in the workshop represented (1) the National Registry of Interpreters for the Deaf; (2) linguists; (3) deaf consumers of interpreting services; (4) Spanish-speaking and black minority groups; (5) the judiciary; and (6) the Center for the Administration of Justice.

Working from a list of approximately 1,000 commonly used legal terms and their definitions, the participants developed means to convey the concepts inherent in the legal terms through signs or combinations of signs. The expectation is that the agreed upon signs not only will prove a standard means of communicating legal concepts to deaf people involved in legal procedures, but that this Manual will also provide a training and reference aid for interpreters, judges, attorneys and law enforcement officials, and serve as a text on legal procedures and terminology for use in educating deaf youngsters in schools for deaf students.

Two three-week pilot courses were conducted at Wayne State University in May and June, 1975, for those interpreters with the National Registry of Interpreters for the Deaf Comprehensive Skills Certificate (CSC). Input from the class participants and further research and refinement has resulted in the updating of this Manual as it is now published.

The courses in which this Manual is to be used are for those who hold the R.I.D. Comprehensive Skills Certificate. Persons so qualified are already familiar with the standard language of signs; accordingly, no attempt has been made herein to illustrate the signs to be used. Only when it is felt important that a specific variant of a given sign be used in preference to another variant of the same sign, is the description of the sign given. Therefore, as an illustration, the reader will find that the sign for "court" is not described, it being assumed that all interpreters are familiar with it. In contrast, the word "appear," which has several variants depending upon context, is described so that each variant is found in context with its meaning: e.g., ". . .you will appear in court on such and so a day. . ." is described by the sign "face to face," while ". . .the plaintiff did not appear so the case was dismissed. . ." is described with the "pop up" sign for "appear."

The fact is also important that the more graphic signs for sexual activities, especially in the case of a deaf person with minimal language skills, may be needed to convey the exact meaning of such terms as "carnal knowledge," "rape," "fornication," "sodomy," and the like, if the deaf person is to have a fair chance of presenting his case in the event sexual behavior is involved in his appearance in court. It was also the concensus of the workshop participants that not all interpreters will be familiar with such signs, and that this presents an area to be explored.

Wherever possible, the existing language of signs has been employed to illustrate the concepts through suitable signs or combination of signs. Therefore, NO attempt has been made to develop "new" signs for any of the legal

terms because it would not be feasible.

Finally, this Manual has been developed primarily with a deaf person with minimal language skills in mind, for that type of deaf person usually challenges most strongly an interpreter's skills in conveying concepts. In contrast, a language-competent deaf person usually poses no problem for an interpreter. Indeed, many of the terms can be fingerspelled for a language-competent deaf person. Nevertheless, even a well-educated deaf person may not understand what is meant by the term "mens rea," for example. Consequently, this Manual, with its lay definitions of legal terms, may help interpreters not only to understand the terms themselves, but also to be able to convey them to deaf persons, whatever their language proficiency.

Talk With Your Hands, David O. Watson (Winneconne, Wisconsin, 54986) 1964, A Basic Course in Manual Communication, published by the National Association of the Deaf (814 Thayer Avenue, Silver Spring, Maryland, 20910) 1970, and Conversational Sign Language II, Willard J. Madsen, (Gallaudet College, Washington, D. C. 20002) 1972, are the reference books used in compiling the signs for the legal terminology in this Manual.

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B. J. George, Jr.
Director
Center for the Administration of Justice
Detroit, Michigan

ACKNOWLEDGMENTS

Center for the Administration of Justice

STAFF

Professor B. J. George, Jr.
Director & Professor of Law

Rose L. Mosley
Assistant Director

Agnes T. Foret
Technician Coordinator

Mildred J. Petrowske
Assistant Technician Coordinator

Legal Training Program
for Interpreters for the Deaf

Center for the Administration of Justice
Legal Training Program for Interpreters for the Deaf
ADVISORY COMMITTEE

George, Professor B. J., Jr., Director and Professor of
Law, Center for the Administration of Justice,
6001 Cass Avenue, Detroit, Michigan 48202

Jones, Dr. Ray L., Director, Center on Deafness, California
State University at Northridge, 18111 Nordhoff,
Northridge, California 91324

Kirchner, Carl J., President, Registry of Interpreters
for the Deaf and Assistant Director, Kendall Demon-
stration Elementary School, Gallaudet College, Kendall
Green, 7th and Florida Avenue, N. E., Washington, D. C.,
20002

Pernick, Judge Joseph J., Wayne County Probate Judge,
1319 City-County Building, Detroit, Michigan 48226

Schreiber, Frederick C., Executive Secretary, National
Association of the Deaf, 814 Thayer Avenue, Silver Spring,
Maryland 20910

Williams, Dr. Boyce R., Director, Office of Deafness and
Communicative Disorders, Department of Health, Education
and Welfare, Social and Rehabilitation Service, 330 'C'
Street, S. W., Washington, D. C. 20201

Center for the Administration of Justice
Legal Training Program for Interpreters for the Deaf
MEADOW BROOK HALL WORKSHOP PARTICIPANTS

- Adler, Edna P., Consultant, Deaf and the Hard of Hearing, Office of Deafness and Communicative Disorders, Rehabilitation Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare, 330 'C' Street, S.W., Washington, D.C. 20201
- Anderson, Robert D., Youth Authority Board Representative, 107 South Broadway, Room 3101, Los Angeles, California 90012
- Brasel, Barbara E., Teacher, Life Adjustment, American School for the Deaf, 139 N. Main Street, West Hartford, Connecticut 06107
- De La Torre, Tony, Vocational Rehabilitation Counselor, Department of Rehabilitation, 2550 Mariposa, Fresno, California 93721
- Foret, Agnes T., Technician Coordinator, Legal Interpreters for the Deaf, Center for the Administration of Justice, 6001 Cass Avenue, Room 563, Detroit, Michigan 48202
- Hughes, Virginia L., Interpreter Coordinator, California State University at Northridge, 18111 Nordhoff Street, Northridge, California 91324
- Madsen, Willard J., Associate Professor of English and Director of Sign Language Programs and Interpreter Training, Gallaudet College, Washington, D.C. 20002
- Olson, Lucile M., Communications Specialist, Wisconsin School for the Deaf, West Walworth Avenue, Delavan, Wisconsin 53115
- O'Rourke, Terrence J., Director, Communicative Skills Program, National Association of the Deaf, 814 Thayer Avenue, Silver Spring, Maryland 20910
- Pernick, Judge Joseph J., Wayne County Probate Judge, 1319 City-County Building, Detroit, Michigan 48226
- Watson, David O., Artist and Publisher of "Talk With Your Hands," Route One, Clark's Point, Winneconne, Wisconsin 54986
- White, Ralph H., Regional Superintendent, Office of Education for the Deaf, Gulf Coast Region, 2472 Bolsover, Suite #440, Houston, Texas 77005
- Williams, Charles V., Adult Basic Education Teacher, 1771 Eddy Road, East Cleveland, Ohio 44112
- Youngs, Joseph, Superintendent, Governor Baxter State School for the Deaf, P.O. Box 799, Portland, Maine 04104

Center for the Administration of Justice
Legal Training Program for Interpreters for the Deaf
MEADOW BROOK HALL WORKSHOP STAFF

Clute, Penelope D., Program Attorney, Center for
the Administration of Justice, 6001 Cass Avenue
Room 563, Detroit, Michigan 48202

Farrior, Etta W., Program Attorney, Center for the
Administration of Justice, 6001 Cass Avenue,
Room 563, Detroit, Michigan 48202

Foret, Agnes T., Technician Coordinator, Legal
Interpreters for the Deaf, Center for the
Administration of Justice, 6001 Cass Avenue,
Room 563, Detroit, Michigan 48202

Petrowske, Mildred J., Assistant Technician Coor-
dinator, Legal Interpreters for the Deaf,
Center for the Administration of Justice,
6001 Cass Avenue, Room 563, Detroit, Michigan
48202

Rohrer, Sue, Assistant Secretary of Registry of
Interpreters for the Deaf, Gallaudet College,
P.O. Box 1339, Washington, D.C. 20013

Zeemering, Ina G., Program Attorney, Center for the
Administration of Justice, 6001 Cass Avenue,
Room 563, Detroit, Michigan 48202

INTRODUCTION

Interpreting for deaf people in a legal situation is probably the most challenging task interpreters for deaf people can face. Upon their skills rests the ability of deaf people to obtain justice equal to that afforded their hearing peers. Justice flows to a deaf person only when he fully understands what is transpiring around him, even though he cannot hear what is being said. Grave miscarriages of justice are not only possible, but have happened in the past when deaf persons have appeared in court either without an interpreter, or with an interpreter whose skills were inadequate for the task.

The problem is compounded by the well-documented language deficiencies of the great majority of deaf people who appear in a court of law. As noted in the Foreword, language-competent deaf people do not often appear in court; when they do, they usually pose no major problem for an interpreter. It is the deaf person with minimal language skills who, lacking a clear understanding of the law, most frequently runs afoul of the law and ends up in court. Quite frequently, his troubles begin long before he enters the courtroom.

To illustrate, consider the case of a deaf man stopped by a traffic policeman for driving with expired license plates. It is night, and the officer trains his flashlight on the deaf man's face--thus making it impossible for the deaf man to see the officer's lips and perhaps to understand what the officer is saying. However, recognizing him as an officer, the deaf man reaches for his wallet containing his driver's license. Instantly, the officer's gun is trained on him--for the officer had not yet asked to see his license (although

the deaf man does not know this). When he sees the gun, the deaf person instantly raises his hands, trying desperately to show the officer that he is deaf by pointing to his ears and shaking his head. Despite this, he is pulled from his car and frisked. Meanwhile, the officer's partner examines the car and finds that there is no key in the ignition; the car has been operated by jumping the ignition wires. That makes it a more serious offense than merely driving with expired license plates. The officer radios the car's description to the dispatcher. It turns out to have been stolen several months previously, and the deaf man is in trouble. He is taken into custody. •

The Miranda warnings, if anyone thinks to read them to the deaf man, of course make no sense at all to the deaf defendant, who can only nod his head in a confused attempt to be agreeable, not understanding that he has "agreed" to submit to questioning without an attorney present. It is possible that one of his jailers is an officer who fancies himself an expert in "talking with his hands." This officer questions the defendant, using pantomime and shouting, and obtains (he thinks) answers to the questions he has asked.

Carrying the illustration to the next phase, during the booking process the arrested person is allowed a phone call. But there are no provisions under our law for a person who physically cannot make a phone call to gain outside communication. A deaf arrestee, without benefit of an interpreter or a TTY at both ends of the system, cannot avail himself of the use of the telephone. Nor is it fair to ask the person who is arresting or incarcerating him to communicate over the telephone with the person he is attempting to call. If he does, the written method he must use to request information to be com-

municated over the phone may incriminate the deaf arrestee.

The next day, somebody perhaps remembers that a new law has been passed requiring an interpreter to be provided for any deaf person appearing in court. Since the deaf defendant is to be arraigned later in the day, a call goes out for an interpreter. The only one available at the time is not experienced in communicating with deaf persons with minimal language skills, and acknowledges the fact. Therefore, he asks a language-competent deaf person to come along to act as an intermediary interpreter (one who can communicate with language-deficient deaf persons), and relay the questions and answers between the hearing interpreter and the deaf defendant.

Thus, the two interpreters go to the courthouse, and after many explanations and frustrations are permitted into the cell block where the deaf defendant is being held. There, they encounter the self-styled interpreter-officer who tells them he does not need their help, that he can talk with his hands, and that he has obtained all the information anyone needs from the defendant. He recommends that the two interpreters wait in court for the defendant to be brought in for his arraignment. In exasperation, the deaf interpreter signs to the hearing interpreter some rude remarks about the officer, to test the latter's ability to understand sign language. Naturally, the hearing interpreter does not interpret the deaf interpreter's remarks. Since there is no explosion from the officer, both conclude that he does not understand sign language despite his claims.

It is only when the deaf defendant is brought into court for arraign-

ment and the two interpreters meet him for the first time that he has an opportunity to tell his side of the story. He recounts that a hearing acquaintance offered to sell him a late model sedan for \$25.00. Not being educated enough to be wary of such a bargain, he bought the car despite the fact that his friend had "lost" the keys, and did not have the car's registration papers with him. He states that his friend promised him he would send the papers to him in a few days. He never did, so the deaf defendant had driven the car from his home town to the city in which he was arrested, in an effort to locate his friend and obtain the registration papers so he could get new license plates.

Naturally, for purposes of this account it is immaterial whether or not the deaf defendant had been telling the truth, whether he had indeed been defrauded into buying a stolen car, or was lying in an effort to escape the consequences of his own act of car theft. The point is that he had been effectively deprived of his rights long before he first appeared in court.

Even in court, with a competent interpreter present, there is no guarantee that a deaf person will receive a fair hearing unless the judge and attorneys are aware of the unique communication problems which a deaf person with minimal language skills poses. If the judge insists on a verbatim translation of what is said in court, in ignorance of the facts that a deaf witness does not understand standard English, let alone legal terminology, and couches his replies in idiomatic, non-grammatical sign language, then a gross miscarriage of justice not only is possible but probable. By the same token, if an opposing attorney seizes upon a nodding or shaking of the witness's head as

meaning a "yes" or a "no" answer to a question, when it is meant only to convey understanding or lack of understanding of what the question means, then once more grave misunderstandings will occur.

In truth, however, the interpreter's basic responsibility is to convey as exactly as possible the words and ideas uttered by both the deaf and hearing participants in a legally-significant dialogue. This requires use of the signs which the deaf person in question can readily understand, without altering in any way the sense of the oral comments being interpreted. Fundamentally, the use of American Sign Language is the key to successful interpreting. However, there are other sign language systems now being developed for educational and specific instructional purposes, which include new signs for technical, scientific or cultural use. From time to time, certain of these so-called "new" signs seem to catch on and become integrated into the current manual communication system. There is danger, however, in assuming that these signs have been wholly assimilated by all deaf persons. An interpreter must intuitively assess the deaf persons he or she serves, so that the signed interpreting corresponds to the comprehension level of the deaf person in question.

The use of the manual alphabet should not be overlooked. Finger-spelling is very much a part of the American Sign Language System. There will always be times when the interpreter must spell out specific words for which there are no signs. This is especially true of proper names. However, an interpreter must never forget that there are times when the legal rights of a deaf person may be in jeopardy unless the exact word is conveyed, and that may

be done only by spelling out the word in question. Nevertheless, fingerspelling must be used cautiously. Otherwise, there is great danger of misunderstanding, or worse, no comprehension at all. It is also imperative that an interpreter keep uppermost in his mind that some English words may not be familiar to deaf clients. Hence, even though they are spelled out clearly, they still may convey nothing.

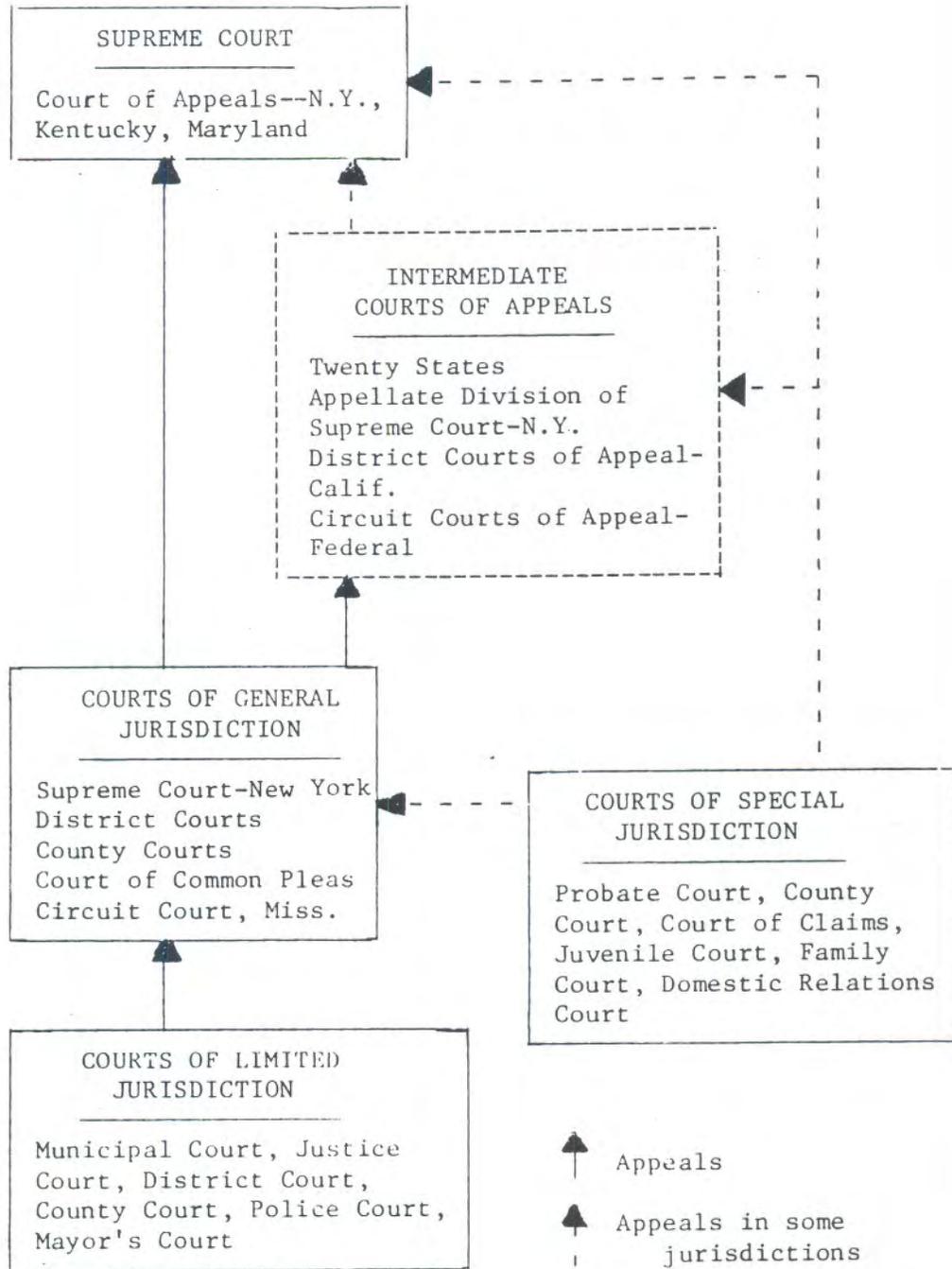
This Manual, therefore, is designed not only to educate interpreters about the exact meaning of legal terms and how to interpret them, but also to alert members of the judiciary, bar, and law enforcement agencies to the unique problems deaf individuals face in legal situations, and to acquaint them with the paraphrasing, defining, and explaining required of an interpreter in order to convey meaning and concepts to deaf persons with minimal language skills.

Since this Manual is intended primarily for the training of interpreters for deaf persons in legal settings, it sets forth some 900 of the more commonly used legal terms. Words or phrases are alphabetically listed, each with its sign or signs description. Each word or phrase entry is further annotated with its legal meaning in parenthesis and an illustrative sentence to assist the reader in both understanding and conveying the meaning. If there are multiple meanings, separate examples are offered for each. The ability of an interpreter to convey the correct concept of a sentence in ASL will confirm the achievement of the required skill in communicating with deaf persons of average or below-average language skill.

The terms employed here to indicate the different levels or classes

of court are those used in the Michigan court system. An examination of the chart given on page 8 will acquaint the reader with the specific type of court in his own state. Courts of limited jurisdiction are designated in different states by the terms municipal court, justice court, district court, county court, police court, or mayor's court. All, however, should be interpreted as "court," preceded by the fingerspelled or signed word representing local usage. To illustrate, "municipal court" would be signed "city court," while "district court" or "mayor's court" would be conveyed by fingerspelling "district" or "mayor's" and then adding the sign for "court." Courts of general jurisdiction, however, should be signed "higher court" regardless of the term by which the court is identified in the particular state. By the same token, the highest court in a state should be signed "highest court," whatever it is actually called. The United States Supreme Court should be distinguished from state supreme courts simply by prefacing "highest court" with the fingerspelled "U.S.."

CHART OF TYPICAL COURT SYSTEM



Source:

Managing the Courts by Ernest C. Friesen, Jr., Edward C. Gallas, and Nesta M. Gallas

A DICTIONARY OF LEGAL TERMS

OUR GOAL IS TO STANDARDIZE THE SIGNS USED IN THE LEGAL SETTING SO THERE WILL BE MINIMAL DIFFERENCES IN USAGE THROUGHOUT THE COUNTRY.

FORMAT

WORD. sign

(legal definition)

Sentence using the WORD as it might be used in a legal situation.

LEGEND

" _____ "	sign word in quotes denotes ASL (<u>A</u> merican <u>S</u> ign <u>L</u> anguage) e.g., "for, for" or "con"
"why, why"	ASL (not at head, but away from body, right angle elbow about waist level)
"what"	ASL (as if empty handed)
"er"	ASL indicating person, signed away from the body with both open hands--fingers closed (<u>NOT</u> two 'P' hands)
(DM)	double movement
R.H.	right hand
L.H.	left hand
document	Sign: paper +  (outline of paper drawn in air)
_____ / _____	use whichever word is appropriate
<u>word or description of sign</u> (fingerspell/directional)	specific instructions given below line in parenthesis; e.g., fingerspell, directional

The first time a word appears in the alphabetical listing it will show the sign(s) fully described. If it appears later in the listing as part of another legal term it will no longer be described, but will just use the word;

e.g., ARREST - police + $\frac{\text{catch}}{\text{(one hand)}}$

ARREST WARRANT - document + order + arrest.

ABORTION. remove + baby

(termination of a pregnancy by destroying the fetus)

It is no longer illegal to have an ABORTION in Michigan.

ABRASION. $\frac{\text{scratch}}{\text{(crooked finger/clawed hand)}}$
(directionally appropriate)

(an irritated area caused by scraping or rubbing off of the skin)

The man had an ABRASION over his left eye.

ABSCOND. $\frac{\text{escape}}{\text{("run away")}}$

(leave, hide or conceal one's self to avoid legal process)

The debtor ABSCONDED to avoid his creditors.

ABSTRACT OF TITLE. paper + this + land + before + whose

(history of the land ownership)

The ABSTRACT OF TITLE indicated the land had been mortgaged by the previous owner.

ABUSE. $\frac{\text{wrong}}{\text{(mistake)}} + \text{use}$

(use wrongly)

The officer ABUSED his authority in searching the man's home without a search warrant.

ABUSE OF DISCRETION. $\frac{\text{judge}}{(\text{"er"} + \text{court})} + \text{has} + \text{power} + \text{but} + \frac{\text{wrong}}{(\text{mistake})} + \text{use}$

(judge's decision contrary to logic and facts)

By refusing to admit the testimony of the witness, the judge committed an ABUSE OF DISCRETION.

ACCEPT/ACCEPTANCE. accept

(agree to take)

If you ACCEPT this money you will be held responsible.

ACCESS. enter + can

or

easy + get

(means of approaching someone or something)

There is an ACCESS to the expressway at Second Avenue.

ACCESSORY AFTER THE FACT. "er" + know + $\frac{\text{whoever}}{(\text{whoever})} + \text{law} + \text{break} + \text{and} +$
secret + help

(one who, having full knowledge a crime has been committed, conceals from authorities and helps or protects the person charged or convicted of the crime)

The prosecuting attorney pointed out that Mrs. Timmons' testimony made it clear that she was an ACCESSORY AFTER THE FACT.

ACCESSORY BEFORE THE FACT. "er" + agree (DM) + $\frac{\text{"you two"}}{\text{(shaking directionally)}} +$
 $\frac{\text{cooperate + before + happen}}{\text{(whatever crime)}}$

(one who conspires toward or induces the commission of a crime, but is not present, aiding, at its commission)

Diane is an ACCESSORY BEFORE THE FACT because she furnished Bill with a gun to rob the store.

ACCIDENT. $\frac{\text{happen}}{\text{(quickly signed)}} + \frac{\text{accident}}{\text{(description of happening, directionally)}}$.

(something happening that no one meant to make or have happen)

The ACCIDENT happened when Joe slipped and fell on the ice.

ACCOMMODATE. $\frac{\text{willing}}{\text{(please)}} + \text{help}$

(do a service or favor for)

Mr. Smith will do what he can to ACCOMMODATE you.

ACCOMPLICE/
CONFEDERATE. $\frac{\text{"you two"}}{\text{(shaking, directionally)}} + \frac{\text{ass. of breaking law}}{\text{"er"}} + \text{agree (DM) + cooperate + law +}$
break

(one who knowingly and willingly has helped someone else to commit a crime)

That man was his ACCOMPLICE in the robbery.

invite prostitution

ACCOST AND SOLICIT. $\frac{\text{meet}}{\text{(directional)}} + \text{ask} + \text{pay} + \frac{\text{"you two"}}{\text{(shaking, directionally)}}$
 $\frac{\text{S E X}}{\text{(fingerspell)}} / \frac{\text{}}{\text{(describe the act if necessary)}}$

(invite another to commit prostitution or any other lewd or immoral act)

The crime of ACCOSTING AND SOLICITING is a misdemeanor.

ACCOUNT (1). explain

(explain what happened or caused things to happen the way they did)

Please ACCOUNT for your time away from home between 2 and 4 p.m.

ACCOUNT (2)/ACCOUNTING. explain + money + listing + spend

money report

(explanation of how one has used and kept money entrusted to them as a trustee - what money was spent for; a record of what has been done)

The attorney gave an annual ACCOUNTING for the Smith Estate.

ACCUSATION/COMPLAINT/CHARGE. document + complain + against

(formal written statement charging one with a crime)

Please don't make an ACCUSATION unless you are sure.

ACCUSE. blame

(to make an accusation; to find at fault)

Did you ACCUSE Bill of breaking the windows?

ACCUSED/DEFENDANT. "er" + defend

(person who is charged with a crime; party against whom a suit is brought)

Did you see the ACCUSED on the night of the murder?

ACCUSER/COMPLAINANT. "er" + complain

(in a criminal case--one who brings charges)

Where was the ACCUSER at the time of the crime?

ACQUIT/ACQUITTED. court + free

(found not guilty by a jury or court)

The defendant was ACQUITTED.

ACT. action

(expression of will, purpose, carries idea of performance; do something)

James was caught in the ACT of breaking into the safe.

The officer had to ACT quickly.

ACTION/CASE/CONTROVERSY/DISPUTE/ court + sue/against
LAW SUIT/LITIGATION/MATTER/SUIT. (sharp stroke)

(action at law or equity of any sort in which the court is asked to do something or make someone do something)

The ACTION against the hotel doorman was dismissed for lack of evidence.

ACUTE. awful

(serious, critical)

The prisoner's wound left him in an ACUTE condition.

AD HOC. special + one
(except)

(for this/a special purpose)

The president selected an AD HOC committee.

ADDRESS (1). "pay attention"

(face and consider)

Please ADDRESS yourself to the facts alone.

ADDRESS (2). live (DM)

(the street and number on that street which tells where one lives or works)

He said his ADDRESS was 143 Western Avenue.

ADJOURN/ADJOURNMENT. stop + for + now

(halting of a court proceeding until another time; a temporary delay in or suspension of court proceeding [During this delay participants may normally leave the court room; this is not usually true of a recess during which the delay is of much shorter duration.])

We will ADJOURN the case until Monday.

There was an ADJOURNMENT in the Brown matter.

ADMINISTRATION. manage

(conduct of business or official activity; disposition of estate under court order and supervision)

My client was responsible for the ADMINISTRATION of the estate.

ADMINISTRATOR. "er" + manage

(one appointed by court authority to manage and distribute the estate of one who through death, or other disability, is unable to do for himself)

He was appointed ADMINISTRATOR for the deceased's estate.

ADMISSIBLE/ADMISSIBILITY. court + accept

(can be heard and considered in a court of law or agency for the purpose of reaching a decision)

The defense attorney questioned the ADMISSIBILITY of that evidence.

ADMISSION. admit + true

(acknowledgment that what has happened, is true, etc.)

It was her own ADMISSION that she was at the scene of the crime.

ADMONISH. warn

(warn, caution or advise)

The court ADMONISHED the spectators to be quiet.

ADOPT/ADOPTION. accept + keep

(accept as your own; undertake full legal responsibility)

This child was up for ADOPTION last year.

ADULT. old + $\frac{\text{MIME}}{\text{(indicate adult height)}}$

(past the legal age of majority [18 years])

The defendant was a Caucasian, male, ADULT.

ADULTERY. married + "go to bed together" + other + woman/man

(crime of a married person having sexual relations with someone to whom he/she or the actor is not married)

ADULTERY was the reason given for wanting a divorce.

ADVERSARY PROCEEDING. _____

NOTE: Interpreter must ask attorney to assist in explanation.

(proceeding in which the legal rights of two or more parties, with substantially conflicting interests are determined with each party advocating his position)

Every criminal trial is an ADVERSARY PROCEEDING.

ADVICE OF COUNSEL. lawyer + $\frac{\text{advice}}{\text{(directional)}}$

(guidance and recommendation by attorney)

Before the defendant would answer questions he sought the ADVICE OF COUNSEL.

AFFIANT. "er" + $\frac{\text{"swear"}}{\text{(promise)}}$ + signature

(one who makes an affidavit; one who swears to the truth of a set of facts; applicant on a search warrant request)

The AFFIANT'S statement was clearly a lie.

AFFIDAVIT. $\frac{\text{"swear"}}{\text{(promise)}}$ + document + signature

(a sworn statement of facts, made voluntarily and confirmed by oath--not subject to cross-examination during making; cf. Deposition)

Attorney Black made an AFFIDAVIT for and in behalf of Don Jones.

AFFIRM. say + true

(say that something is so, the equivalent of swearing an oath)

Do you AFFIRM the fact that the dog was in your house?

AGENCY. power + action + for +
(whoever)

(relationship where one [agent] represents another [principal])

The attorney proved an AGENCY relationship existed.

AGENT. person + action + for +
(whoever)

(person [or legal entity] representing another for business or legal purposes)

He was an AGENT for the Ford Motor Company.

AGGRAVATED. more + awful

([crime] made more serious)

He was charged with AGGRAVATED assault.

AGITATOR. "er" + trouble + mix

(one who stirs up, excites, perturbs)

There were many AGITATORS in the audience.

AGREED STATEMENT. agreement + say + finish

NOTE: if written, sign: agreement + written + finish

(agreement written or verbal, implied or expressed, in which both parties assent to the same thing in the same sense; cf. Stipulation)

It was the AGREED STATEMENT of the parties that the plaintiff did not see the defendant entering the intersection.

AGREEMENT (1). agree
(oral)

(statement, spoken or implied, as to what the parties have agreed upon)

They came to an AGREEMENT as to which way they should go.

AGREEMENT (2)/CONTRACT. document + agree + signature
(written)

(written statement of what is agreed upon in a document; formal promise or obligation given by one to another for some consideration)

Be sure you read the AGREEMENT before you sign it.

AIDING AND ABETTING. help +
(whatever)

(helping, assisting or facilitating the commission of a crime)

John was accused of AIDING AND ABETTING in the robbery.

ALCOHOLISM. $\frac{\text{"drink, drink"}}{('A' \text{ hand to mouth})} + \text{habit}$

(disease of addiction to alcohol)

The world now looks upon ALCOHOLISM as a disease.

ALIAS. different + name

(second or other name a person uses)

The defendant Tim Smith used the ALIAS John Jones. •

ALIBI. "at the same time" + happened + where + you

(assertion that the defendant was elsewhere than the place of the crime at its occurrence so that he could not have committed it)

John's ALIBI was that he was in another city when the bank was robbed.

? *excuse*

ALIEN. not + $\frac{\text{U S}}{(\text{fingerspell})} + \text{person}$

(one not a citizen; born outside the United States and not naturalized)

Your grandfather was an ALIEN when he first arrived in the United States.

ALIENATE/ALIENATION. make + $\frac{\text{disconnect}}{\text{(directional)}}$

(cause separation)

The suit was for ALIENATION of affection.

ALIMONY. divorce + pay (DM) + wife/husband

(amount of money one spouse must pay to the other after divorce for the support of that spouse)

The court ordered him to pay his ex-wife ALIMONY for one year.

ALLEGE/ALLEGATION. say/story + true

(statement or suggestion that a certain thing is true)

It was the plaintiff's ALLEGATION that the defendant broke the contract.

AMBUSH. hide + $\frac{\text{"gang-up on"}}{\text{(R. claw hand attacking L. index finger)}}$

(attack from concealment; wait to surprise)

The thief was waiting in AMBUSH to grab the woman's purse.

AMENDMENT. make + correct

(correction of an error in a charge, addition of something-- parties, legal grounds, etc.)

He filed an AMENDMENT to the motion.

AMICUS CURIAE. outside + person/group + give + $\frac{\text{support}}{\text{(directional)}}$

(someone who is not a party to the law suit, who submits a brief or memorandum to a court in support of a given legal proposition or result)

An AMICUS CURIAE brief was filed by the Women Lawyers' Association in the sex discrimination suit.

AMMUNITION. bullet/ $\frac{\text{(whatever was used)}}$

(projectiles to be fired from a weapon; e.g., bullets, pellets, buckshot, rock salt)

What kind of AMMUNITION was used?

AMNESIA. mind + $\frac{\text{fade}}{\text{(dissolve)}}$

(loss of memory; inability to recall an event because of physical or psychological happening)

The defendant was suffering from AMNESIA.

ANNUITY. money + receive (DM) + "yearly"

(yearly payment of a sum of money, can be for life or for a term of years)

My client receives an ANNUITY from his insurance policy.

ANNUL/ANNULMENT. make + $\frac{\text{"worthless"}}{\text{('worth' moving out in opposite directions quickly opening to Dbl. '5' handshape)}}$

(make void or of no effect)

She asked for an ANNULMENT of the marriage, not a divorce.

ANONYMOUS. not + known + name

(not named)

He preferred to remain ANONYMOUS.

ANSWER. written + answer

(reply to a formal written charge/complaint or question/interrogatories)

He filed an ANSWER to the complaint.

ANSWER THE QUESTION. answer + question

(court's order to a witness [A witness must reply to a question put to him, that the court says is permissible, and against which the witness can claim no privilege allowing him to not answer.])

The judge ordered the plaintiff to ANSWER THE QUESTION.

APOLOGY. excuse/sorry

(expression of sorrow or regret at having done an act)

The woman demanded an APOLOGY from the defendant.

APPEAL. $\frac{\text{apply}}{\text{(file)}} + \text{higher} + \text{court}$ ^(thumb up)

(petition to a higher court to review the case because the trial court allegedly made a mistake)

He asked his attorney to APPEAL the case.

APPEALS, COURT OF. higher + court

(court where one may have a legal issue heard which has been decided by a lower court in a manner unsatisfactory to his interest; court which adopts as true the facts, but decides through law)

We shall take this case to the COURT OF APPEALS.

APPEAR/APPEARANCE. you + and/or + lawyer + $\frac{\text{"face to face"}}{\text{(appear)}} + \text{court}$

(be in court as asked/ordered, either in person or through an attorney)

It was necessary for him to APPEAR before Judge Allen.

APPELLANT. "er" + $\frac{\text{apply}}{\text{(file)}}$

(one who files an appeal; one who seeks a hearing in a court of appeals)

He was the APPELLANT in the Smith case.

APPELLATE BRIEF. document + lawyer + list + for + higher + court

(brief which goes to appeals court)

The APPELLATE BRIEF listed the reasons why the conviction should be reversed.

APPELLEE. $\frac{\text{apply}}{\text{(file)}}$ + "er" + $\frac{\text{against}}{\text{(directional)}}$

(one against whom an appeal is made)

Mr. Smith was the APPELLEE in the case.

APPOINT. choose

(grant authority or power to do something)

The court will APPOINT a guardian for the boy.

APPOINTED COUNSEL. court + choose + lawyer

(an attorney in a criminal case chosen by the court to defend a person who cannot afford to pay for an attorney [Law students are often used.])

The judge APPOINTED COUNSEL for the young man because he could not afford one.

APPREHEND/ARREST/PLACE UNDER ARREST/
TAKE INTO CUSTODY.

arrest
(police + $\frac{\text{catch}}{\text{(one hand)}}$)

(arrest one not already in custody; seize)

They will APPREHEND the second man when he comes out of the building.

APPROACH THE BENCH. $\frac{\text{meet}}{\text{(directional)}} + \frac{\text{judge}}{\text{("er" + court)}} + \text{talk}$

(go to the judge's bench for a consultation outside the hearing of all except the judge and attorneys)

The judge asked the attorneys to APPROACH THE BENCH.

ARGUMENT (1). argue + support

(facts and reasons advanced in favor of a verdict, ruling, or judgment)

The ARGUMENTS were presented to the jury.

ARGUMENT (2). $\frac{\text{argue}}{\text{(L. \& R. index fingers hitting L. \& R. palms, alternately and directionally)}}$

(dispute between two parties)

The neighbors could not settle their ARGUMENT.

ARMED. have + (weapon description)

(carrying a weapon--gun, hat pin, knife, etc.)

The hijacker was ARMED with a machine gun.

ARMED ROBBERY. robbery
(L. & R. 'U' hands drawn across lower half of face) + (whatever weapon)

NOTE: Interpreter must ask court what weapon was used.

(robbery committed by one who had a deadly weapon or weapon listed in the statute; e.g., firearm, knife, slingshot)

They dropped the ARMED ROBBERY charge because they could not prove the defendant was carrying any kind of a weapon.

ARRAIGN/ARRAIGNMENT. must + "face to face"
(appear) + judge
("er" + court) + for + answer

NOTE: Interpreter should ask attorney to explain.

(preliminary appearance before judge to answer complaint; appearance in trial court to respond to information or indictment)

An ARRAIGNMENT is when the defendant must appear in court to respond to formal charges.

ARREST/APPREHEND/PLACE UNDER ARREST/
TAKE INTO CUSTODY. police + catch
(one hand)

(arrest one not already in custody, seize)

The officer placed the man under ARREST.

- 1) 1h-1-cl, 2ndh catch
- 2) 2h 3-cl
- 3) "RAID" ~ halt CATCH+++

ARREST WARRANT. document + order + arrest

(judicial order to take named person into custody)

They issued an ARREST WARRANT for the pusher.

ARSON. start + fire + intend

(deliberate illegal burning of property)

The inspectors searched the burned building thoroughly because they suspected it was a case of ARSON.

ASSAILANT. "er" + $\frac{\text{MIME}}{\text{(the specific action)}}$

(one who assails or attacks)

His ASSAILANT disappeared down the alley.

ASSAULT. $\frac{\text{MIME}}{\text{(as if threatening to injure a person without touching)}}$

or

$\frac{\text{MIME}}{\text{(the specific action)}}$

*NOTE: Interpreter must ask attorney for specifics as to actual meaning of assault in case being tried. Assault is often missed to mean attack.

(create a fear of corporal hurt or unconsented touching with a present ability to carry it out [Felonious assault is assault with a weapon.])

The ASSAULT charge was based on the plaintiff's story that the woman lifted the chair as if to hit him.

ASSAULT & BATTERY. MIME + not + right + touch
(legal abbr. - A & B) (the specific action) (all right)

(create a fear of unconsented touching with a present ability to carry it out, and then carrying it out)

He was held on an ASSAULT & BATTERY charge.

ASSESSMENT (1). "think over" + decide
(using both hands)

(evaluate)

The jury made an ASSESSMENT of the evidence.

ASSESSMENT (2). figure + value + "how much"

(legal evaluation of property as a basis for tax)

The home owner asked the Tax Review Board to reconsider the ASSESSMENT of his property.

ASSETS. have + things + value

(that which one has which is of value to others; that which can be converted to cash or other negotiable security)

His ASSETS consisted of a watch and 10 shares of A. T. & T. stock.

ASSIGN/ASSIGNMENT (1). "pass on"

(transfer of legal right or interest to another)

The defendant will ASSIGN his property to his parents.

ASSIGN/ASSIGNMENT (2). give + responsibility

(task for performance; give the task, or receive it)

The officer reported to his superior officer for an ASSIGNMENT.

ASYLUM. safe + place

(place of refuge)

Joe asked for ASYLUM in the American Embassy.

ATTACHMENT. court + "tie up"

(put a legal hold on property of another; e.g., wages, land, etc. by judicial order)

You can expect an ATTACHMENT on your land as a result of this hearing.

ATTACK. MIME
(the specific action)

(begin acting upon harmfully or destructively)

She was the victim of an ATTACK by an unknown person.

ATTEMPT. try + (whatever it is)

(in criminal law--try to commit a crime but not accomplishing the thing intended)

He was convicted for ATTEMPTED murder.

ATTEST. "swear"
(promise)

(swear to; bear witness to)

He will ATTEST to the fact that the defendant was at his store.

ATTORNEY. lawyer

(lawyer; counselor at law; an attorney at law; see: Counsel, Counselor, Lawyer)

The ATTORNEY asked the court for a postponement.

AUTHORITIES. "thumb up"
(alternating L. & R. hands) + people

(officials; those in charge)

The AUTHORITIES at headquarters decided to keep the gun.

AUTHORITY. power

(power and right to do something)

The judge has the AUTHORITY to waive this evidence.

AUTOPSY/POST MORTEM. body + $\frac{\text{examination}}{\text{(physical)}}$ + "why, why" + die

(examination of a body to determine the cause of death
[An autopsy involves taking the body apart after death
and examining body tissues.]

They performed an AUTOPSY to determine the cause of death.

AVOID. avoid

(keep away from; evade)

He tried to AVOID the police.

AWARD. award

(grant, concede or adjudge to; decision given to a party
by a judge or jury)

The attorney was certain the court would AWARD his client
custody of the child.

BAD CHECK. money + $\frac{\text{check}}{\text{(MIME: rectangular outline with thumb and forefinger of both hands)}}$ + worth + nothing

(check with no enforceable bank obligation behind it; no funds of writer to cover check)

The stores are having trouble because many people are issuing BAD CHECKS.

BAIL/BAIL BOND/BOND. money + $\frac{\text{"down payment"}}$ + you + go +
(MIME: putting down currency with both hands)
understand (DM) + come + court + again

(security--usually money--posted to guarantee performance of an obligation [often used to guarantee defendant's appearance in court])

The court required the BAIL be posted at once for the defendant.

BAILIFF. court + police

(court employee functioning as a guard)

The BAILIFF stepped out of the court room for a moment.

BANKRUPT. money + $\frac{\text{"in the hole"}}$
(L. 'V' hand, palm to floor, R. 'V' hand, fingers going down between L. 'V' fingers)

(inability to meet financial obligations from current assets; insolvent)

Did you know that the store went BANKRUPT?

BANKRUPTCY PROCEEDING. court + plan + share + pay + cancel + debts

(federal proceeding to distribute the bankrupt's assets among creditors)

The firm had to start BANKRUPTCY PROCEEDINGS.

BARBITURATES. sleeping pills

NOTE: Interpreters may have to ask attorney to elaborate on type of barbiturates.

(sedative or hypnotic drugs of salt or ester of barbituric acid) •

The cause of death was an overdose of BARBITURATES.

BARGAIN. $\frac{\text{conversation}}{\text{(both hands to one side then the other)}} + \text{agree}$

(discussion between two parties to reach an agreement, each giving something up; haggle)

Attorneys often BARGAIN among themselves before going to trial on a case.

BATTERY. $\frac{\text{MIME}}{\text{(the specific action)}} + \text{not} + \frac{\text{right}}{\text{(all right)}} + \text{touch}$

(unlawful touching)

He was charged with assault and BATTERY.

BEAT. "beat up"

(strike or hit repeatedly)

Did he BEAT you during the hold up?

BELIEF. believe

(what one thinks is true; a conclusion)

It was his BELIEF that his brother took the car.

BENCH TRIAL. court + without + $\frac{\text{jury}}{\text{(L. \& R. '4' hands vertical, palms facing in little fingers touching, then moving apart)}}$

(trial where a judge sits as a judge of fact and law)

The defendant feared a prejudiced jury so he had a BENCH TRIAL. •

BENCH WARRANT. court + document + order + arrest

(order to arrest someone issued by the court itself in the case of contempt, indictment or failure to obey subpoena)

A BENCH WARRANT was issued when Joe Smith failed to appear for the hearing.

BENEFICIARY. person + receive + $\frac{\text{(whatever it is)}}$

(one who receives [benefit] proceeds from a contract, trust, will)

Mary was the BENEFICIARY of her mother's will.

BEST EVIDENCE. $\frac{\text{(NOTE: have attorney explain)}}$

(in a court, the original of the relevant document must be offered as proof)

A photostat of the marriage license is not the BEST EVIDENCE of the marriage.

BEYOND A REASONABLE DOUBT. without + doubt

(in evidence, means fully satisfied, entirely convinced, satisfied to a moral certainty; burden of proof in criminal cases)

The prosecution failed to prove BEYOND A REASONABLE DOUBT that the defendant committed the murder.

BIAS. feel (DM) + against/support

(inclination, which does not leave the mind perfectly open)

There should be no BIAS shown by any jurors.

BIGAMY. $\frac{\text{"marry, marry"}}{\text{(directional)}} + \frac{\text{"not yet"}}{\text{(late)}} + \text{divorce} + \frac{\text{MIME}}{\text{(pointing to imaginary first spouse)}}$

(crime of willingly marrying a person while still knowingly legally married to another)

The woman was accused of BIGAMY.

BILL (1). proposed + law

(draft of a statute before it becomes law)

The interpreter BILL was up for a vote in the legislature.

BILL (2). debt

(sum of money owed that one must pay)

Did you run up a big BILL at the dress shop?

BLACKJACK. $\frac{\text{MIME}}{\text{(action using blackjack, pulling out of pocket and hitting on head)}}$

(small leather covered stick used as a weapon to strike a person)

The thug carried a BLACKJACK in his hand.

BLACKMAIL. demand + money + or + will + tell/tattle

(forcing someone to pay money under a threat to reveal something derogatory that would presumably bring disgrace or ruin if made public)

The senator was being threatened with BLACKMAIL, concerning a bribe he accepted.

BLOOD TEST. blood + $\frac{\text{MIME}}{\text{(drawing out from arm)}} + \frac{\text{examination}}{\text{(physical)}}$

(examination of a sample of blood; e.g., for alcohol content)

They will give the man a BLOOD TEST to determine how much alcohol is in his system.

BODILY INJURY. body + $\frac{\text{suffer}}{\text{(hurt)}}$

(inflicted wound to the person)

He threatened his brother with BODILY INJURY.

BONA FIDE. true

(without deceit or fraud)

He was a BONA FIDE holder in due course.

BOND/BAIL/BAIL BOND. money + $\frac{\text{"down payment"}}{\text{(MIME: putting down currency with both hands)}}$ + you + go + understand (DM) + come + court + again

(security--usually money--posted to guarantee performance of an obligation [often used to guarantee defendant's appearance in court])

The man was released on a BAIL BOND.

BOUND OVER. $\frac{\text{"put in"}}{\text{(R.'S' hand moving under L. hand, palm to floor)}}$ + again + wait + $\frac{\text{trial}}{\text{(court [DM])}}$

(committed to await prosecution, after preliminary examination, information or grand jury action)

The judge found probable cause and the defendant was BOUND OVER for trial.

BOYCOTT. cooperate + won't + $\frac{\text{(whatever)}}$
(antitrust)

(refusal to buy goods or to buy services)

Housewives are planning to BOYCOTT any store that sells that product.

BREACH OF CONTRACT. agree + break

(failure to do what one has legally agreed to do or not to do)

He sued the store owner for BREACH OF CONTRACT.

BREAKING & ENTERING. break + enter
(legal abbr. - B & E)

(act of forcing an opening in a building and going into it
for a criminal purpose)

He was booked for BREAKING AND ENTERING the drug store.

BREATHALYZER. machine + investigate + breath + "how much" +
alcohol
(whiskey + or + beer + in + body
+ or + wine)

(machine that measures the content of alcohol in the blood
by measuring how much is in exhaled air)

He had to take a BREATHALYZER test after that accident.

BRIBE. bribe
(MIME: slipping money under hand directionally)

(anything of value given to a person in any public official
capacity with a corrupt intent to induce or influence any
action)

Did the legislator accept the lobbyist's BRIBE?

BRIEF. document + lawyer + list

(document containing points of law pertinent to a specific case)

The attorney prepared his BRIEF for the case.

BROTHEL/HOUSE OF PROSTITUTION/HOUSE OF ILL FAME. prostitute + house

(common habitation of prostitutes)

He patronized this particular BROTHEL for several weeks.

BRUISE/CONTUSION. _____ + ^{spot} _____
(indicate color) (indicate location)

(discolored area of the skin caused by a blow resulting in subsurface bleeding)

He had a BRUISE under his left eye.

BURDEN OF PROOF. responsible + proof

(responsibility of proving the existence of facts producing a legal consequence in favor of the party bearing the burden)

BURDEN OF PROOF in criminal law is proof beyond a reasonable doubt.

BURGLARY. enter + intend + law + break

(in modern usage, statutory crime of entering building or vehicle to commit a crime)

BURGLARY is becoming more and more prevalent.

BUSINESS DEDUCTION. business + expense + deduct/subtract

(expenses of a business which may be subtracted from the profits of that business before taxes are applied)

The typewriter was listed as a BUSINESS DEDUCTION on his tax form.

BUSINESS LOSS. business + money + $\frac{\text{"in the hole"}}{(\text{L.'V' hand, palm to floor, R.'V' hand, fingers going down between L.'V' fingers})}$

(amount of money which has been lost in the transactions of a business which may be deducted from the profits of that business before taxes are applied)

His BUSINESS LOSS was very heavy during the first five months of this year.

BUSINESS RECORDS. business + listing

(records kept in the normal course of business [not created for use in evidence alone, allowable into evidence in a court proceeding because the reason for recording would not make likely a false record to influence the court but to keep accurate records for the efficient transacting of business])

The trucking company's delivery schedules were a part of the BUSINESS RECORDS.

BY A PREPONDERANCE OF THE EVIDENCE. strong + proof

(burden of proof in a civil case, more credible and convincing to the mind that there is significantly more evidence in one direction than in the other)

The judge told the jury that they could decide the case for plaintiff only if the injury had been proven BY A PREPONDERANCE OF THE EVIDENCE.

BY VIRTUE. because

(through force of, by authority of, or because of)

He had authority to deal with the union BY VIRTUE of his job with the mayor.

CALIBER. measure + $\frac{\text{gun or bullet size}}{\text{gun or bullet size}}$

(size of a bullet and size of what a gun [rifle] will fire)

NOTE: This also has a relationship to the powder charge, and thus power of gun.

A .38 CALIBER bullet killed the man, but the defendant only had a .22 CALIBER gun.

CALL (to stand) (1). $\frac{\text{call}}{\text{(to beckon)}}$

(request to witness to take witness stand to testify)

I will now CALL Mrs. Wood to the stand.

CALL (calendar) (2). announce + "name list"

(announcement of order in which cases will be heard)

The bailiff CALLED all the cases to be heard in the morning.

CALL (case) (3). begin

(announcement of specific case; e.g.; to call case of....)

When the recess is over, the court will CALL the case of Schwartz & Lumley.

you CAN LEAVE THE COURT. allow + leave

(permission granted by the judge to the participants or witnesses in a trial, for such participants to leave the courtroom)

The judge will tell you when you CAN LEAVE THE COURT.

CANCEL (bond). cancel + money + $\frac{\text{"down payment"}}{\text{(MIME: putting down currency with both hands)}}$ + for +
come + court + again

(order by the court [judge], the effect of which is to remove the bond/security arrangement which has been made at a previous appearance before the court)

The judge CANCELLED the bond when the defendant was proven innocent.

CAPACITY. law + $\frac{\text{right}}{\text{(all right)}}$

(legal ability to do something)

The lawyer acted within his CAPACITY as counsel for the defense.

CAPIAS (bench warrant). court + document + for + arrest

(writ requiring that somebody be taken into physical custody)

The judge issued a CAPIAS when the defendant did not appear on his court date.

CARELESS. careless

(unsafe [way of doing something], but less than negligent or reckless)

Were you driving in a CARELESS manner?

CARNAL KNOWLEDGE. intercourse

(sexual intercourse, usually heterosexual, [only the slightest penetration necessary])

This was clearly a case of CARNAL KNOWLEDGE.

CARRYING A CONCEALED WEAPON. "carry around" + hidden + thing + use +
(legal abbr. - CCW) for + fight

CASE/ACTION/CONTROVERSY/DISPUTE/ court + sue/against
LAWSUIT/LITIGATION/MATTER/SUIT. (sharp stroke)

(action at law or equity of any sort in which the court is asked to do something or make someone do something)

He will take his CASE to the highest court, if necessary.

CAUSATION. happen + "why, why"

(reason something happens)

Lay witnesses often give opinions about CAUSATION; for example, that a car skidded on wet pavement when brakes were applied.

CAUSE (1). how + happen

(thing which makes something else happen)

The flat tire was the CAUSE of the car running off the road.

CAUSE (2). right + case
(all right)

(right of action at law; a suit, litigation or action; any question, civil or criminal, litigated or contested before a court of justice)

Sam had CAUSE for action because Joe refused to leave the premises when asked to do so.

CEASE AND DESIST ORDER. document + $\frac{\text{order} + \text{stop}}{(\text{forcefully})}$ + $\frac{\text{whatever}}{(\text{whatever})}$

(order issued by a court, the purpose of which is to stop the defendant from doing some act which is harmful to the plaintiff, usually issued by a court of equity as part of injunctive relief)

The court issued a CEASE AND DESIST ORDER to stop him from dumping garbage on Bob's property.

CELL. jail + $\frac{\text{room}}{(\text{indicate small room})}$

(place of confinement in a jail)

The sheriff locked the defendant in a CELL.

CELLBLOCK. jail + $\frac{\text{rooms}}{(\text{indicating several in a row})}$

(group of cells)

There were 25 cells in the CELLBLOCK on the third floor that were without electricity during the storm.

CERTIFICATE OF INSURANCE. document + proof + have + $\frac{\text{insurance}}{(\text{wriggled 'I' hand})}$

(paper from your insurance company that shows proof of insurance)

The insurance company sent a new CERTIFICATE OF INSURANCE last week.

CERTIFICATE OF TITLE/TITLE. document + prove + $\frac{\text{whatever}}{(\text{whatever})}$ + $\frac{\text{whose}}{(\text{whose})}$

(document of ownership in property subject to recording)

I received my CERTIFICATE OF TITLE from Lansing about six weeks after I purchased my new car.

CHALLENGE. disagree

(to dispute what someone says or does)

My attorney will CHALLENGE you on that point.

CHANGE OF PLEA. change + answer

(substitution of one plea for another)

The defendant offered a CHANGE OF PLEA from "not guilty" to "guilty".

CHANGE OF VENUE. move + court + another + place/town

(removal of suit begun in one county or district to another for trial)

He asked for a CHANGE OF VENUE, so the trial would be held in an area that had not been influenced by the local news publicity.

CHARACTER. character
(R. 'C' hand, circling over heart)

(view taken of one by those who know him [At law, it is not one person's opinion of character that is important. Rather, it is the opinion of his community as testified to by one or more persons who have the opportunity and ability to know him.])

He testified as a CHARACTER witness, having known the defendant since early childhood.

CHARGE/ACCUSATION/COMPLAINT. document + complain + against

(formal written statement charging one with a crime)

What is the CHARGE against you?

CHECK. money + $\frac{\text{check}}{\text{(MIME: rectangular outline with thumb and forefinger of both hands)}}$

(commercial device intended for temporary expedient for actual money, generally designed for immediate payment)

He wrote a CHECK in payment of his dues.

CHILD ABUSE. wrong + harm + child

(infliction of physical or psychological damage to a child through an act of commission or omission)

A parent can be arrested for CHILD ABUSE.

CHILD SUPPORT. money + pay (DM) + support + child/children

(payment from one spouse or former spouse to the other to support the children living with the recipient spouse)

The father agreed to pay \$10.00 a week CHILD SUPPORT.

CHRONIC. again (DM)

(constantly recurrent [distinguished from acute])

Alice was bothered by CHRONIC sinusitis.

CIRCUIT COURT. "thumb up" + court

(the court in Michigan which is the state's highest trial court; the trial court in Michigan between the District Court and the Court of Appeals)

A divorce matter can only be tried in a CIRCUIT COURT.

CIRCUMSTANCES. what + happened

(facts and events that existed at the same time as the occurrence that is in dispute)

Please tell the CIRCUMSTANCES that led up to the actual killing.

CIRCUMSTANTIAL EVIDENCE. act + seem + proof

(evidence derived from acts or deeds of parties, rather than from direct and positive proof; all evidence of indirect nature)

She was convicted by CIRCUMSTANTIAL EVIDENCE.

CITATION. document + police + $\frac{\text{command}}{\text{(directional)}}$ + $\frac{\text{"face to face"}}{\text{(appear)}}$ + court

(official notice from police to appear in court)

The police officer wrote Jim a CITATION to appear in court on the traffic violation.

CITIZEN. "er" + $\frac{\text{_____}}{\text{(name of country)}}$

(member of political unit possessing all the rights and privileges which can be enjoyed by any person under its government)

He will become a naturalized CITIZEN of the United States tomorrow.

CITIZEN'S ARREST. $\frac{\quad}{\text{(whoever)}} + \frac{\text{catch}}{\text{(one hand)}} + \frac{\quad}{\text{(whoever)}}$

(arrest one not already in custody; seize; contrast with peace officer arrest)

The bus driver made a CITIZEN'S ARREST.

CITIZENSHIP. belong + $\frac{\quad}{\text{(name of country)}}$

(to be a citizen; formally belong to/of a country)

His CITIZENSHIP is in question.

CIVIL PROCEDURE. people's + $\frac{\text{rights}}{\text{(all right)}} + \text{court} + \text{proceed}$

(rules and regulations governing a non-criminal lawsuit--non-adminstrative proceeding; judicial case to litigate civil law-based claims)

The Taylor vs. White case used the Federal Rules of CIVIL PROCEDURE.

CIVIL RIGHTS. people's + $\frac{\text{rights}}{\text{(all right)}} + \text{under} + \text{law}$

(commonly, power of free action guaranteed by the United States Constitution or state constitutions)

His CIVIL RIGHTS to due process were violated.

CLAIM (1). say + $\frac{\text{yours}}{\text{(directional)}}$

(demand what is yours)

He will CLAIM his bike when the store opens.

Did you go to the station to CLAIM Mr. Smith's car for him?

CLAIM (2). say + true

(assert something to be true/a fact)

Do you CLAIM that you are an expert in this matter?

CLAIMANT. "er" + $\frac{\text{apply}}{\text{(file)}}$

(one who claims, or asserts right to money or property)

The CLAIMANT became very upset at his insurance company when they did not reimburse him for his fire loss.

CLAUSE. paragraph

(a paragraph, sub-statement, stipulation or provision in a legal document)

The contract contained many CLAUSES, each stating specific terms that must be followed.

CLEAR AND CONVINCING EVIDENCE. clear + proof

(not really a legal term but a descriptive term used to describe a body of evidence offered to a court)

Jane had to present CLEAR AND CONVINCING EVIDENCE that she had been injured by Alex.

CLEMENCY/COMMUTATION. reduce + punishment

(in criminal law--the change from a greater to a lesser punishment; alteration; change)

The defendant received CLEMENCY from the court.

CLIENT. "er" + receive + help

(person who employs an attorney to represent and advise him)

The CLIENT felt his attorney was quite competent.

CLOSING STATEMENT. lawyer + $\frac{\text{last}}{\text{(the end)}}$ + argue + support

(review of the evidence offered in a case, coupled with an argument as to how the jury should view this evidence offered at the close of a trial, by counsel for each side)

Each attorney made his CLOSING STATEMENT, arguing why the evidence showed his client should win.

COCAINE. C O C A I N E / D O P E
(fingerspell)

(a narcotic, an illegal addictive drug)

The man was on trial for violating the drug laws by selling COCAINE.

CODE. law + book

(body of statute law on a major area of concern; e.g., crimes, probate, commercial code)

The criminal CODE of Michigan contains definitions of crimes and penalties.

CODICIL. add + paragraph

(addition or supplement to a will)

Three months after he made his will, Bill added a CODICIL.

COERCE/DURESS/FORCE. $\frac{\text{force}}{\text{(emphatically)}}$

(force someone to do something; the act of forcing someone to do something)

Was it your intent to COERCE the man into stealing the furs?

COHABIT/COHABITATION. live + with

(live together, usually as husband and wife)

COHABITATION may or may not necessarily mean that a couple is legally married.

COLLISION. $\frac{\text{collide}}{\text{(appropriate to objects colliding)}}$

(forcible meeting of two objects; e.g., automobiles, humans, etc.)

The child rode his bicycle right in front of the car causing a COLLISION.

COLLUSION. agree (DM) + deceive/cheat

(act of plotting/planning together; implication of existence of fraud of some kind for the accomplishment of some unlawful purpose)

The discovery of Sam and Joe's COLLUSION resulted in a suit to recover the insurance company's losses.

COMMENT. say

(speak about, or write about; express one's view on some particular subject)

Brenda COMMENTED that Bob was very smart.

COMMIT (1). action

(engage in some act or activity to the point where direction becomes clear)

What made you COMMIT that horrible crime?

COMMIT (2)/COMMITMENT (1). take + $\frac{\text{"put in"}}{\text{(R.'S' hand moving under L. hand, palm to floor)}} + \frac{\text{(wherever)}}{\text{(wherever)}}$

(term used in confining a person, such as to commit to prison; [In this sense, the word means to place in the custody of, to involuntarily put someone in a prison or mental hospital.])

The defendant was COMMITTED to a federal prison.

COMMITMENT (2). promise

(promise to do something)

He made a COMMITMENT to the group as a whole, that he would investigate the matter thoroughly.

COMMON LAW. long + ago + law

(traditional law--growing out of a long series of judicial decisions)

We do not recognize COMMON LAW marriages in Michigan now.

COMMUNITY PROPERTY. land + things + belong + both + husband + wife
(some states)

(property owned in common by a husband and wife as a kind of marital partnership [It is usual at death that the surviving spouse retains only one half of the property.])

When Bill and Alice bought the house after they were married, it was COMMUNITY PROPERTY.

COMMUTATION/CLEMENCY. reduce + punishment

(in criminal law--the change from a greater to a lesser punishment; alteration; change)

Instead of being hanged, the prisoner received a COMMUTATION to life imprisonment.

COMPEL. make + feel + must

(feel from within that one must do something)

What COMPELLED you to go to the stairway at that particular moment?

COMPENSATION. money + pay/receive + for +
(whatever)

(payment for injuries, damages, labor or services; making whole, giving an equivalent or substitute of equal value)

He received COMPENSATION for the injuries sustained while on the job.

COMPETENT/COMPETENCY. can

(able to perform or act, legally, mentally or physically;
duly qualified)

In most states now, spouses are COMPETENT as witnesses, but
some communications between them are privileged.

COMPLAINANT/ACCUSER. "er" + complain

(in a criminal case--one who brings charges)

Where was the COMPLAINANT at the time of the accident?

COMPLAINT/ACCUSATION/CHARGE. document + complain + against

(formal written statement charging one with a crime)

The police filled out a COMPLAINT accusing Robert of breaking
and entering.

Why did you file this COMPLAINT against the defendant?

CONCEALED WEAPON. hidden + (whatever weapon)

(weapon carried so that it is not visible [Always examine
local law; e.g., in Michigan, carrying a gun in a car trunk
is permissible.])

The officer caught him carrying a CONCEALED WEAPON in his
pocket.

CONCLUSION. decision

(opinion formed after investigation and thought)

It was the officer's CONCLUSION that he had never been there.

CONCURRENT. "at the same time"

(at the same time)

The judge sentenced the convicted murder to three-20 year sentences, with the time to run CONCURRENTLY.

CONDITION (1). requirement

(requirement which must first be satisfied before achieving an anticipated result)

The CONDITIONS of the contract were clear.

CONDITION (2). how + _____
(NOTE: attorney must explain)

(state of being)

What was the defendant's CONDITION at the time of the accident?

CONDONE. allow/forgive

(forgive, pardon or overlook)

The judge does not CONDONE a noisy court room.

CONDUCT. $\frac{\text{do}}{\text{(act)}}$

(how you act)

His CONDUCT was acceptable.

CONFEDERATE/
ACCOMPLICE. $\frac{\text{"you two"}}{\text{(shaking, directionally)}} + \text{agree (DM) + cooperate + law + break}$

(one who knowingly and willingly has helped someone else to commit a crime)

The evidence proved that the defendant had a CONFEDERATE. *

CONFESSION. confess

(acknowledgment of commission of a crime; admission of incriminating facts)

His CONFESSION was given freely.

CONFIDENCE GAME. "flatter" + "draw in" + trust + $\frac{\text{"con"}}{\text{(R. fist tapping
L. index finger)}}$

(trickery or falsehood used to gain the confidence of another person in order to get that person to part with money or things of value)

The carnival operators conducted many CONFIDENCE GAMES while in that town.

CONFIDENTIAL. secret

(secret between certain persons or entities; not to be revealed to others)

That is CONFIDENTIAL information.

CONFISCATE/CONFISCATION. law + "take away"

(adjudge property to be forfeited to the state; e.g., drugs obtained without prescription are subject to confiscation)

The liquor was CONFISCATED from the car when they crossed the border.

CONFLICT OF INTEREST. conflict
(both index fingers moving toward
and crossing each other)

(situation where one duty as imposed by law or ethics is conditioned by another duty in such a way as to limit one's ability to perform the first duty; e.g., a lawyer representing a client in an action against a bank in which the lawyer holds stock)

His attorney had to disqualify himself because of a CONFLICT OF INTEREST.

CONFRONTATION. "face to face"/confront
(appear)

(brought face to face with someone or something; a clash)

There was a CONFRONTATION between the parties in the hall outside the court room.

CONFUSE. confuse

(render unclear; render so complicated that a clear understanding cannot be obtained)

Please do not CONFUSE the witness with such big words.

CONGENITAL. since + birth

(from birth, present from birth; present as a condition running in one's family)

His deafness was CONGENITAL, having been born deaf and of deaf parents and grandparents.

CONJECTURE. feel + guess

(guess; guess based on some degree of knowledge, but insufficient to form the rational basis of knowledge)

The stated facts were pure CONJECTURE on his part.

CONJUGAL RIGHTS. marriage + intercourse + $\frac{\text{rights}}{\text{(all right)}}$

(the right to know intimately one's spouse; the right to sexual expression between married persons; the right to each other's society, comfort and affection)

The man filed suit for divorce because he was denied his CONJUGAL RIGHTS.

CONSCIOUS. know (DM)/understand (DM)

(aware or cognizant of the real world and one's self)

He remained CONSCIOUS in spite of his severe head injury.

CONSECUTIVE. one + follow (DM)

(one after the other)

The judge sentenced him to three CONSECUTIVE sentences.

CONSENT. agree + allow

(agree to something)

You must get your doctor's CONSENT before going back to work.

CONSPIRACY. secret + agree (DM)

(agreement or understanding between two or more persons to commit a crime)

It was a CONSPIRACY on the part of the doctor and the nurse.

CONSTITUTION. government + constitution

NOTE: Interpreter should ask attorney to explain, if necessary.

(organic law of government; basic document establishing a system of national or state government and rights of citizens [All that is contrary to the constitution is void.])

The government of our country is based on the CONSTITUTION of the United States.

CONSTITUTIONAL AMENDMENT. government + constitution + change/add

(later addition or modification of a constitution coming at some time after the adoption of the constitution)

Many CONSTITUTIONAL AMENDMENTS have been adopted in the past few years.

CONSTITUTIONAL RIGHT/FUNDAMENTAL RIGHTS. government + constitution + $\frac{\text{right}}{\text{(all right)}}$

(fundamental right, clearly created by the constitution of a state or national government; not a civil liberty)

Our government guarantees your CONSTITUTIONAL RIGHT to freedom of speech.

CONTEMPT OF COURT. disobey/rebel + court

(disobedience of judicial order or disruption of judicial proceedings, which results in penalty)

The judge found the defendant in CONTEMPT OF COURT because of his repeated outbursts.

CONTEST/CONTESTED. disagree/challenge

(present defense to an adverse claim in a court of law; oppose; see: Challenge)

She was sure her husband would CONTEST her divorce action.

CONTINUANCE/CONTINUED. postpone + "take up"

(adjournment or postponement of an action pending in a court)

The court appointed attorney asked for a CONTINUANCE until he could review the facts.

CONTINUE BOND. money + $\frac{\text{"down payment"}}{\text{(MIME: putting down currency with both hands)}}$ + still/yet + come + court + again

(allow one, after a criminal proceeding, to go free on the same surety arrangement as existed prior to the proceeding)

The judge ordered the court to CONTINUE BOND until the defendant paid all damages.

CONTRABAND. forbidden + things

(things not allowed by law to be owned or possessed; e.g., things that are smuggled into the country, such as drugs, certain weapons)

The customs officers were searching the luggage for CONTRABAND items.

CONTRACT/AGREEMENT. document + agree + signature
(written)

(written statement of what is agreed upon in a document;
formal promise or obligation given by one to another for
some consideration)

Be sure you sign the CONTRACT before a witness.

CONTRIBUTORY NEGLIGENCE. $\frac{\text{help}}{\text{(directional)}} + \frac{\text{neglect (DM)}}{\text{(see: Watson's book)}}$

(fault for incident on part of plaintiff or claimant)

The plaintiff lost the suit because it was found he was guilty
of CONTRIBUTORY NEGLIGENCE.

CONTROLLED. law + control

(regulated by some law or authority)

Business deals are CONTROLLED by statutory codes.

CONTROLLED SUBSTANCES. things + law + control

(substances which are controlled by law; not always just drugs-
may be poisons or other harmful substances such as atomic sub-
stances)

Barbiturates are a CONTROLLED SUBSTANCE by state law.

CONTROVERSY/ACTION/CASE/DISPUTE/
LAWSUIT/LITIGATION/MATTER/SUIT. court + case

(action at law or equity of any sort in which the court is
asked to do something or make someone do something)

The air pollution CONTROVERSY was sent to the Supreme Court
for a final ruling.

CONVICT (1). "er" + prison

(one who has been convicted of a crime and is in prison; see: Felon)

The CONVICT escaped in a laundry truck.

CONVICT (2)/CONVICTION. decide + wrong

or

decide + broke + law

(adjudge someone guilty of a crime)

The jury deliberated for twelve hours before they finally agreed on a CONVICTION of murder.

CORONER. "er" + $\frac{\text{examine}}{\text{(physical)}}$ + dead + body

(official of the local government whose duty it is to report the circumstances of death which occur within his jurisdiction under other than clearly natural circumstances)

The CORONER determined death was due to an overdose of barbiturates.

CORONER'S INQUEST. court + prove + how + die

(formal proceeding to determine whether death occurred by criminal means)

The strange circumstances surrounding his death made a CORONER'S INQUEST imperative.

CORPORATION. business + group

(form of business organization chartered by the state, based on share ownership)

Several members of the family went into business together and formed the Andover CORPORATION.

CORPUS DELICTI. see + proof + law + broken

(material substance upon which a crime has been committed; substantial fact that a crime has been committed)

The CORPUS DELICTI in this case is not just the body of the victim but the fact that he has been murdered.

CORROBORATE. support

(support the credibility of another's statement or testimony)

The story just told by the last witness CORROBORATES my client's testimony.

CORRUPT. bad + lead

(act against the interests of those whom one has a duty to serve)

Please do not try to CORRUPT the police officer.

CORRUPT MORALS. ^{debased}
(R. & L. '10' hands moving down sharply) + character

(debased principles or standards with respect to right or wrong in conduct)

He was known to be a person of CORRUPT MORALS.

COULD NOT BE USED AGAINST. can't + use + against

(refers to evidence which courts will not allow to be introduced against a party to a law suit [This exclusion may be the result of some violation of the rules of evidence or may be the result of a court made rule; e.g., hearsay evidence, illegally seized evidence.])

Usually hearsay evidence CANNOT BE USED AGAINST anyone in a trial.

COUNSEL/COUNSELOR. lawyer

(lawyer; counselor at law; an attorney at law; see: Lawyer, Attorney)

Are you represented by COUNSEL in this matter?

COUNT (in indictment). complaint + $\frac{\text{against}}{\text{(directional)}}$ + for + $\frac{\text{specify complaint}}$

(sub paragraph in indictment or information charging a single crime)

There are four COUNTS of robbery in the indictment against Mr. Brown.

COUNTERFEIT. false + $\frac{\text{whatever}}$

(not real, but is made to appear so; e.g., counterfeit money)

It is risky business to COUNTERFEIT money.

COUNTY. C O U N T Y
 (fingerspell)

NOTE: Interpreter should have attorney explain.

(unit of local government in common law states less than the state but larger than any other sub unit of local government)

The COUNTY Road Commission is responsible for keeping certain roads in good repair.

COUNTY JAIL. C O U N T Y + jail
 (fingerspell)

(place of confinement [in Michigan where persons convicted of misdemeanors, and those awaiting trial who cannot post bond are kept while awaiting trial])

The COUNTY JAIL is usually near the sheriff's office.

COURT. court

(place where judges hear legal issues brought by those who have legal conflicts and render resolution of these conflicts)

We will go to COURT tomorrow.

PLEASE NOTE: The various courts will be called by different names in different states. For assistance in determining which sign to use for a specific court in the reader's state, please refer to the chart provided on page 8 of the Introduction.

COURT OF APPEALS. higher + court

(court where one may have a legal issue heard which has been decided by a lower court in a manner unsatisfactory to his interest; court which adopts as true the facts, but decides through law)

We shall take this case to the COURT OF APPEALS.

COURT, con't.

CIRCUIT COURT. "thumb up" + court

(court in Michigan which is the state's highest trial court;
trial court in Michigan between the District Court and the
Court of Appeals)

A divorce matter can only be tried in a CIRCUIT COURT.

DISTRICT COURT. low + court

(lowest level of federal and Michigan courts)

The DISTRICT COURT is the lowest level in the federal
judicial system and many state judicial systems.

HIGHER COURT. more + "thumb up" + court

(courts above the trial courts which have the power and
authority to review the work of trial courts)

We will take this case to a HIGHER COURT.

COURT OF RECORD. court + where + have + write + $\frac{\text{"put down"}}{\text{(on paper)}}$ + $\frac{\text{trial}}{\text{(court [DM])}}$

(court which keeps a written record of the proceedings held before
it, and has power to fine or imprison for contempt)

A felony must be tried in a COURT OF RECORD.

COURT, con't.

SUPREME COURT. most + "thumb up" + court

(highest court for the United States and most states; but some states use different names)

We will appeal this case all the way up to the SUPREME COURT, if necessary.

TRIAL COURT. court (DM) + with + listen + "er" + see + proof

(court which hears the testimony of witnesses)

Any court below the appellate court is a TRIAL COURT.

COURT CLERK. "er" + duty + manage + court

(court official who manages the affairs of a single court)

The COURT CLERK handles the paper work in a court.

COURT COSTS. court + expenses

(assessment against a party to litigation reflecting special expenses incurred by the state in connection with litigation)

The judge fined the man \$50.00 and COURT COSTS.

COURT ORDER. court + order

(command issued by a court under law that something be done or not done)

The COURT ORDER forbid her to sell the car.

CRIME/INFRACTION/OFFENSE/VIOLATION. law + break

(act committed which violates law; action done contrary to law)

When he was accused of the CRIME, he denied it.

CRIME AGAINST A PERSON. law + break + against + person

(criminal act directed toward a person which involves touching or threat of touching; e.g., Assault, Robbery, as opposed to crime against property)

Assault is classified as a CRIME AGAINST A PERSON.

CRIMINAL/OFFENDER. "er" + law + break

(one who commits an act prohibited by a criminal law or statute, and has been legally convicted of a crime)

He was a CRIMINAL in the eyes of society.

CRIMINAL BEHAVIOR. law + break + action

(acting in a manner that is against the law)

Purse snatchings are acts of CRIMINAL BEHAVIOR.

CRIMINAL INTENT. law + break + intent

(in the violation of some law or statute, intent that the results of the act shall constitute a crime)

You must prove CRIMINAL INTENT to find the defendant guilty of murder as charged.

CRIMINAL LAW. law + connect + law + break + and + punishment

(that branch of law which deals with crimes and their punishments, as opposed to civil law)

The lawyer specialized in CRIMINAL LAW.

CRIMINAL PROSECUTION. law + break + court + against

(case brought by the state against a person charging a criminal law violation)

He was subject to CRIMINAL PROSECUTION because he broke into the bank.

CROSS-EXAMINATION. other + $\frac{\text{lawyer} + \text{questioning}}{\text{(directional)}}$

(questioning of witness by opposing party after Direct Examination)

The CROSS-EXAMINATION was very brief.

CRUEL AND UNUSUAL PUNISHMENT. excessive + cruel + punish

(such punishment as would amount to torture or barbarity)

The warden was under investigation for CRUEL AND UNUSUAL PUNISHMENT of the prisoners.

CRUELTY. $\frac{\text{cruel}}{\text{(emphatically)}}$

(act of inflicting pain or injury, physical or mental, upon a person)

He charged his wife with mental CRUELTY.

CULPABILITY. blame/responsibility

(responsibility in law; fault; sometimes guilt)

The defendant denied his CULPABILITY.

CUNNILINGUS. cunnilingus
(with R.'U' hand, mime licking within the L.'L' hand)

(sexual activity involving oral contact with the female genitals)

The woman filed suit for divorce because she objected to her husband's insistence on CUNNILINGUS in their sexual activity.

CUSTODY. keep

(status of being in the legal and/or physical control of another)

The court awarded the foster parents permanent CUSTODY of the child.

CUSTOM. habit

(something that has been done a certain way over a long period of time, usually in an institutional sense or individual habits)

It was his CUSTOM to take his dog for a walk each night before going to bed.

CUSTOMS. government + inspect + "bring in" + from + (whatever country)

(agency of the government that taxes or clears property brought into the country)

He went through CUSTOMS with no trouble at all.

DAMAGE. $\frac{\text{harm}}{\text{(ruin)}}$

(injury or harm)

There was no DAMAGE done to the car.

DAMAGES. money + receive + for + injury/loss

(compensation awarded for injury or loss)

The plaintiff felt the DAMAGES awarded in his case were not enough.

DEADLY FORCE. power + can + kill

NOTE: Interpreter should ask attorney to clarify.

(force which, because of the amount or means used, has the potential of resulting in death or extremely grave bodily harm)

The killer, using a piece of lead pipe, hit the guard with DEADLY FORCE.

DEADLY WEAPON. $\frac{\text{_____}}{\text{(thing/whatever weapon used)}} + \text{can} + \text{kill}$

(weapon designed for inflicting serious physical harm or death)

The charges of carrying a DEADLY WEAPON were dismissed.

DEBTOR. "er" + owe

(one who owes money)

I am the DEBTOR.

DECEASED. "er" + already + dead

(person who is dead)

Where was the DECEASED buried?

DECREE. order

(judicial disposition of litigation [technically, in equity, and thus contrasted with common-law judgment])

He received the divorce DECREE yesterday.

DEED (1). action

(act)

That was a DEED of kindness on his part.

DEED (2). document + prove + land +
(whose)

(document of ownership in property subject to recording;
e.g., land)

Did you receive the DEED to your house yet?

DEFAULT. failure + answer/"show up"

or

failure + action

(failure to respond to suit, resulting in Default Judgment in favor of person starting civil action; failure to perform)

The judge issued a DEFAULT judgment in favor of Mrs. Adams because Mr. Jones did not appear in court.

DEFENDANT/ACCUSED. "er" + defend

(person who is charged with a crime; party against whom a suit is brought)

Did you see the DEFENDANT on the night of the crime?

DEFENSE. defend + argue

(reasons, arguments and law given by the defendant as to why he or she is not guilty)

The defendant's DEFENSE was laid out by his attorney.

DEFERRED SENTENCE/DELAYED SENTENCING. postpone + punishment

(delayed imposition of sentence)

The judge DEFERRED SENTENCE until he received the probation report.

DEFRAUD. deceive/cheat

(acquire property through falsehood, misrepresentation or concealment of material facts)

To DEFRAUD the government on your income tax is dangerous business.

DEGREE. degree
(R. index finger pointing to appropriate finger of L.'5' hand, indicating degree)

(gradation of offenses in ascending/descending order of priority)

He was convicted of second DEGREE murder.

DELAYED SENTENCING/DEFERRED SENTENCE. postpone + punishment

(delayed imposition of sentence)

The matter of the DELAYED SENTENCING was taken up.

DELIBERATION (by jury). $\frac{\text{discussion}}{\text{(with all fingers)}}$

(evaluation of the evidence in private session to reach a verdict)

There was a long DELIBERATION by the jury before they arrived at a verdict.

DELINQUENT (1). "er" + $\frac{\text{minor}}{\text{(young + \frac{MIME}{\text{(indicate child height)}})}} + \text{law} + \text{break}$

(word to describe behavior by juvenile that is in violation of law, usually recognized in juvenile court proceedings)

He was brought before the judge as a DELINQUENT.

DELINQUENT (2). behind

(overdue, unpaid)

Mrs. Smith complained that her ex-husband was DELINQUENT in his child support payments.

DELIRIUM TREMENS. sick + from + $\frac{\text{"drink, drink"}}{\text{('A' hand to mouth)}}$

(trembling of the extremities caused by the toxic effects of alcohol [also known as DT's])

His doctor told him that if he did not stop drinking he would have DELIRIUM TREMENS.

DENY/DENIAL. $\frac{\text{deny}}{(\text{'not' with both hands simultaneously})}$

or

say + not

(assertion of denial; assertion that a statement or position of another is not true)

It is useless to DENY that you know him.

DEPENDENT (1). "er" + $\frac{\text{receive}}{(\text{directional})}$ + $\frac{\text{support}}{(\text{directional})}$ + for + live

(one who derives support from another; deriving existence, support or direction from another)

There is only one DEPENDENT listed on your income tax return.

DEPENDENT (2). depend

(conditioned upon)

That factor is DEPENDENT on whether or not you work tomorrow.

DEPONENT. "er" + sworn + answer (DM) + listing + $\frac{\text{"face to face"}}{(\text{appear})}$ + lawyers

(one who gives testimony under oath at a deposition proceeding)

The DEPONENT gave his story at the attorney's office last Monday.

DEPORTATION. force + must + $\frac{\text{out}}{(\text{directional})}$ + $\frac{\text{ }}{(\text{name of country})}$

(forcing one to leave a country by official order)

His DEPORTATION was ordered by a federal court.

DEPOSITION. written + answers + sworn + $\frac{\text{"face to face"}}{\text{(appear)}}$ + lawyers

(written record of sworn answers to direct and cross-examination/
interrogatories in a Deposition Proceeding; an inquiry not
conducted in court, but done by court order)

We took a DEPOSITION on this matter yesterday.

DERELICT. $\frac{\text{neglect (DM)}}{\text{(see: Watson's book)}}$

(failing to fulfill duty, obligation or responsibility)

He was DERELICT in his duties to the court.

DESIGN. plan

(plan and purpose)

The facts in the case pointed out the DESIGN of the crime.

DESTRUCTION OF EVIDENCE. destroy + proof

(act by which the evidence of an act or situation is rendered
unavailable to the court)

He was guilty of DESTRUCTION OF EVIDENCE when he quickly swallowed
the four "red devils" before the officer could stop him.

DESTRUCTION OF PROPERTY. destroy + $\frac{\text{whatever}}$

(in criminal law, rendering property unusable with intent to
harm owner)

He was one of the three vandals charged with DESTRUCTION OF
PROPERTY.

DETAIN. hold

(stop temporarily or hold)

Please do not DETAIN the man unnecessarily.

DID THERE COME A TIME WHEN.....?

DID THERE COME A TIME WHEN you mentioned it to her?

Can be signed: Did you mention it to her?

Was there a time when you mentioned it to her?

DIRECT EXAMINATION. your + lawyer + $\frac{\text{questioning}}{\text{(directional)}}$

(questioning by party which calls witness)

The attorney was in the process of DIRECT EXAMINATION when the fire alarm sounded.

DIRECTED VERDICT. $\frac{\text{judge}}{\text{("er" + court)}}$ + order + $\frac{\text{jury}}{\text{(L. \& R.'4' hands, vertical, + palms facing in, little fingers touching, then moving apart)}}$ +

(whatever decision)

(judicial order requiring a jury to decide case a certain way; jury in fact does not act)

The judge asked for a DIRECTED VERDICT of "not guilty."

DISABILITY. can't + work

(lack of power to do something with legal consequences)

He was given a temporary DISABILITY leave.

DISCIPLINE. scold/punish + control

(make someone conform to established standards, e.g., censure or disbarment, correction, penalty, rules and regulations)

The officer testified as to why he felt it necessary to DISCIPLINE the prisoner the way he did.

DISCLAIMER. refuse + responsible

(rejection of responsibility)

The manufacturer included a DISCLAIMER of responsibility for any injuries resulting from their product.

DISCLOSURE. inform

(revelation; communication to another of facts important to legal proceeding)

He made a vital DISCLOSURE to his opponent.

DISCOVERY. before + $\frac{\text{trial}}{(\text{court [DM]})}$ + $\frac{\text{plan}}{(\text{moving L. to R. and stopping 3 times, as if sectioning})}$ + for +
find + information + connect + other + $\frac{\text{their}}{(\text{directional})}$ + proof

(pretrial procedure to gain access to relevant admissible material in the hands of the opponent)

The attorney requested more time for DISCOVERY.

DISMISSAL. $\frac{\text{excuse}}{\text{(once emphatically)}}$

(termination of causes by court)

The DISMISSAL of the case was unexpected.

DISMISSED WITH PREJUDICE. $\frac{\text{excuse}}{\text{(once emphatically)}}$ + with + can't + start +
case + again

NOTE: Interpreter should ask attorney to explain.

(case cannot be begun again)

The case was DISMISSED WITH PREJUDICE by Judge Mahoney.

DISMISSED WITHOUT PREJUDICE. $\frac{\text{excuse}}{\text{(once emphatically)}}$ + with + understand +
case + can + start + again

NOTE: Interpreter should ask attorney to explain.

(case can be begun again)

The case was DISMISSED WITHOUT PREJUDICE by Judge Wilson.

DISORDERLY CONDUCT. action + bother + others

(crime involving conduct likely to disturb or offend the public,
committed in a public place)

The officer booked the drunk on a DISORDERLY CONDUCT charge
because he was annoying his neighbors.

DISORDERLY PERSON. "er" + "bother, bother"

(person dangerous or hurtful to public peace and welfare because
of misconduct or vicious habits)

He was booked as a DISORDERLY PERSON.

DISPOSITION. final + decision

(final ruling, judgment or order in a dispute, [judicial or administrative proceeding])

What was the DISPOSITION Of the contested will?

DISPUTE/ACTION/CASE/CONTROVERSY/
LAWSUIT/LITIGATION/MATTER/SUIT. court + case

(action at law or equity of any sort in which the court is asked to do something or make someone do something)

The DISPUTE against the hotel doorman was dismissed for lack of evidence.

DISTRICT COURT. low + court

(lowest level of federal and Michigan courts)

The DISTRICT COURT is the lowest level in the federal judicial system and many state judicial systems.

DIVORCE. marriage + $\frac{\text{MIME}}{(\text{L. \& R. 'A' hands together, then pulled apart})}$

(legal termination of a marriage)

The judge granted the couple a DIVORCE.

DOCKET. listing

(listing or calendar of cases ready for hearing or trial)

The court DOCKET was set for Judge Jones.

DOCUMENT/WRIT. paper + $\frac{\text{MIME}}{\text{(both index fingers forming square in air)}}$

NOTE: The sign to be used for all legal papers: paper + two index fingers outlining a square of paper.

(a writing, usually of legal significance)

A DOCUMENT almost always has legal importance attached to it.

DOCUMENTARY EVIDENCE. written + proof

(data in written form, admissible in formal proceedings)

The DOCUMENTARY EVIDENCE was presented by the defense attorney.

DOMICILE. live + $\frac{\text{settle}}{\text{(both open hands, fingers closed, palms down, moving down slightly)}}$

(place where one has significant legal interest or relationships, true, permanent home spot--usually equated with "residence")

Your DOMICILE is the place where you live permanently.

DOUBLE JEOPARDY. _____

NOTE: Interpreter must ask attorney to explain.

(constitutional doctrine prohibiting a second trial for one offense or transaction)

He was placed in DOUBLE JEOPARDY by the same charge at a second trial.

DRIVER'S LICENSE. drive + $\frac{\text{license}}{\text{(L. \& R. 'L' hands, thumbs hitting each other [DM])}}$

(document from the state licensing agency confirming eligibility to operate a motor vehicle on a public highway)

It is necessary to carry your DRIVER'S LICENSE at all times while driving.

DRIVING while UNDER THE INFLUENCE OF INTOXICATING LIQUOR. driving + while + $\frac{\text{drunk}}{\text{(R. 'B' hand, palm parallel to floor, drawn across throat)}}$
(legal abbr. - DUIL)
DRIVING WHILE INTOXICATED.
(legal abbr. - DWI)

(operating a motor vehicle while experiencing a prescribed level of toxic effects of alcohol)

During the Christmas holidays many are jailed for DRIVING while UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

DRIVING while UNDER THE INFLUENCE OF DRUGS. driving + while + dizzy + from + $\frac{\text{D O P E}}{\text{(fingerspell) / (whatever drug)}}$
(legal abbr. - DUID)

(operating a motor vehicle while experiencing the toxic effects of a narcotic or other drug)

DRIVING while UNDER THE INFLUENCE OF DRUGS is a serious offense.

DRUG ADDICT. "er" + habit + $\frac{\text{D O P E}}{\text{(fingerspell)}}$

(person who is physically or emotionally dependent upon narcotics or drugs)

The DRUG ADDICT was admitted to the hospital.

DRUG ADDICTION. habit + $\frac{\text{D O P E}}{(\text{fingerspell}) / (\text{whatever drug})}$

(psychological or physiological dependence on the use of drugs)

DRUG ADDICTION is a serious problem today.

DRUNK. $\frac{\text{drunk}}{(\text{R.'B' hand, palm parallel to floor, drawn across throat})}$

(intoxicated)

He testified that the driver of the other car was DRUNK.

DRUNK AND DISORDERLY. drunk + "bother, bother"
(legal abbr. - D & D)

(intoxicated in public to the extent of being a problem)

He was arrested for being DRUNK AND DISORDERLY.

DRUNK DRIVING. drive + while + drunk

(common term which describes the condition of a person operating a motor vehicle while suffering the toxic effects of alcohol)

He was warned not to be arrested again for DRUNK DRIVING.

DUE CARE. careful

(caution or concern to be expected under circumstances in question)

He entered the intersection with DUE CARE.

DUE PROCESS OF LAW. constitution + promise + equal

NOTE: Interpreter should ask attorney to explain.

(constitutional guarantee of fair treatment to all citizens and aliens; law of the land, essential elements being notice and an opportunity to be heard and defend in an orderly proceeding)

The Supreme Court recently ruled it a denial of DUE PROCESS for a trial court to refuse to let the defendant have an attorney.

DURESS/COERCE/FORCE. force
(emphatically)

(force someone to do something; the act of forcing someone to do something)

Since he proved he signed the contract while under DURESS, it was invalidated by the court.

DYING DECLARATION. feel + now + die + tell + (quote whatever said)

(statement made in contemplation of death)

His DYING DECLARATION was that he did not kill the officer.

EAVESDROPPING. "on the sly" + $\frac{\text{"listening"}}{\text{(with 'and' hand mime drawing words into ear)}}$

(listening in secret to someone else's conversation)

Were you EAVESDROPPING on the defendant's conversation?

EMBEZZLEMENT. $\frac{\text{MIME}}{\text{(R.H. going under flat L.H., going through motion of pocketing)}}$

(wrongful taking or use of property received in trust or on condition)

The bookkeeper was charged with EMBEZZLEMENT.

EMOTIONAL DISTURBANCE. "feel, feel" + "bother, bother" + make + mind +
not + $\frac{\text{right}}{\text{(correct)}}$

(emotional condition marked by sudden onset which was the effect of causing one's state of mind to become disturbed)

EMOTIONAL DISTURBANCE is becoming more of a problem in our society today.

ENDANGER. can + harm

(exposure to harm or loss)

You must not drive in such a way as to ENDANGER the safety of others.

ENDORSE/ENDORSEMENT (1). support

(support something)

The party will ENDORSE Mr. O'Shay as a candidate for the office of coroner.

ENDORSE/ENDORSEMENT (2). $\frac{\text{signature}}{\text{(MIME: signing on back of L. hand)}}$

(sign a negotiable instrument by which title to instrument is assigned; e.g., check)

This check has no ENDORSEMENT.

ENFORCEMENT. require + follow

(ensuring compliance with norms or involving sanctions for non-compliance)

The ENFORCEMENT of our traffic laws enables traffic to move smoothly.

ENJOIN. order + require/prevent

(command; require by writ of injunction from court of equity)

Her brother was ENJOINED from selling the car by Judge Wilson.

ENTITLED. have/gave + $\frac{\text{right}}{\text{(all right)}}$

(clothed with legal claim or power)

He was ENTITLED to 50% of all the profits, according to the partnership agreement.

ENTRAPMENT. police + $\frac{\text{"lure"}}{\text{("flatter" + "draw in")}}$ + caught

(improper inducement by law enforcement agent for another to commit a crime)

The charge was dismissed because there was evidence of ENTRAPMENT.

EQUITABLE. fair/equal

(fair, equal, just)

The attorney asked the court for an EQUITABLE settlement.

EQUITY (1). equality/fairness

(law administered in Chancery courts; contrast Common Law; now combined with courts of law)

The judge was asked to use his powers of EQUITY.

EQUITY (2). part

(share of, or interest in, something; e.g., land)

My son has an EQUITY in my farm.

ESCAPE. $\frac{\text{escape}}{\text{"run away"}}$

(leave or flee without permission)

The prisoner tried to ESCAPE through the tunnel.

ESCROW. $\frac{\text{money/document}}{\text{(whatever)}} + \frac{\text{hold}}{\text{(MIME: holding something with one hand)}}$

(thing of value, frequently a deed or money representing a deed, delivered to a third person to be delivered by him to the grantee upon the happening of a certain condition)

Most mortgages have an ESCROW account for money to pay taxes and insurance.

ESTATE. property + house + money + things

(whole of the property owned by anyone, the real as well as the personal)

The Wilson ESTATE was valued at \$2,000,000.

ETHICS. rules + for + honest + action

(rules for honesty and professional responsibility)

Most professions follow a strict code of ETHICS.

EUTHANASIA. $\frac{\text{pity}}{\text{(see: Watson's book)}}$ + help + die

(mercy killing, painlessly putting to death persons suffering from incurable and distressing diseases)

The authorities will have to determine whether Mr. Walker's actions were homicide, murder, or EUTHANASIA when he helped his wife to commit suicide.

EVICTION. kick + "throw out"

(expel from a residence, or land pursuant to an order of the court)

The family was served an EVICTION notice for non-payment of rent.

EVIDENCE (real). proof (DM)

(proof of an event rather than circumstances which point to the event having happened)

The officer offered photographs of the cars as EVIDENCE of the accident.

EVIDENTIARY HEARING. $\frac{\text{trial}}{(\text{court [DM]})} + \text{with} + \text{proof (DM)}$

(procedure to establish facts on which [usually preliminary] a judicial ruling will rest)

The EVIDENTIARY HEARING was held in special chambers because the defendant's life was in danger.

EX-CONVICT. past (DM) + "er" + prison + finished

(individual who was convicted of a criminal offense, served a sentence and has been released)

An EX-CONVICT often has difficulty getting a job.

EX-PARTE. alone + without + other + $\frac{\text{"face to face"}}{(\text{appear})}$

("one-sided," without adversary proceeding)

An EX-PARTE injunction is one granted without the opposite party having had notice of the application.

EXAMINATION. $\frac{\text{questioning}}{(\text{L. \& R. hands alternately})}$

(investigation; search; interrogation)

The EXAMINATION of a witness consists of questions put to him by a party to the action, or his counsel.

EXCESSIVE SENTENCE. excessive + punishment

(assessment of punishment greater than, or different from, that provided by law)

The senator appealed to the court saying that the man had received an EXCESSIVE SENTENCE for the robbery in which he was involved.

EXCUSE (1). "why, why"

(explanation of conduct or inaction)

His EXCUSE was that he failed to see the red light.

EXCUSE (2). $\frac{\text{excuse/dismiss}}{\text{(once emphatically)}}$

(release from obligation)

The judge will EXCUSE the child from testifying.

EXECUTE (1). follow + requirement

(carry out according to orders, complete)

The captain asked the officer to EXECUTE the procedure as outlined in the handbook.

EXECUTE (2). kill

(kill pursuant to judicial sentence [capital punishment])

Years ago some states would EXECUTE a man if he was found guilty of first degree murder.

EXECUTOR. "er" + manage + $\frac{\text{W I L L}}{\text{(fingerspell)}}$

(one named in a will to carry out its provisions)

He named his brother as EXECUTOR in his will.

EXEMPT/IMMUNITY. not + $\frac{\text{under}}{(\text{R. '10' hand under L. flat palm})}$

or

free + from

(free from, not covered by or subject to)

Some charitable organizations are tax EXEMPT.

EXHIBITIONISM/INDECENT EXPOSURE. naked + "show around"

(improper display of genitals in a public place)

A charge of EXHIBITIONISM was filed against the streaker.

EXONERATE/EXONERATION. free + from + blame

(relieve, exculpate)

The attorney sought to EXONERATE the man.

EXPERT WITNESS. "er" + $\frac{\text{specialty}}{(\text{major})}$ + know + can + explain

(witness or resource whose qualifications [knowledge, expertise] make his opinions and findings valuable in litigation or administrative hearings; person qualified to give an opinion in a special area)

The psychiatrist testified as an EXPERT WITNESS for the defendant.

EXTENUATING CIRCUMSTANCES. $\frac{\text{special}}{\text{(except)}} + \text{things}$

(factors warranting a reduction in the severity of crime or punishment)

Because the defense attorney pointed out the EXTENUATING CIRCUMSTANCES surrounding the crime, he asked that a lesser sentence be considered for his client.

EXTORTION. force + bribe

(threat on someone to get money; transferring through force or threat of immediate force)

Crime syndicates are known for their EXTORTION tactics.

EXTRADITE/EXTRADITION. $\frac{\text{take}}{\text{(grab)}} + \frac{\text{"brought in"/brought out"}}{\text{(directional)}}$

(remove a person from "asylum" state to "demanding" state in connection with criminal proceedings in latter state)

The kidnapper was arrested in Texas and was awaiting EXTRADITION to Tennessee.

EYE WITNESS. "er" + see + proof + finish

(someone who saw what actually happened)

The EYE WITNESS was at the house before and during the murder.

FAILING TO REPORT. not + "show up"

(non-appearance at designated place; e.g., probation officer, Selective Service Board)

He FAILED TO REPORT for duty this morning.

FAIR TRIAL. fair/equal + $\frac{\text{trial}}{(\text{court [DM]})}$

(impartial proceeding meeting constitutional requirements, rendering judgment only after trial)

The object of the law is to guarantee a FAIR TRIAL to everyone.

FALSE/FAKE. false
or
not + true

(not real, untrue)

She tried to prove his testimony FALSE.

FALSE CLAIMS. file + $\frac{\text{"con"}}{(\text{R. fist tapping L. index finger})}$

(claim for money or benefit to which one knows he is not entitled)

Please don't make any FALSE CLAIMS on that report.

FALSE IMPRISONMENT. wrong + $\frac{\text{"put in"}}{\text{(R.'S' hand moving under L. hand, palm to floor)}}$ + prison

(unlawful restraint of the person by another without warrant, or with illegal warrant, or warrant illegally executed)

The grocer sued the state for FALSE IMPRISONMENT because he had been illegally held by the authorities.

FALSE PRETENSES. deceit/deceive

(designed misrepresentation of existing fact or condition whereby person obtains another's money or goods)

He got his money through FALSE PRETENSES.

FATAL. cause/make + dead

(resulting in death)

This bad weather has caused many FATAL accidents on the highway.

FAVOR/FAVORABLE. support

(benefit of)

The defendant hoped the jury would reach a FAVORABLE decision.

FEDERAL. $\frac{\text{U S}}{\text{(fingerspell)}}$ + government

(relating to the general government of the United States, or the union of states)

There are certain limitations on state legislatures flowing from our FEDERAL systems of government.

FEDERAL OFFENSE. $\frac{U S}{(fingerspell)}$ + law + break

(act in violation of federal law as opposed to state law for which the federal government may punish)

It is a FEDERAL OFFENSE to smuggle narcotics into the United States.

FEE. cost/charge

(price for services)

The attorney quoted his FEE for the divorce action.

FELLATIO. $\frac{fellatio}{(R. claw hand rotating at tip of L. index finger but not touching)}$

(sexual activity involving oral contact with the male genitals)

According to some psychological references, FELLATIO is considered sexual deviation.

FELON. "er" + prison

(person who has been convicted of a crime punishable by more than one year's imprisonment; see: Convict)

The FELON was caught as he tried to climb over the gate during the prison riot.

FELONIOUS DRIVING. drive + awful + law + break

(grossly inappropriate and dangerous driving which carries felony penalties)

The officer issued a FELONIOUS DRIVING ticket to the man when he saw him stop his car, then deliberately turn the wheels and drive over the curb into a group of people on the sidewalk.

FELONY. awful + law + break

(serious crime, punishable by more than one year's imprisonment; cf. Misdemeanor)

A major crime such as murder, arson, or rape is considered a FELONY.

FELONY-MURDER RULE. during + $\frac{\text{whatever crime}}{\text{(whatever crime)}}$ + someone + die

(rule applied if criminal kills someone while perpetrating or attempting another felony [considered first degree murder])

The charge against him was changed to FELONY-MURDER because the bank guard was killed during the hold-up.

FIDUCIARY/TRUSTEE. "er" + money + manage

(someone administering property in a position of trust for someone else)

By putting his own monetary interest ahead of those of the trust, the trustee breached his FIDUCIARY duty.

FIGHT (physical) (1). $\frac{\text{fight}}{\text{(with fists)}}$

(oppose physically, as with fists, weapons; combat, battle)

The officer testified that he got there just as the fist FIGHT started.

FIGHT (dispute) (2). quarrel

(quarrel)

The two neighbors had a FIGHT over their adjoining property boundary so they called in a surveyor.

FINANCIAL RESPONSIBILITY. _____

NOTE: Have attorney explain.

(legal requirement to carry motor vehicle insurance in specified amount)

The law of Michigan requires drivers to carry FINANCIAL RESPONSIBILITY insurance.

FINDING/VERDICT. decision

(result of deliberations of a jury or court)

What was the judge's FINDING in the robbery case involving the twelve year old boy?

FIRST DEGREE MURDER. before + kill + finish + think + plan +

malice

(R. open hand, fingers together, touches chin then both closed 'and' hands go down & out, thumbs rub against ends of fingers in vengeful manner)

(killing, murder with malice aforethought)

The alleged assassin was charged with FIRST DEGREE MURDER.

FORBID. forbid
(R. 'L' hand, slapped on L. palm)

(prohibit, order not to be done)

The judge decided to FORBID the sale of anything from the estate until all the family would cooperate willingly.

FORCE/COERCE/DURESS. $\frac{\text{force}}{\text{(emphatically)}}$

(force someone to do something; the act of forcing someone to do something)

Did anyone FORCE you to enter this plea of "guilty"?

FOREMAN (of jury). captain + court + $\frac{\text{jury}}{\text{(L. \& R. '4' hands vertical, palms facing in little fingers touching, then moving apart)}}$

(one who functions as chairperson and spokesperson for jury)

They selected Mr. Smith as FOREMAN of the jury for the White vs. Smith case.

FORFEIT. lose + $\frac{\text{right}}{\text{(all right)}}$

(lose a right or claim involuntarily by some error, fault, offense or crime)

If you accumulate too many moving traffic violations during a year you may FORFEIT your right to drive.

FORFEIT (bond). lose + money + $\frac{\text{"down payment"}}{\text{(MIME: putting down currency with both hands)}}$

(failure to perform condition on which obligor was to be excused from the penalty in the bond)

He was warned that he would FORFEIT bond if he failed to appear at the next court hearing.

FORGERY. lie + copy + signature + name

or

(whatever) + lie

(crime of imitating or counterfeiting documents, signatures, works of art, etc., to deceive)

John proved the signature on his check was a FORGERY.

The art dealer proved the painting was a FORGERY.

FORMER TESTIMONY. before + $\frac{\text{"swear"}}{\text{(promise)}}$ + story

(statements made under oath at earlier contested proceeding)

Your FORMER TESTIMONY put you at the scene of the crime on the day in question.

FORNICATION. intercourse + not + married

(unlawful sexual intercourse between unmarried persons)

FORNICATION is the unlawful sexual intercourse between two unmarried persons and is rarely prosecuted.

FRAUD/FRAUDULENT. $\frac{\text{"con"}}{\text{(R. fist tapping L. index finger)}}$ /deceive

(deceitful practice or willful device resorted to with intent to deprive another of his right or property, or to do him injury)

A FRAUDULENT or dishonest act is one which involves bad faith, a breach of honesty or want of integrity.

FREE ON BOND. money + $\frac{\text{"down payment"}}{\text{(MIME: putting down currency with both hands)}}$ + free +

understand (DM) + come + court + again

(released from custody on pretrial release/bond)

The judge let the defendant go FREE ON BOND.

FRISK/PAT-DOWN. officer + search + $\frac{\text{frisk}}{\text{(MIME: patting down body)}}$

(hand examination of one's outer clothing and body by an officer, the purpose of which is to detect the presence of weapons)

There is no "FRISK" law in Michigan now.

FUGITIVE. "er" + escape + evade + law

(one who has escaped from or flees [always used in law with the implication of flight from some duty or penalty or from consequences of a misdeed])

The bank teller was a FUGITIVE after stealing the deposits made at his window on November 1st.

FUNDAMENTAL RIGHTS/CONSTITUTIONAL RIGHTS. government + constitution + $\frac{\text{right}}{\text{(all right)}}$

(basic and inalienable rights of citizens of the United States [generally considered to be those rights guaranteed by the first ten amendments to the U.S. Constitution or a state constitution])

Every American has certain FUNDAMENTAL RIGHTS as a citizen of this country.

GAMBLING. (specific sign for type of gambling; e.g., dice throwing, betting, horse betting, etc.)

(wagering for money)

The cards and dice on the table were indications of the GAMBLING that had been going on.

GARNISH. force + deduct + earnings

(to require an employer or creditor to turn over money or property owed to a debtor, pursuant to court order; e.g., to garnish a judgment debtor's wages or bank account)

The court ordered Mr. Smith's wages GARNISHED until he was up to date on his child support payments.

GENERAL KNOWLEDGE. "widespread" + know

(that which everyone of an identifiable group thinks to be true)

Would you say it was GENERAL KNOWLEDGE that Mary had left her husband?

GOOD FAITH. good + intend

(without fraudulent, unlawful or improper motivation, honesty of intention)

He signed the contract in GOOD FAITH.

GRAFT. not + honest + get + money

(fraudulent obtaining of public money unlawfully by the corruption of public officers)

GRAFT charges were filed against the Housing Urban Development program by the irate home owners.

GRAND LARCENY. steal + expensive + things

(larceny of goods beyond specific statutory value)

He was charged with GRAND LARCENY for stealing the rare Rembrandt painting.

GRANT (1). give

(give)

The court will GRANT you permission to serve your sentence on weekends.

GRANT (2). "give in"/agree

(concede)

I GRANT you this is the proper procedure but you must submit additional proof.

GROSS NEGLIGENCE. excessive + $\frac{\text{neglect (DM)}}{\text{(see: Watson's book)}}$

(negligent conduct, aggravated to the point of becoming nearly intentional; the absence of care which even a thoughtless person would give to his own safety; see: Wanton and Willful)

Driving in an erratic manner, weaving from side to side on the street, substantiated the charge of GROSS NEGLIGENCE.

GROUNDS. reason/"for, for"

(basis for a legal action, the legal authority upon which one may base a claim for relief at law)

Physical and mental cruelty were given as GROUNDS for the divorce action.

GROUNDS FOR OBJECTION. reason/"for, for" + complaint

(the legal basis to object to adverse evidence)

His testimony was so biased that the attorney felt it was
GROUNDS FOR OBJECTION.

GUARANTEE. promise

(promise to do something in the event some condition occurs;
e.g., in the event you have an accident we will pay all damages)

The attorney questioned the validity of the GUARANTEE because of
the time that had elapsed.

GUARDIAN. court + appoint + (whoever) + responsible + "take care of"

(one legally responsible for the affairs of a person or estate
of one legally incapable of acting; e.g., minor or mentally-ill
person)

The daughter asked the court to appoint her GUARDIAN of her aged
mother.

GUARDIAN AD LITEM. (whoever) + responsible + for + during + court

(one designated to act as guardian in the course of legal pro-
ceedings, for a person incapacitated through infancy or other-
wise)

The attorney was appointed her GUARDIAN AD LITEM for the
duration of the proceedings.

GUILTY. wrong + act

(responsible for a delinquency or a crime)

The boy admitted that he was GUILTY of stealing the bicycle.

GUILTY PLEA. answer + wrong + act

(formal acknowledgment of criminal responsibility, made in a special trial court proceeding)

The judge accepted the defendant's GUILTY PLEA and set the date for the trial.

GUN. gun

(weapon which, by exploding a small bit of powder, causes a lead projectile to fly out)

He used a GUN to hold up the party store.

HABEAS CORPUS. document + demand + $\frac{\text{bring}}{\text{(directional)}}$ + $\frac{\text{prisoner}}{\text{(or whoever)}}$ +
"face to face"
(appear) + court + $\frac{\text{police}}{\text{(or whoever)}}$ + must + answer +
"why, why" + $\frac{\text{imprisoned}}{\text{(directional)}}$

(procedure to bring petitioner before the court to determine the legality of detention, custody or confinement)

HABEAS CORPUS relief is not limited to criminal defendants and convicts.

HABIT. habit

(pattern of activity followed in one's daily life)

He was in the HABIT of going to work the same way every day.

HABITUAL CRIMINAL. "er" + "again, again" + law + break

(one who has been convicted of a specified number of crimes during a stated period and receives increased punishment for the last offense in the series)

That man is a HABITUAL CRIMINAL.

HANDCUFFS. handcuffs

(metal device used to hold hands and arms in a given position--consisting of two locked bracelets connected by a chain)

The officer placed the HANDCUFFS on the prisoner's wrists.

HEARING. $\frac{\text{"face to face"}}{\text{(appear)}} + \text{court}$

(opportunity to come before a court or agency to state one's position with respect to some claim)

He hoped the HEARING on his case would come first on the judge's docket.

HEARSAY. hear + "talking around"

(recital of another's statements without personal knowledge of the matters recited)

Many out-of-court statements are not admitted in evidence because they are HEARSAY.

HEIR. "er" + $\frac{\text{receive}}{\text{(directional)}} + \frac{\text{(whatever it is)}}{\text{(whichever)}} + \text{from} + \text{dead} + \frac{\text{(whichever)}}{\text{(whichever)}}$

(one to whom a deceased person's property goes by will or statutory provision)

The son was the only HEIR.

HELD OVER. suspend + postponed

(confirmed as subject to legal control while additional proceedings are begun)

The burglar's case was HELD OVER for trial next week.

HEROIN. $\frac{\text{MIME}}{\text{(injection of needle in forearm)}}$

(chemical morphine derivative)

HEROIN was one of the narcotics found in the car.

HETEROSEXUAL.
(adjective)

NOTE: Interpreter should ask attorney to explain.

(sexuality between those of opposite gender [does not necessarily involve sex act])

Theirs was a HETEROSEXUAL relationship.

HIGHER COURT. more + "thumb up" + court

(courts above the trial courts which have the power and authority to review the work of trial courts)

We will take this case to a HIGHER COURT.

HIT AND RUN. hit + escape/"take off"

(crime of causing physical or property damage with vehicle, and leaving scene without identifying self)

She was the victim of a HIT AND RUN driver.

HOMICIDE. kill + "someone"/(whoever)

(death of a person caused by another)

The jury came back with a verdict of "guilty of negligent HOMICIDE."

HOMOSEXUAL. (male) homosexual
(mime licking 2nd finger of R.H. and stroking
eyebrow/with thumb and forefinger of 'F' hand
touching chin [DM])

(female) Lesbian
(R.'L' hand on chin with inside of index finger
on chin and thumb pointing up)

(person who engages in sexual activity with a person of
the same sex)

HOMOSEXUALS are more open about their activity now than
in the past.

HOSTILE. become + against

(having the character of an enemy)

The attorney complained that the defense attorney was
HOSTILE toward his client.

HOSTILE WITNESS. "er" + see + proof + become + against

(witness who, when examined by the party who called him is
so hostile and prejudicial that he may be subjected to direct
examination as though being cross-examined [A judge must
designate a witness as hostile.]

It soon became apparent that the defense attorney had a
HOSTILE WITNESS on the stand.

HOT PURSUIT. chase
(vigorously)

(active chase after one who had just escaped or fled)

The police were in HOT PURSUIT of the speeding car.

HOUSE OF ILL FAME/HOUSE OF PROSTITUTION/BROTHEL. prostitute + house

(common habitation of prostitutes)

He patronized this particular HOUSE OF PROSTITUTION regularly.

HOW DO YOU PLEAD?. what + your + answer

NOTE: Use the ASL gesture.

(request by the court to have a defendant state to the court that he is (a) not guilty, (b) guilty, or (c) nolo contendere)

The judge will ask, "HOW DO YOU PLEAD?"

HUNCH. "feel, feel"
(with questioning facial expression)

NOTE: Do NOT use a positive or negative facial expression that might suggest an answer.

(guess, intuitive feeling)

The officer had a HUNCH the gun had been thrown in the incinerator.

IDENTIFY (yourself). _____

NOTE: Interpreter may want to inform attorney to question witness to elicit specific answers.

(indicating one's name, address, occupation, etc.)

Please IDENTIFY yourself, giving your name, address, and occupation.

IGNORANCE OF THE FACTS. not + know + about + proofs/(whatever)

(not to know important/relevant fact concerning an action at law)

His IGNORANCE OF THE FACTS may cause some delay.

IGNORANCE OF THE LAW. not + know + about + law

(lack of awareness of the existence or content of legal standards)

You've heard it said that "IGNORANCE OF THE LAW is no excuse."

ILLEGAL/ILLICIT. "against the law"
(forbidden)

(forbidden by law, illicit)

It is ILLEGAL to sell beer to a twelve year old child.

ILLEGITIMATE. baby + born + mother + $\frac{\text{"not yet"}}{\text{(late)}}$ + married

(that which is contrary to law, it is usually applied to bastards, or children born out of lawful wedlock)

ILLEGITIMATE children are starting to gain rights long held by children born to married couples.

ILLICIT/ILLEGAL. $\frac{\text{"against the law"}}{\text{(forbidden)}}$

(prohibited, not allowed, unlawful)

Theirs was an ILLICIT love affair.

IMBECILE/IMBECILITY. "er" + mind + equal + $\frac{\text{_____}}{\text{(indicate age level)}}$

NOTE: Attorney or court should already have established age level factor. This is now becoming obsolete-- MENTAL RETARDATION is more acceptable.

(adult of low intelligence - equal to a child between three and eight years of age)

The word "IMBECILE" is now being replaced by more acceptable terminology.

IMMIGRANT/IMMIGRATION. "er" + come + other + country + $\frac{\text{settle}}{\text{(both open hands, fingers closed, palms moving down)}}$

(someone who enters one country from another country to live permanently)

Mr. O'Brien was one of the early IMMIGRANTS who came to Detroit from Ireland.

IMPLICATE. blame + also

(show the involvement of another in an act)

He tried to IMPLICATE his neighbor in the theft.

IMPLIED CONSENT LAW. law + says + must + allow + breathalyzer/blood test

(law/statute requiring vehicle driver to submit to testing for alcohol content in blood [Law raises presumption consent was given in order for motorist to be allowed to drive.])

The driver of the vehicle was arrested for erratic driving and under the IMPLIED CONSENT LAW was required to submit to testing for alcohol content in his blood.

IMPLY. give + idea

(suggest the existence of)

Do you mean to IMPLY that I was there on Saturday?

IMPRISONMENT/INCARCERATION. prison

(act of confining individual in prison)

The sentence was 5 years' IMPRISONMENT and \$5,000 fine.

IMPROPER QUESTIONING. not + $\frac{\text{right}}{\text{(correct)}}$ + questioning

(asking a question in a form or for a purpose not legally proper)

The defense attorney objected to the IMPROPER QUESTIONING by the prosecutor.

INADMISSIBLE/INADMISSIBILITY. not + allow

(not allowed to be heard at trial according to evidence law)

The judge ruled that the knife was INADMISSIBLE evidence in the case.

INCARCERATION/IMPRISONMENT. prison

(act of confining individual in prison)

The attorney argued that the INCARCERATION of his client was a grave miscarriage of justice.

INCEST. intercourse + with + (whoever in family,
(both 'V' hands with fingers and fists coming together) other than spouse)

(sexual relations between persons closely related by blood or marriage)

The social worker was advised to remove the girl from the home to prevent the possibility of INCEST.

INCOMPATIBLE/INCOMPATIBILITY. not + agree

or

can't + "get along"

(unable to get along with each other sexually or personally; conflict between premises or standards)

The couple admitted their marriage had broken down because of their INCOMPATIBILITY.

INCOMPETENT/INCOMPETENT PERSON. "er" + not + understand + enough

or

"er" + "numbskull"

(lacking in ability, legal qualification or fitness to discharge required duty)

The judge could see that the defendant was INCOMPETENT to assist in his own defense.

INCOMPETENT WITNESS. "can't, can't" + $\frac{\text{testify}}{\text{(promise + say)}}$

(one who lacks the legal capacity to be sworn as a witness)

The judge ruled that the three year old child was an INCOMPETENT WITNESS.

INCONSISTENT STATEMENTS. $\frac{\text{"conflict, conflict"}}{\text{(both index fingers moving toward \& crossing each other \& directionally)}}$ + story

(testimonies or communications, on two or more occasions, which naturally differ from or are incompatible with one another)

His continued INCONSISTENT STATEMENTS were the reason the judge dismissed the case.

INCRIMINATING. seem + show + blame

(exposing to an accusation or charge of crime)

There was much INCRIMINATING evidence placed before the court.

INDECENT EXPOSURE/EXHIBITIONISM. naked + "show around"

(improper display of genitals in a public place)

He was charged with INDECENT EXPOSURE.

INDECENT LIBERTIES. not + $\frac{\text{right}}{\text{(all right)}}$ + dirty + touch

(unjustified, sexually motivated touching of sexually significant areas of another's body--short of intercourse; liberties such as the common sense of society would regard as indecent and improper)

He was taking INDECENT LIBERTIES with the young girl next door.

INDEMNIFY. protection + from + $\frac{\text{"in the hole"}}{\text{(L.'V' hand, palm to floor, R.'V' hand, fingers going down between L.'V' fingers)}}$

(make good, to compensate)

Taking out home owners' insurance is a way to INDEMNIFY yourself against possible loss.

INDEMNITY. protection + for + payment + for + $\frac{\text{}}{\text{(whatever)}}$

(payment in reimbursement of loss)

Were you aware that the policy contained a double INDEMNITY clause?

INDICT/INDICTMENT. _____

NOTE: Interpreter should ask attorney to explain.

(accusation in writing by grand jury; cf. Information--formal criminal charge filed by district or prosecuting attorney)

The district attorney filed an INDICTMENT against the mayor of the town.

INDIGENT/INDIGENCY. "er" + poor + can't + pay + lawyer

(one without sufficient funds to pay for legal needs)

Because he was an INDIGENT, the court appointed counsel to represent him.

INDUCEMENT. temptation + lead + law + break

(in criminal law--that which leads or tempts to the commission of a crime)

He was the type of person that would not be able to resist even the slightest INDUCEMENT to steal a car to go joy riding.

INFERENCE. _____ + $\frac{\text{myself}}{\text{(one sharp stroke)}}$ + decide + from + proofs

(legal deduction or conclusion based on an admitted or assumed fact)

The judge sustained the objection because of the INFERENCES in the witness's testimony.

INJUNCTION. document + court + order + require/prevent + (whatever)

(a court order prohibiting or requiring certain actions;
issued traditionally by court of equity)

The attorney asked for an INJUNCTION to protect his client
from being harrassed by his neighbor.

The INJUNCTION ordered John to refrain from the use of the
car until the court determined ownership.

INJURY. pain/^{harm}/_(ruin)

(wrong, hurt or damage)

His INJURY was a minor one, only a slight scratch over his
left eye.

INNOCENT. wrong + none

(free from guilt)

Mary was proven INNOCENT.

INNOCENT UNTIL PROVEN GUILTY. wrong + none + until + proof + wrong + action

(presumption created by law that one is not guilty until
having been so found according to due process of law)

Don't forget that you are INNOCENT UNTIL PROVEN GUILTY.

INSANE. mind + not + $\frac{\text{right}}{\text{(correct)}}$

(legal term for mental abnormality producing legal consequences; unsound mind, deranged)

The doctors examined the defendant and declared him INSANE.

INSTIGATOR. "er" + who + start

(one who sets activity in motion, especially a bad action)

He was the INSTIGATOR of the fist fight.

INSTRUCTIONS TO JURY. $\frac{\text{judge}}{\text{("er" + court)}}$ + tell + $\frac{\text{jury}}{\text{(L. \& R. '4' hands vertical, + palms facing in, little fingers touching, then moving apart)}}$ +
laws + $\frac{\text{"think over"}}{\text{(using both hands)}}$ + before + decision

(judicial statements describing legal concepts for jury to use during deliberations in reaching a verdict)

When the attorneys had finished summing up their cases, the judge gave INSTRUCTIONS TO THE JURY.

INSTRUMENT. person/thing

(person or thing which is used to accomplish an act; also a legal document in writing, e.g., bond, lease, will, contract)

The judge ruled that the contract was a valid INSTRUMENT.

INTEREST (2). $\frac{\text{percentage}}{\text{(draw \% in air with 'O' hand)}}$

or

NOTE: Interpreter may have to explain the particular type of INTEREST.

(money paid for use of other money)

His savings in the Credit Union draw higher INTEREST than those in the bank.

INTERROGATE/INTERROGATION. $\frac{\text{questioning}}{\text{(L. \& R. hands alternating)}}$

(to question)

The witness underwent hours of INTERROGATION before the attorneys were satisfied.

INTERROGATORIES. document + with + questions + listed

(written questions to be answered under oath, taken on deposition; see: Deposition)

The attorneys had prepared the INTERROGATORIES before yesterday's trial.

INTIMIDATE. make + afraid + force

(place in position of compliance through fear)

He tried to INTIMIDATE the old woman.

INTOXICATED. drunk

(physically or mentally impaired, usually through intake of alcohol)
The driver was obviously INTOXICATED when he stepped out of the car.

INTERSTATE. through + $\frac{\text{S T A T E S} / \text{specific states}}{\text{(fingerspell)}}$

(between [among] states)

U.S. 66 was a well known INTERSTATE highway.

INTRASTATE. within + $\frac{\text{S T A T E} / \text{specific state}}{\text{(fingerspell)}}$

(within a state)

He worked for an INTRASTATE trucking firm.

INVESTIGATION. investigation

(to follow up step by step, by patient inquiry or observation)

Detective Jones headed up the INVESTIGATION.

INVESTIGATOR. "er" + investigate

(someone inquiring into the facts of a case or situation)

The insurance INVESTIGATOR was sent to check the validity of the claim.

INVOLUNTARY MANSLAUGHTER. not + intend + accident + die

(killing of a human being without intent, in doing some unlawful act not amounting to a felony, or some lawful act in an unlawful manner)

He was charged with INVOLUNTARY MANSLAUGHTER because the man in the car that he hit died a week later.

IRRATIONAL. act + not + good + judgment

(not reasonable; an act not in one's interest, done without apparent reason)

The lawyer advised his client that his behavior had been IRRATIONAL.

IRRECONCILABLE. agree (DM) + "gears meshed together" + again + can't

(completely inconsistent and incompatible)

They told the judge their differences were IRRECONCILABLE.

IRRELEVANT. not + important

(statement which is not of value or information to a court regarding a particular cause in law)

The prosecutor objected to the testimony because he felt it was IRRELEVANT.

IRRESISTIBLE IMPULSE. feel + $\frac{\text{must}}{\text{(once emphatically)}}$

(uncontrollable urge to do something)

He had an IRRESISTIBLE IMPULSE to hug the little girl.

IS IT NOT TRUE THAT.....?

Is IT NOT TRUE THAT you are married?

Can be signed: Is it true that you are married?

ITINERANT. "er" + $\frac{\text{"traveling"}}{\text{(crooked 'V' hand, moving from place to place)}}$

(wandering, traveling)

He was an ITINERANT laborer.

JAIL/PRISON. jail/prison

(public building for confinement or safe custody of persons as punishment imposed by law or in the course of the administration of justice)

The man was put in the county JAIL awaiting the outcome of the trial.

JEOPARDY. can + more + trouble

(subjection to criminal trial proceedings, after valid indictment, and petit jury impaneled and sworn)

His acts placed him in JEOPARDY of prosecution.

JUDGE. "er" + court

(officer who presides and administers law in a court)

The JUDGE asked the attorneys to proceed with the case.

JUDGMENT. decision

(official and authentic decision of a court on the case it has heard)

It is the JUDGMENT of this court that you must pay the plaintiff \$500.00 in damages and court costs.

JURISDICTION. court + power

(power of a court to hear a case and give a decision; power and authority to act)

This matter is within the JURISDICTION of circuit court.

JURY. court + "line-up"
(L. & R. '4' hands vertical, palms facing in
little finger to the finger, moving apart)

(body of citizen... based on...)

The... conduct...

DEFENSE. ...

... (body of citizen... based on...)

... conduct...

PROSECUTION. ...

... (body of citizen... based on...)

... conduct...

DEFENSE. ... (pardon)

(rightful, detention... sanctioned or sanctioned by law)

The... was considered... because the burglar was about to stab him

PROSECUTION. show that "detention"

... (body of citizen... based on...)
... (body of citizen... based on...)
... (body of citizen... based on...)

He was asked to... (pardon)

JUVENILE/MINOR. young + $\frac{\text{MIME}}{\text{(indicate child height)}}$

(young person legally incapable of certain acts; e.g.,
marrying, contracting)

The rights of the JUVENILE were violated.

KIDNAP. $\frac{\text{take}}{\text{(grab)}} + \frac{\text{ }}{\text{(whoever)}}$

(abduct or steal a person and confine that person involuntarily
[usually conditioned on receipt of some benefit])

The Patricia Hearst KIDNAP case made big news for a time.

KILL. kill

(terminate life)

He tried to KILL the man because he was so angry at him.

KLEPTOMANIAC. feel + must + steal

(one who has a compulsion to steal)

The attorney asked the court for leniency for his client, who was a KLEPTOMANIAC, promising to seek psychiatric counseling for him.

LARCENY. steal

(appropriation of property without owner's consent)

He was charged with LARCENY when he was arrested with the rare books in his possession.

LATENT. hidden + $\frac{\text{basic}}{\text{(back of R. open hand--fingers closed but moving in a small circle just barely under L. open hand--fingers closed)}}$

(under the surface; hidden; concealed)

The doctor felt that he might be a LATENT homosexual.

LAW. law

(norms set by legislation, judicial precedent and administrative regulations)

The LAW is to be obeyed--not violated.

LAWSUIT/ACTION/CASE/CONTROVERSY/
DISPUTE/LITIGATION/MATTER/SUIT. court + case

(action at law or equity of any sort in which the court is asked to do something or make someone do something)

There is a LAWSUIT pending on this education bill.

LAWYER. lawyer

(person professionally qualified and licensed to represent and advise persons in legal matters)

The LAWYER was consulted when he was ready to write a will.

LEADING QUESTION/LEADING THE WITNESS. question + pull + answer

(question which suggests to the witness the desired answer)

A LEADING QUESTION and the reply were stricken from the record.

The attorney objected to the defense counsel's tactic of LEADING THE WITNESS.

LEGAL/LEGITIMATE. law + correct

(that which is lawful, conforming to the law, recognized by law; when used in birth refers to being born in wedlock)

The contract was LEGAL and binding.

LEGAL GROUNDS. law + rules + for + support

(reasons for judicial or administrative action found in legal norms)

There are ample LEGAL GROUNDS for this action.

LEGAL RIGHTS. law + $\frac{\text{rights}}{\text{(all right)}}$

(rights which exist by virtue of a statute or other legal means of recognition; e.g., court made law or custom)

You are entitled to your LEGAL RIGHTS.

LEGALLY INSANE. court + decide + mind + not + $\frac{\text{right}}{\text{(correct)}}$

(abnormal mental condition warranting specified legal conclusion, non-responsibility for otherwise criminal act; e.g., mobility to contract, incapacity to make a will, etc.)

The head injuries he sustained affected him so badly that he had to be declared LEGALLY INSANE.

LEGITIMATE/LEGAL. law + correct

(that which is lawful, conforming to the law, recognized by law; when used in birth refers to being born in wedlock)

Do you have a LEGITIMATE reason for being here now?

LENIENCY. give + $\frac{\text{"think over"}}{\text{(using both hands)}}$ + before + decision

(be less harsh, make easier)

The attorney asked the court for LENIENCY for his client.

LESBIAN. $\frac{\text{Lesbian}}{\text{(R.'L' hand on chin with inside of index finger on chin and thumb pointing up)}}$

(homosexual female)

Her actions point to the fact that she may be a LESBIAN.

LEWD/OBSCENE. dirty

(sexually offensive; indecent; dirty; obscene)

There are many LEWD magazines published today.

LIABLE/LIABILITY. responsible

(responsible; duty to compensate for damage, hurt or injury)

LIABILITY suits are often won by plaintiffs because of the negligence of others.

LIBEL. written + lie + $\frac{\text{harm}}{\text{(ruin)}}$ + name

(written statement impairing or defaming someone's reputation in the community)

The newspaper was faced with a LIBEL suit.

LICENSE. $\frac{\text{license}}{\text{(L. \& R. 'L' hands, thumbs hitting each other (DM))}}$

(certificate or document which gives permission or authority)

His driver's LICENSE had the old address on it.

LIEN. file + $\frac{\text{hold}}{\text{(one hand)}}$

(interest in or claim against property, in the nature of a property right, to secure the payment of money or performance of an obligation)

The builder put a LIEN on the property because he had not yet been paid for the painting.

LINE-UP. in + police + "line-up" + lights + MIME
(L. & R. '4' hands vertical, palms facing in, little fingers touching, then moving apart) ("shining in eyes" with both hands)

(group of people [including a suspect] lined up before a crime victim for identification purposes)

The woman viewed the LINE-UP to see if she could identify her attacker.

LITIGATION/ACTION/CASE/CONTROVERSY/
DISPUTE/LAWSUIT/MATTER/SUIT. court + case

(action at law or equity of any sort in which the court is asked to do something or make someone do something)

We hope the divorce will not be tied up in LITIGATION for too long.

LOITER/LOITERING. "standing around"
('stand' in a circular movement)

(remain in a place without apparent reason; to stand idly around; to linger)

The police were patrolling the school grounds to make sure there were no children LOITERING there.

MAGISTRATE. _____

NOTE: Ask attorney to explain, because of varied state laws.

(one of the class of inferior judicial officers whose duties and powers may vary widely from state to state)

Not all judicial districts in Michigan have MAGISTRATES.

MAIL FRAUD. mail + $\frac{\text{"send"}}{\text{(throw)}}$ + $\frac{\text{"con"}}{\text{(R. fist tapping on L. index finger)}}$

(the use of the federal mail to trick or deceive innocent persons into giving up money or things of value)

MAIL FRAUD is a serious offense.

MAIL THEFT. steal + mail

(steal mailed matter from the United States Postal Service)

The substitute carrier was accused of MAIL THEFT.

MALFEASANCE. $\frac{\text{dirty}}{\text{(with facial expression)}}$ + work + law + break

(improper, criminal performance or discharge of legal duty or office; the doing of an act which a person ought not to do at all)

The mayor was accused of MALFEASANCE.

MALICE. $\frac{\text{malice}}{\text{(R. open hand, fingers together, touches chin, then both closed 'and' hands go down and out, thumbs rub against ends of fingers in vengeful manner)}}$

(intent of ill feelings or wickedness)

He felt no MALICE toward his neighbor.

MALICE AFORETHOUGHT. finish + think + plan + $\frac{\text{malice}}{\text{malice}}$
(R. open hand, fingers together, touches chin, then both 'and' hands go down and out, thumbs rub against ends of fingers in vengeful manner)

(evil intent ahead of an action)

He will try to prove there was MALICE AFORETHOUGHT in this murder.

MALICIOUS MISCHIEF. $\frac{\text{malice}}{\text{malice}}$ + for + nothing
(R. open hand, fingers together, touches chin, then both 'and' hands go down and out, thumbs rub against ends of fingers in vengeful manner)

(destruction of personal property done intentionally, without legal justification)

There is much MALICIOUS MISCHIEF going on around public buildings today.

MALPRACTICE. not + $\frac{\text{right}}{\text{(correct)}}$ + work/act

(incompetent performance of professional duties, usually causing injury; unreasonable lack of skill or fidelity in professional or fiduciary duties)

Many doctors have been charged with MALPRACTICE suits by former patients.

MANDATE. order

(authoritative order for performance, etc.)

The MANDATE from the court was that he spend the next four week-ends in driver training classes.

MANDATORY SENTENCE. law + require + punishment

(punishment which a sentencing court is legally required to impose upon conviction of an offense)

The MANDATORY SENTENCE for first degree murder is life imprisonment.

MANSLAUGHTER. kill + not + intend

(criminal killing of a human being, without malice)

MANSLAUGHTER was the lesser offense against the defendant.

MARSHAL. $\frac{U\ S}{(fingerspell)}$ + police

(federal law enforcement officer [pertaining to federal judicial system whose duties are similar to those of a sheriff])

The MARSHAL was looking for an escaped moonshiner.

MATERIAL EVIDENCE. connected + proof

(evidence related to substantial matters in dispute or having legitimate and effective influence or bearing on decision of a case)

The MATERIAL EVIDENCE was produced by the defense counsel on Tuesday.

MATERIAL WITNESS. "er" + really + see + proof.

(one who has first hand knowledge of what happened)

The MATERIAL WITNESS in the case of "The People vs. White" failed to show up in court.

MATTER/ACTION/CASE/CONTROVERSY/
DISPUTE/LAWSUIT/LITIGATION/SUIT. court + case

(action at law or equity of any sort in which the court is asked to do something or make someone do something)

The MATTER against the hotel doorman was dismissed for lack of evidence.

MAXIMUM. maximum
(L.H. held palm down, back of R.H. lifts up to L. palm)

(the most or greatest; e.g., as in maximum sentence or maximum fine)

The MAXIMUM penalty for that crime is 5 years imprisonment.

MAYHEM. beaten
(forceful--3 or 4 times, as if to give a pounding)

(aggravated physical injury, such as dismemberment; which deprives a human being of a member or disables him)

The defendant was charged with MAYHEM because during the merciless beating he caused the plaintiff to become sightless in the right eye.

MENS REA. intend + law + break

(criminal intent or mental attitude)

MENS REA was proven by the evidence that supported the criminal intent.

MENTAL CAPACITY. mind + "can, can"/ability

(ability of one to understand his legal position, or accomplish certain legal acts; e.g., will or contract)

It was ruled that the wife had the MENTAL CAPACITY to execute the will.

MENTAL CRUELTY. action + make + $\frac{\text{harm}}{\text{(ruin)}}$ + mental/physical

(deliberate conduct designed to endanger mental or physical health [under former divorce law, but no longer current in Michigan law under no-fault divorce law])

MENTAL CRUELTY was often used as grounds for divorce before the new no-fault law.

MERCY. feel + pity

(application of legal rights with regard for the welfare and human weakness of another)

He threw himself on the MERCY of the court.

MERGER. $\frac{\text{merge}}{\text{"fit gears together"}}$

(consolidate two or more things together)

The two companies decided upon a MERGER in 1971.

MINIMUM. less + most

(least; lowest or smallest amount)

He was traveling at the MINIMUM speed in the left lane of the freeway.

MINOR/JUVENILE. young + $\frac{\text{MIME}}{\text{(indicate child height)}}$

(young person legally incapable of certain acts; e.g., marrying, contracting)

The contract was void because he was a MINOR.

MIRANDA WARNINGS. court + required + warn + you + must + understand + before + say + anything

NOTE: This is detailed on page 221 of this Manual.

MISAPPROPRIATION. wrong + manage + $\frac{\text{whatever}}{\text{(whatever)}}$

(act of turning to a wrong purpose)

He was charged with the MISAPPROPRIATION of the company's funds.

MISDEMEANOR. law + break + can + punish + maximum + one + year

(crime punishable by one year's imprisonment or less;
cf. Felony)

Driving while under the influence of liquor is considered
a MISDEMEANOR.

MISFEASANCE. wrong + act + not + law + break

(improper performance of an act in itself lawful)

The state treasurer was accused of MISFEASANCE.

MISTRIAL. $\frac{\text{trial}}{(\text{court [DM]})} + \text{wrong} + \frac{\text{"worthless"}}{(\text{'worth' moving out in opposite directions quickly opening to Dbl. '5' handshape})}$

(trial terminated because of misconduct or error)

Because the jury could not agree on a verdict, the judge
declared it a MISTRIAL.

MOLEST. bother + give + trouble

or

bother + dirty + $\frac{\text{touch}}{(\text{directional})}$

NOTE: The nature of the case will determine the sign to be used.

(annoy with intent to trouble or harm; make improper advances
of a sexual nature)

He was caught in the act of MOLESTING the little girl.

MOOT. open + for + discussion

(rendered non-controversial by circumstances; issue offered for debate or discussion)

That's a MOOT point, having no bearing on this particular case.

MORAL. sense + $\frac{\text{right}}{\text{(correct)}}$ + and + wrong

(relating to principles of right and wrong in behavior)

This was a MORAL issue that was brought to the counsel's attention.

MORAL TURPITUDE. sense + $\frac{\text{right}}{\text{(correct)}}$ + and + wrong + $\frac{\text{"low"}}{\text{(L. \& R. right angle has dropping down)}}$

(act of baseness, vileness or depravity)

The MORAL TURPITUDE of the defendant was brought out in the testimony of the witnesses.

MORON. "er" + mind + equal + $\frac{\text{}}{\text{(indicate age level)}}$

NOTE: Attorney or court should already have established age level factor.

(adult of low intelligence equal to a child between eight and twelve years of age)

He was often called the village MORON because of his very limited intelligence.

MOTION. "make a motion"/ask

(formal request to a court to decide a procedural matter or determine a case on other than the merits)

The attorney asked the court for a MOTION to dismiss the case.

MOTION FOR DISMISSAL. "make a motion"/ask + dismiss

(request to the court by a party to have the court terminate a trial because there is no legal reason to continue)

The attorney filed a MOTION FOR DISMISSAL of the case.

MOTIVE. reason/"for, for" + act

(reason for an intentional act)

What was his MOTIVE for hiding behind the door?

MUG SHOTS. police + pictures + number + $\frac{\text{MIME}}{\text{(card strip on chest)}}$

(pictures of [previous] suspects; police or prison booking photographs)

The MUG SHOTS in the police files are pictures of suspects and criminals.

MURDER. intend + kill

(intentional homicide without justification)

He committed the MURDER with the intention of collecting the money from an insurance policy the deceased had taken out naming him as the beneficiary.

MUTE (1). cannot + talk

(person who is without speech)

That man is a MUTE.

MUTE (2). silent
(index finger over lips)

(as in standing mute, not pleading either guilty or not guilty)

The defendant chose to stand MUTE so the court entered a plea of "not guilty" for him.

NARCOTIC. D O P E / (whatever)
(fingerspell)

(drugs)

The customs officer discovered NARCOTICS hidden in the lady's tube of toothpaste.

NARRATIVE REPLY. story + reply

(response which describes in non-technical or non-stereotyped fashion a past occurrence, transaction, etc.; contrast with "Q & A" form of examination)

The judge advised the attorney that perhaps a NARRATIVE REPLY would be better in this case.

NEGLECT/NEGLIGENCE/NEGLIGENT. neglect (DM)
(see: Watson's book)

(failure to act as a reasonable and prudent person would act under the circumstances)

He was driving his car in a NEGLIGENT manner.

NEGOTIABLE INSTRUMENT. _____

NOTE: Interpreter must ask attorney to explain.

(legal instrument embodying a contractual obligation, which can be transferred through endorsement)

The contract to have aluminum siding placed on his house was a NEGOTIABLE INSTRUMENT.

NEXT FRIEND. court + appoint + responsible + act + for + (whoever) +
during + court

(one acting for benefit of infant, married woman or other person without being regularly appointed guardian)

For the purpose of the lawsuit, the uncle was named NEXT FRIEND for the minor child.

NO-FAULT. none + $\frac{\text{blame}}{\text{(one direction)}}$ + $\frac{\text{blame}}{\text{(other direction)}}$

(divorce and automobile insurance where each driver's insurance pays for his damage with limited exceptions)

Michigan passed a "NO-FAULT driver's law in 1974.

NOLO CONTENDERE. say + nothing + accept + court + decision

(in a criminal case, nolo contendere has similar effect as guilty plea; related procedure, in which defendant does not acknowledge guilt but submits to punishment)

The attorney offered a plea of NOLO CONTENDERE on behalf of his client in the child neglect suit.

NON-COMPLIANCE. not + follow + (whatever)

(action not in accordance with a law, court order, contract, etc.)

By not paying his child support he was in NON-COMPLIANCE with the court order.

NON-CONTESTED. none + disagree/challenge

(no defense, by design or otherwise, made to an adverse claim in court of law)

That was a NON-CONTESTED divorce action.

NOT GUILTY. not + wrong + act

(status of defendant, the charges against whom have not been substantiated by the required weight of evidence)

The man explained to the judge that he was NOT GUILTY.

NOTARIZE/NOTARIZED. see + proof + signature + $\frac{\text{MIME}}{(\text{"stamping of seal" on palm of L.H./crimping of seal})}$

(attested by a notary, as sworn to by maker or source)

This deed will have to be NOTARIZED before it can be accepted as a legal document.

NOTARY. "er" + see + proof + signature + $\frac{\text{MIME}}{(\text{"stamping of seal" on palm of L.H./crimping of seal})}$

(person licensed by the state to witness and attest documents and legal acts)

Please take this to a NOTARY, a person who is licensed by the state to witness signatures to documents and administer oaths.

NOTICE. inform

(communication that legal action or event is pending)

He received an eviction NOTICE yesterday.

NUISANCE. bother (DM)

(something that is a bother to another, or to that person's property)

Filling out all those papers is a NUISANCE.

NULL AND VOID. $\frac{\text{"worthless"}}{(\text{'worth' moving out in opposite directions quickly opening to Db1 '5' handshape})} / \frac{\text{N G}}{(\text{fingerspell})} + \text{cancel}$

(cancelled and worthless)

The contract was NULL AND VOID because it was improperly signed.

OATH/SWEAR. $\frac{\text{"swear"}}{\text{(promise)}}$

(to take an oath, swearing or affirming that something is true)

He had to give his OATH before testifying.

OBJECTION. $\frac{\text{object}}{\text{(complaint)}}$

(protest to evidence or procedural act)

Counsel for the defense had an OBJECTION to the line of questioning the prosecutor was using.

OBJECTION OVERRULED. $\frac{\text{object}}{\text{(complaint)}} + \text{not} + \text{accepted}$

(protest to evidence or procedural act denied [The matter is suitable.])

The judge OVERRULED the OBJECTION.

OBJECTION SUSTAINED. $\frac{\text{object}}{\text{(complaint)}} + \text{accepted}$

(protest to evidence or procedural act accepted [The matter is not suitable.])

The judge ordered the OBJECTION SUSTAINED.

OBLIGATION. responsibility

(legally imposed duty)

As a police officer, it is your OBLIGATION to maintain law and order.

OBSCENE/LEWD. dirty

(sexually offensive; indecent; dirty; lewd)

The man made an OBSCENE gesture.

OBSERVED. see + happen

(to see happen or have seen happen)

Please tell the court what you OBSERVED on the night in question.

OBSTRUCTING JUSTICE. block + law

(hamper law enforcement or litigation)

The woman was charged with OBSTRUCTING JUSTICE when she tripped the policeman as he chased the thief down the hall.

OBVIOUS/OVERT. clear
(with expressive face)

(open; plain; showing; one that can be seen; evident)

It is OBVIOUS that your client did not see the gun.

OF YOUR OWN KNOWLEDGE. from + know + yourself

(known by you to exist, to have happened, etc.)

OF YOUR OWN KNOWLEDGE, tell the court what the defendant did after he came into the room.

OFF THE RECORD. not + "put down"
(on paper)

(discussion of matters during a trial which all sides agree should not be recorded)

The judge ordered that the next witness's testimony be given OFF THE RECORD.

OFFENDER/CRIMINAL. "er" + law + break

(one who commits an act prohibited by a criminal law or statute, and has been legally convicted of a crime)

The young OFFENDER had been stealing cars for joy riding.

OFFENSE/CRIME/INFRACTION/VIOLATION. law + break

(act committed which violates law; an action done contrary to law)

The OFFENSE that she was charged with was that of shoplifting.

OFFER. offer

(proposal to do a thing)

The man made an OFFER to buy my house.

OFFICIAL WRITTEN STATEMENT. document + write + signed

(official account of some legal event or condition put into written form)

The attorney presented the doctor's OFFICIAL WRITTEN STATEMENT as to the plaintiff's condition.

ON THE RECORD. "put down"
(on paper)

(discussions, proceedings, testimony, etc., put into the record; recorded or preserved of a trial at law)

Please make sure everything pertaining to this trial is ON THE RECORD.

OPENING STATEMENT. begin + $\frac{\text{trial}}{\text{(court [DM])}}$ + attorney + tells +
intend + prove

(statement by attorney to jury, before evidence is taken, outlining what the attorney/party expects to prove)

The attorney for the defense gave his OPENING STATEMENT.

OPIATE. $\frac{\text{D O P E}}{\text{(fingerspell)}}$

(narcotic drug made from the opium poppy)

When they analyzed the powder further they found it was an OPIATE.

OPINION (1). idea

(that which one represents as his understanding of a matter)

What is your OPINION regarding the fire?

OPINION (2). decision

(formal statement of the conclusion reached by a court in its consideration of a legal proceeding)

The court handed down its OPINION regarding the trial just concluded.

OPTION. choice
(R. choose hand selecting from L.'5' hand)

(choice)

The woman had the OPTION of three different pleas.

ORAL. talk

(by mouth; spoken)

They entered into an ORAL contract.

ORDER (court). court + order

(command issued by a court under law that something be done or not done)

The court ORDER confirmed the bussing of the students to maintain racial balance in the Little Rock schools.

ORDINANCE. town/city + law

(commonly the statutes of a municipality)

The man violated the city ORDINANCE.

OVERRULE. not + accept

(reject an objection)

They expected the judge to OVERRULE the attorney's objection to the gun being offered as evidence.

OVERT/OBVIOUS. $\frac{\text{clear}}{\text{(with expressive face)}}$

(open; plain; showing; one that can be seen; evident)

His OVERT actions were readily accepted by the prostitute.

OWNERSHIP. $\frac{\text{yours}}{\text{(directional)}}$

(maximum legal status with respect to property)

The deed was evidence of OWNERSHIP of the land.

PANDER/PANDERING. MIME + for + whore
(alternating R. & L. hands, reaching out
and grabbing, pulling toward body twice
[recruiting motion])

(pimp, procure for prostitution)

He was picked up on Main Street and taken into custody for
PANDERING.

PARANOIA. imagination + "against, against"
(with R. & L. hands, alternating) (directional)

(form of neurosis in which a person has an unreasonable fear
of other people to the extent that he may believe that every-
one is attempting to hurt or kill him)

Do you feel the patient is suffering from PARANOIA?

PARDON. governor/president + pardon

(act of forgiving by a governor or president that wipes out
criminal accountability, blotting out the existence of guilt
so that in the eyes of the law the offender is as innocent as
if he had never committed the offense)

The governor PARDONED the killer.

PAROL EVIDENCE. say + proof

(oral or verbal evidence)

The PAROL EVIDENCE was not allowed.

PAROLE. free + from + prison + understand + with + supervision

(release from confinement in prison before expiration of maximum term of confinement, usually subject to supervision)

The PAROLE was granted because of his exceptional good behavior.

PARTNERSHIP. business + sharing

(association of two or more persons to carry on as co-owners of a business for profit)

Jones and Brown went into PARTNERSHIP as of July 1, 1974.

PASSPORT. book + stamp + allow + travel

(government document issued to identify a citizen to foreign governments)

To travel to a foreign country, you must have a PASSPORT.

PEACE OFFICER ARREST. police + $\frac{\text{"put in"}}{\text{(R.'S' hand moving under L. hand, palm to floor)}}$

(arrest by those officers whose duty is to enforce and preserve public peace; cf. Citizen's Arrest)

During the raid there were so many PEACE OFFICER ARRESTS they had to crowd the people into one large cell.

PEDESTRIAN. "er" + walk

(person traveling on foot)

The PEDESTRIAN was hit while crossing the street with the green light.

PERPETRATE. wrong + $\frac{\text{do}}{\text{(act)}}$ + law + break

(do or perform something criminal; be guilty of)

He PERPETRATED a hoax upon the entire city.

PERSONAL BOND. _____

NOTE: Interpreter should ask attorney to explain.

(forms of pretrial release from jail involving:

- [a] a promise to pay the state a specific amount if one does not come to court when called
- [b] a promise by "X", usually secured by a lien/mortgage on land or a corporate deposit with a state office, that "D" will come to court
- [c] unsecured promise to return to court conditioned on payment of penalty for non-appearance)

He was released on a PERSONAL BOND of \$500.00.

PERVERSION. different + $\frac{\text{S E X}}{\text{(fingerspell)}}$ + act

(act which is not considered to be within the normal, accepted bonds of behavior, specifically deviate sexual conduct)

He was known to have committed acts of sexual PERVERSION before.

PETIT LARCENY. steal + not + expensive + things
(sometimes called
Petty Larceny)

(larceny of property below specified amount, depends on value of goods taken)

It was a charge of PETIT LARCENY because the total value of merchandise stolen was about \$75.00.

PETITION. document + complain + $\frac{\text{apply}}{\text{(file)}}$

(request for official or judicial action, usually written complaint in probate or other special proceeding)

He filed a PETITION for custody of the child.

PETITIONER/PLAINTIFF. "er" + complain

(complaining or moving party in a civil suit)

Mr. Smith was the PETITIONER in the suit.

PLACE UNDER ARREST/TAKE INTO
CUSTODY/APPREHEND/ARREST. arrest

(arrest one not already in custody; seize)

The officer had to PLACE him UNDER ARREST when he became unruly.

PLAINTIFF/PETITIONER. "er" + complain

(complaining or moving party in a civil suit)

The PLAINTIFF appeared before the judge this morning.

PLEA/PLEAD. answer

(answer or response to indictment or information)

The attorney filed his client's PLEA with the court before the deadline.

"How do you PLEAD?" asked the judge.

Do you PLEAD guilty to the charges made by the complainant?

PLEA BARGAINING. _____

NOTE: Interpreter should ask attorney to explain.

(negotiations between a defense lawyer and prosecutor concerning a guilty plea, usually to a crime that carries less punishment than the crime originally charged)

PLEA BARGAINING is a common procedure in the court today.

PLEADINGS. document + answer + $\frac{\text{apply}}{\text{(file)}}$

(documents filed to commence litigation and respond)

The PLEADINGS were filed with the court.

POLICE COURT. police + court

(very inferior court to hear minor criminal matters--
not a court in Michigan)

We do not have a POLICE COURT in Michigan.

POLICE SURVEILLANCE. police + $\frac{\text{watching}}{\text{(with both hands)}}$

(observation of a person or premises by police officers)

The old house was under POLICE SURVEILLANCE for narcotic activity.

POLLUTION. dirty + water/air/smoke

(air or water contamination)

Air POLLUTION is one of the great concerns of our ecologists today.

POLYGRAPH (lie detector). machine + $\frac{\text{MIME}}{\text{(blood pressure being taken)}} +$

question + see + lie + or + not + lie

(device or instrument that measures physical reactions to questions, used to evaluate truth of responses)

The prosecuting attorney asked the witness to take a POLYGRAPH test before the trial.

PORNOGRAPHY. dirty + books/pictures/things

(obscene matter)

Many good citizens are concerned about the PORNOGRAPHY that is so readily available today.

POSSESSION. have

(control of something; claiming an interest less than ownership giving a right to temporary control or custody)

The young man was being held for POSSESSION of heroin.

POST MORTEM/AUTOPSY. body + $\frac{\text{examination}}{\text{(physical)}}$ + "why, why" + die

(examination of a body to determine the cause of death [An autopsy involves taking the body apart after death and examining the body tissues.])

The POST MORTEM report was filed with the court.

POSTPONEMENT. postpone

(deferment of proceedings in litigation)

The attorney had to ask for a POSTPONEMENT until he could locate the principal witness.

POWER OF ATTORNEY. attorney + power

(instrument authorizing another to act as one's agent or attorney)

The lawyer received POWER OF ATTORNEY from Mrs. Jones.

POWER OF THE COURT. court + their + power

(power granted by the constitution and laws of a state or the national government which allows the courts to effect judgment over citizens' affairs and punish acts)

The ability to cite someone for contempt is within the POWER OF THE COURT.

PRECEDENT. finish + rule/law + establish + before

(decision establishing legal doctrines controlling later cases)

This case will set a PRECEDENT in the area of educating the deaf.

PRECINCT. area
(indicate an area defining the boundaries)

(geographic area defined for purposes of law enforcement, voting, or other functions of government)

The results of the election had been reported for all PRECINCTS except one.

PREJUDICE. finish + decide + against/support

(preconceived opinion favorable, or more usually unfavorable)

The attorney objected because the witness was showing PREDJUDICE against his client.

PRELIMINARY EXAMINATION/ must + "face to face" + judge + show + proof
PRELIMINARY HEARING. (appear)

NOTE: Interpreter should ask attorney to explain.

(early step in criminal case, at which prosecution is required to produce enough evidence to justify holding the defendant for later proceedings)

He went before the judge for a PRELIMINARY EXAMINATION on the carrying a concealed weapon charge.

PREMEDITATION. intend/plan + before + act/(whatever)

(thinking before acting; cf. Intent)

The jury agreed there was ample proof of PREMEDITATION on the part of the defendant being tried for the murder of the shopkeeper.

PREPONDERANCE OF THE EVIDENCE. strongest + proof

(that evidence which, in the judgment of the jurors is more creditable, has greater force; test for burden of persuasion in a civil case)

The PREPONDERANCE OF THE EVIDENCE points in favor of my client in this custody case.

PRE-SENTENCE REPORT. before + punish + investigate + life + "up until now"
(investigation) paper + "put down"
(on paper)

(report on a convicted defendant, personal history and background to be used by the court in assessing sentence)

The PRE-SENTENCE REPORT helped the judge to decide on a lesser degree of punishment.

PRESUMPTION. feel + sure

(statement--sometimes of fact or law, sometimes both--which can be considered true without further proof; evidentiary rule which holds that when one thing is established by evidence, something else must/may be also taken to exist, [However, presumptions may often be defeated by evidence to the contrary.])

Every man charged with a criminal offense has the PRESUMPTION of innocence.

PRE-TRIAL. before + $\frac{\text{trial}}{(\text{court [DM]}}$

(before trial)

The PRE-TRIAL hearing turned out to be a lengthy one.

(
PRE-TRIAL CONFERENCE. before + $\frac{\text{trial}}{(\text{court [DM]}}$ + meeting

(meeting between judge and attorneys to identify issues to be litigated at trial)

The judge called the attorneys into his chambers for a PRE-TRIAL CONFERENCE, hoping they would settle the claim without going through a lengthy trial.

PRIMA FACIE. establish + proof

(on its face; data which if true and uncontested, will establish the existence of a crime, claim, etc.)

The evidence was not enough for a PRIMA FACIE case.

PRINCIPAL(S). people + connected + with

(chief actors or figures in transactions)

The PRINCIPALS in the land sale were from a well known family in the community.

PRINCIPLE. belief

(fundamental norm or standard; belief or conviction)

He was a man of high PRINCIPLES.

PRISON/JAIL. prison/jail

(public building for confinement or safe custody of persons as punishment imposed by law or in the course of the administration of justice)

The state confined him to PRISON for ten years.

PRISONER. "er" + prison

(one who is deprived of his liberty; one kept against his will in custody or confinement)

The PRISONER escaped while the guard was at dinner.

PRIVACY. secret

(freedom from external inquiry or interference or public scrutiny)

Every American citizen is entitled to PRIVACY, or the right to be left alone.

PRIVILEGE. $\frac{\text{right}}{(\text{all right})}$

(freedom to act or remain inactive without infringing on a right or claim by someone else)

In evidence a lawyer-client PRIVILEGE regarding testimony insures open communication between the attorney and the individual he represents.

PRIVILEGED INFORMATION. know + but + not + must + tell

(matter which a witness can refuse to recount or be prevented from recounting because of the circumstance under which it was discovered, learned, etc.)

In most states now, spouses are competent as witnesses but some communications between them are PRIVILEGED INFORMATION.

PROBABLE CAUSE. enough + proof

(reasonable ground for belief in existing facts; legal term for an adequate evidentiary basis to enter a certain order; e.g., issue a warrant, hold the defendant for later proceedings)

If the magistrate finds PROBABLE CAUSE, he binds the defendant over to the circuit court and is required to transmit all the documents in the cases to that court.

PROBATE. court + prove + $\frac{W I L L}{(fingerspell)}$

(act or process of proving a will by a court having competent jurisdiction)

The will was taken to court for PROBATE.

PROBATION. free + but + understand + under + court + supervision

(post-conviction release under supervision, at local level; see: Conditional Sentence)

The defendant was given a suspended sentence and placed on one year's PROBATION.

PROCEDURE. progress + follow

(stages to be followed in litigation)

The PROCEDURE of this court is being called to your attention.

PROCEEDINGS. court (DM)

(conduct of judicial business before a court or judicial officer)

The PROCEEDINGS scheduled to be heard by Judge Crater were transferred to Judge VanDyke.

PROCURE/PROCURING. get
(receive)

(prevail upon by persuasion; to cause, acquire or to come into possession of)

He was charged with PROCURING the woman for illegal purposes.

PROMISE/PROMISED. promise

(commitment to act or perform)

Did you PROMISE to pay the defendant the money you owed him by November 1st?

PROOF. proof

(data supporting a conclusion)

The pictures taken at the scene of the accident were offered as PROOF of the damage done to the car.

PROOF IN WRITING. document + write + proof

(documentary evidence)

The court requested PROOF IN WRITING.

PROPERTY. your + things
(directional)

(the right to possess, use and dispose of something; ownership)

She made a list of all the PROPERTY to be sold.

PROPOSE. propose

(offer a position to the court or the other party)

The PROPOSED settlement was accepted without any disagreement by all the parties involved.

PROSECUTION. government + against
(directional)

(criminal charges instituted and carried on against someone by the state)

The PROSECUTION presented many witnesses.

PROSECUTOR. government + lawyer

(prosecuting attorney responsible for bringing and processing criminal charges)

The PROSECUTOR phoned and said the case was postponed.

PROSTITUTION. whore

PROTECTIVE CUSTODY.

"put in"
(R. 'S' hand moving under L. + for + protection
open hand, palm to floor)

(detainment of a person for his or her own safety)

They held the informer in PROTECTIVE CUSTODY until the case was terminated.

PROVE. prove

(establish facts to satisfaction of adjudication)

The attorney for the defense produced evidence to PROVE his client was not in the city when the crime was committed.

PROVOCATION. start + trouble + "mix up"

(act of inciting another)

He started to shout at everyone without the slightest PROVOCATION.

PRUDENT. careful

(wise, careful)

He was very PRUDENT where money was concerned.

PSYCHIATRIST. doctor + specialize + mind
(major)

(doctor of medicine specializing in study, treatment, and prevention of disorders of the mind)

The judge asked that a PSYCHISTRIST be called in on the case.

PSYCHOLOGIST. "er" + $\frac{\text{specialize}}{\text{(major)}}$ + understand + feeling + behavior

(one who specializes in the study of human behavior)

The PSYCHOLOGIST was called in to testify on the Anderson matter.

PSYCHOLOGY. $\frac{\text{specialize}}{\text{(major)}}$ + understand + feeling + behavior

(study of human behavior)

The defense proved that the accused was in his PSYCHOLOGY class at the time of the bank robbery.

PUBLIC DEFENDER. government + $\frac{\text{furnish}}{\text{(give)}}$ + lawyer

(lawyer hired by the government to defend people in criminal cases when they cannot afford their own lawyer)

The court appointed a PUBLIC DEFENDER for the itinerant worker.

PUBLIC HEARING. meeting + open + to + anyone

(proceeding of inquiry open to anyone)

The township was conducting PUBLIC HEARINGS in the school auditorium.

PUBLIC NUISANCE. $\frac{\text{"bother, bother"}}{\text{(moving hands around as though many persons are involved)}}$ + people

(nuisance which interferes with the good of, or offends, or inconveniences, the public)

The smoke producing factory was a PUBLIC NUISANCE.

PUBLIC TRIAL. $\frac{\text{trial}}{(\text{court [DM]})}$ + people + can + watch

(court procedure which any member of the public may attend)

That case was a PUBLIC TRIAL.

PUBLISH. print + spread

(communicate; to print; e.g., book, articles, newspapers)

We will PUBLISH the proceedings of the meeting next month.

PUNISHMENT/SENTENCE/SENTENCING. punish

(penalty after criminal conviction; e.g., imprisonment, fine)

His PUNISHMENT was quite severe.

QUASH. remove

(wipe out, take away; rescind or dismiss action; make void)

The judge decided to QUASH the slander suit.

RAPE. force + intercourse

or

"rape"

(the unwanted sexual penetration of a woman)

Crime statistics show that RAPE is on the increase today.

RATIFICATION. vote + accept

(approval of a law by popular vote or constitutional amendment)

The Interpreter Bill was awaiting RATIFICATION by the legislature.

RAID. police + enter + $\frac{\text{"grab, grab"}}{\text{(with L. \& R. hands alternating)}}$

(group police entry into premises used for criminal purposes or in which evidence of crime is/may be found)

They conducted a RAID on the club and found all kinds of gambling equipment.

RATIONAL/REASONABLE. $\frac{\text{"right, right"}}{\text{(correct [DM])}}$ / judgment

(logical; commonly accepted)

The man gave a very RATIONAL reply.

REACTION. "what" + $\frac{\text{"feel think, you"}}{\text{(with questioning expression)}}$

(behavior which is the direct result of the behavior of another)

What was your REACTION to the defendant's appearance?

REASON/REASONING. "why, why"/"for, for"

(logic, the process of reviewing acts or words to come to a conclusion of fact or possibility; statement given in justification or explanation)

What REASON did you give the officer for being there at that time?

REASONABLE/RATIONAL. $\frac{\text{"right, right"}}{(\text{correct [DM]})}$ /judgment

(logical; commonly accepted)

Was that a REASONABLE offer?

REASONABLE BELIEF. $\frac{\text{"right, right"}}{(\text{correct [DM]})}$ + belief

(thinking that is common to persons in similar circumstances)

It was my REASONABLE BELIEF that the defendant was not guilty.

REASONABLE SUSPICION. $\frac{\text{"right, right"}}{(\text{correct [DM]})}$ + suspect

(facts or acts which would cause a person of sound mind to believe in the possibility)

Sam's acts raised the REASONABLE SUSPICION that he committed the crime.

REBUTTAL. argument + $\frac{\text{reply}}{(\text{answer})}$

(response to opponent's proof or argument)

Mr. Merritt's REBUTTAL showed that the witness's statements of what had happened were untrue.

RECEIPT. paper + proof + finish + buy/pay

(written acknowledgment of delivery of property)

He received a RECEIPT for the previous month's rent.

RECEIVING STOLEN PROPERTY. "know" + stolen + $\frac{\text{whatever}}{\text{whatever}}$ /thing(s) +
anyway + accept

(acceptance of stolen goods knowing that they were stolen)

He did not acknowledge the fact that he had been RECEIVING STOLEN PROPERTY.

RECIDIVIST. $\frac{\text{"habitual"}}{\text{(stuck as if in a rut)}}$ + "er" + law + break

(a habitual criminal)

The psychiatrist's diagnosis was that the defendant was a RECIDIVIST.

RECKLESS. "don't care" + $\frac{\text{careless}}{\text{(alternating L. \& R. hands)}}$

(more serious than careless or negligent, usually involving disregard of known potential consequences)

He was driving the snowmobile in a RECKLESS manner through the woods.

RECKLESS DRIVING. "don't care" + $\frac{\text{careless}}{\text{(alternating L. \& R. hands)}}$ + drive

(excessively improper operation of motor vehicle)

His RECKLESS DRIVING conviction was cause for a license re-examination.

RECOGNIZANCE. you + can + go + understand (DM) + must + come + court + again

(obligation of record to appear in court, to pay a debt [in some states a species of bond or bail or security, given by prisoner either being bound over for trial or on his taking an appeal])

The prisoner was released on his own RECOGNIZANCE.

RECORD, COURT OF. court + where + have + write + $\frac{\text{"put down"}}{\text{(on paper)}}$ + $\frac{\text{trial}}{\text{(court [DM])}}$

(court which keeps a written record of the proceedings held before it, and has power to fine or imprison for contempt)

A felony must be tried in a COURT OF RECORD.

RECOVERY. $\frac{\text{"get back"}}{\text{('come' with both index fingers coming close to the body)}}$

(property or value actually received or gotten as the result of a favorable civil judgment; cf. Damages)

His RECOVERY for the loss was not all he hoped for.

RE CROSS/REDIRECT. $\frac{\text{question}}{\text{(with both hands, directionally)}}$ + again

(order of examination:

- [a] direct examination--by party calling witness
- [b] cross-examination--by opponent
- [c] redirect--by party calling witness to go into new facts brought out on cross-examination
- [d] recross--by opponent for new matter on redirect)

After the plaintiff's attorney was through with his REDIRECT examination the defense attorney had a chance to RE CROSS.

REFEREE. judge

(person appointed or designated by a court to hear testimony to the court)

REFEREE O'Brien heard the Tobin case this morning.

REFORM SCHOOL/REFORMATORY/YOUTH HOME. jail + for + young + people

(place of imprisonment, generally for youthful offenders)

The term "REFORM SCHOOL" is fast becoming an obsolete one.

REGISTRATION. document + show +
(whatever)

(document indicating vehicle ownership, status of power;
e.g., to vote, marry)

Do you have a REGISTRATION for the 1970 Chevrolet?

REGULATIONS. government + rules

(rules issued by governmental agencies having the force of statute)

The IRS REGULATIONS are to be followed at all times.

REHABILITATION. help + improve

REHABILITATION

OF WITNESS. help + make + strong + again + proof + from + "er" + see

(restoration of credibility [After cross-examination, lawyer may ask to rehabilitate witness.])

The attorney put the defendant on the stand for the REHABILITATION OF THE WITNESS after his credibility had been damaged through the prosecutor's questioning.

RELEVANCE/RELEVANT. important

(on issue; important information that is to the point)

The defense attorney questioned the RELEVANCE of the witness's testimony.

RELIABLE/RELIABILITY. depend (DM)

(dependable)

The tip as to the whereabouts of the escaped convicts came from a RELIABLE source.

REMAND. $\frac{\text{send}}{\text{(directional)}}$ + again

(send a case back to the original court for additional consideration)

Judge Ward REMANDED the case to the Circuit Court.

REPRIMAND. $\frac{\text{scold}}{\text{(shaking of index finger)}}$

(scold, punish for misconduct; e.g., attorney for misconduct)

The judge decided to REPRIMAND the attorney for his many outbursts.

RESIDENCE. $\frac{\text{"where"}}{(\text{ASL} - \text{not new 'where'})} + \text{live}$

(where one physically lives)

The doctor's RESIDENCE was the scene of the crime.

RESISTING ARREST. won't + allow + arrest

(doing anything that would stop a policeman from placing or retaining a person under arrest)

He was injured while RESISTING ARREST.

RESOLVED. decided

NOTE: "Solved" may be used at the appropriate time.

(brought to a conclusion by decision of issues in conflict)

The matter was RESOLVED by the appellate court.

RESPONDENT. "er" + answer + court

(one who responds to the petition)

The RESPONDENT denied the petitioner's allegations.

RESTITUTION. wrong + damage/loss + $\frac{\text{pay}}{(\text{directional})}$

(to make right or whole; restore loss)

RESTRAINING ORDER. document + court + order + prevent + (whatever) .

(court order to prohibit or prevent something from happening;
see: Injunction)

The court issued a RESTRAINING ORDER against the use of the car until the bump shop was reimbursed.

RESTRAINT. (physical) "hold down"
(both hands, away from body)

(emotional) "hold in"
(as holding in feelings, close to body)

(to hold back/down)

The witness testified that the nursing home used RESTRAINT unnecessarily on the old man.

He showed great RESTRAINT when he was brought face to face with the angry parents.

RETAINER. money + "down payment"
(MIME: putting down currency with both hands)

(sum of money paid to an attorney for legal services to be performed)

I am sure the RETAINER fee was paid last Monday.

RETARDATION/RETARDED. (physical) slow

(mental) mind + slow

(slowed down; rendered less than normal by some encumbrance;
one whose mental development is slowed or diminished)

The speed of the car was RETARDED by the flat tire.

The courts now refer to those who have brain damage as
mentally RETARDED.

RETRIAL. again + $\frac{\text{trial}}{(\text{court [DM]})}$

(a repeated trial after successful appeal or mistrial)

His case comes up for RETRIAL tomorrow.

RETROACTIVE. $\frac{\text{MIME}}{(\text{arms crossed, L. flat open hand vertical to floor, R. index finger starting far left \& moving to back of L.H.})}$

(having application to actions, etc., in existence before date
of decision or modification)

The new wage scale was RETROACTIVE to July 1, 1974.

REVENGE/VENGEANCE. revenge

(retaliate; inflict punishment or injury in return for same)

Did you set out to get REVENGE after he hit your car?

REVERSE/REVERSAL. $\frac{\text{reverse}}{('change' \text{ using L. \& R. 'l' hands})}$

(turn around; the act of an appeals court in upsetting or vacating the holding of a lower court)

The decision on the Miner case was REVERSED by Judge White.

REVOKE. "take away"

(to make void by recalling or taking back; cancel; reverse)

The Liquor Commission decided to REVOKE the night club owners' liquor license because of their repeated violations in serving minors.

RIGHT. $\frac{\text{right}}{(\text{all right})}$

(that which a person is entitled to have, or to do, or to receive from others, within limits prescribed by law)

You have a RIGHT to a jury trial.

RIGHT TO COUNSEL. $\frac{\text{right}}{(\text{all right})} + \text{for} + \text{have} + \text{lawyer}$

(constitutional claim to have representation by an attorney)

You also have a RIGHT TO COUNSEL for the trial of your case.

ROBBERY. $\frac{\text{MIME}}{(\text{L. \& R. 'U' hands drawn across lower half of face})} + \text{take}$

SABOTAGE. intentional + destroy

(destruction of property, machinery, etc., for the purpose of interfering with normal operations)

They suspected SABOTAGE in the explosion of the machine shop.

SCHIZOPHRENIA. mind + "disconnected"

NOTE: If further explanation is needed, interpreter should ask attorney.

(mental condition during which one cannot distinguish reality and unreality)

The patient was definitely suffering from SCHIZOPHRENIA.

SEARCH. search

(look for something, particularly an individual or evidence of a crime)

They decided to SEARCH the car for the narcotics.

SEARCH AND SEIZURE. search + $\frac{\text{take}}{\text{(grab)}}$

(act of looking for and taking contraband or evidence under authority of law)

The officers relied on their power to conduct a reasonable SEARCH AND SEIZURE to make a valid arrest.

SEARCH WARRANT. document + order + allow + search

(judicial order authorizing search of identified premises and seizure of listed property)

They issued a SEARCH WARRANT when they learned the dope pusher had hidden the cocaine in his apartment.

SECOND DEGREE MURDER. _____

NOTE: Have attorney explain.

(murder with intent to kill)

The charge was reduced to SECOND DEGREE MURDER.

SECURITY (1). behind + stand

(assurance; indemnification)

A SECURITY is a pledge, mortgage, deposit, etc., given by a debtor to assure the payment or performance of his debt.

SECURITY (2). protection

(protection)

Every ex-president has the right to SECURITY police after retirement from office.

SEDUCTION. $\frac{\text{"lure"}}{(\text{"flatter"} + \text{"draw in"})} + \text{"go to bed together"}$

NOTE: Body language is important in this sign.

(act of inducing one to engage in a sexual act, originally on promise of marriage without force)

The previous chaste character of a woman at the time of SEDUCTION is essential under some statutes.

SEIZURE. government/police + $\frac{\text{"grab, grab"}}{(\text{with L. \& R. hands alternating})}$

(the taking of goods, money or property by process of law)

The SEIZURE of the gambling device was used to obtain evidence in the case.

SELF-DEFENSE. $\frac{\text{defend}}{(\text{protect})} + \frac{\text{self}}{(\text{directional})}$

(protection against unlawful attack by another)

He hit the man in SELF-DEFENSE.

SELF-INCRIMINATING. story + seem + show + $\frac{\text{self}}{(\text{directionally})}$ + wrong + act

(testimony or statements which tend to show the commission of a crime)

The attorney again called the court's attention to the SELF-INCRIMINATING testimony given by the defendant.

SEMI-CONSCIOUS. mind + dumbfounded + not + fully + know (DM)/understand (DM)

(to be only partly aware)

The accident left her in a SEMI-CONSCIOUS state for about an hour.

SENILE. old + mind + $\frac{\text{diminish/decline}}{(\text{R. \& L. '10' hands moving down})}$

(diminished mental powers due to age)

Her mother was becoming very SENILE.

SENTENCE/SENTENCING/PUNISHMENT. punish

(penalty after criminal conviction; e.g., imprisonment, fine)

The SENTENCE handed down by the judge was a very fair one.

SEQUESTER. keep + jury + separate + until + finish + $\frac{\text{trial}}{\text{(court [DM])}}$

(keep the jurors together in isolation for duration of a trial)

Judge Sirica decided to SEQUESTER the jury for the Watergate trial.

SERVICE (of summons/complaint). document + $\frac{\text{give}}{\text{(directional)}}$

(act of transmitting document or notice to party of pending action)

He expected SERVICE of the summons would be accomplished before Friday.

SET A DATE FOR (trial, sentencing). decide + day + for + $\frac{\text{}}{\text{(whatever)}}$

(to put on the trial calendar to be heard)

The judge decided to SET A DATE FOR the discrimination case early in January.

SETTLEMENT. final + agreement

(conclusion of an action at law by a mutually satisfactory agreement reached between the parties)

They reached an out of court SETTLEMENT.

SHOPLIFTING. store + $\frac{\text{MIME}}{\text{(slipping things under coat/into a bag)}}$

(theft of goods on display at store)

SHOPLIFTING is on the increase at this particular time of year.

SHOW CAUSE. document + court + show + "why, why"

(order to appear as directed and present to the court reasons and considerations one has to offer why something should not be confirmed, take effect or be executed)

Mr. Dirkson was served with an order to SHOW CAUSE why he should not turn over the title of the car to his ex-wife.

SLANDER. talk + $\frac{\text{harm}}{\text{(ruin)}}$ + name

(oral defamatory statement against another, not legally privileged)

She was suing her roommate for SLANDER.

SMUGGLE. hide + $\frac{\text{bring}}{\text{(with sneaky expression)}}$

(secret introduction of something into country, either because goods are forbidden, or in order to avoid paying duty)

During the 1920's people used to SMUGGLE liquor into this country because of prohibition.

SOCIAL WORKER. "er" + work + help/advise (DM)

(person who assists one with respect to social problems)

There was a SOCIAL WORKER assigned to Jim's case.

SODOMY. $\frac{\text{S E X}}{(\text{fingerspell})} + \frac{}{(\text{whatever manner})}$

NOTE: Interpreter should ask for facts first and ask attorney to assist in explanation.

(anal or oral intercourse; cf. homosexual conduct, deviate sexual conduct)

We recently read of a case where the man was being tried for SODOMY.

SOLICITATION. ask + "join in"

(request or invitation to another to commit a crime unsuccessfully [Successful solicitation is Inducement.])

SOLICITATION was obvious from the testimony given by the witness.

SPECIAL VERDICT. $\frac{\text{special}}{(\text{except})} + \text{decision}$

(jury recital of the specific facts which it finds to be true, leaving it to the court to assess the legal significance of those facts)

The jury was asked to answer specific questions. Their answers were treated as a SPECIAL VERDICT.

SPEEDY TRIAL. $\frac{\text{trial}}{(\text{court [DM]})} + \text{without} + \text{postpone (DM)}$

(constitutional right to a trial without unreasonable delay)

Persons held for offenses are entitled to a SPEEDY TRIAL.

STAND MUTE. say + nothing

(refusal to plead [Not guilty plea is then entered by court.])

His attorney advised him to STAND MUTE when he appeared before the judge.

STANDING TO SUE. can + $\frac{\text{sue}}{\text{(against)}}$

(legal eligibility to commence action)

Because of the dust from the cement plant near her home, Mrs. Smith had STANDING TO SUE the company.

STATE. government

or

government + $\frac{\text{(specific state)}}{\text{(fingerspell, e.g., "IND."/use state's sign)}}$

(government in general; also meaning a particular unit of the United States)

This was a case of the people of the STATE of Michigan vs. Jones, Smith & Company for polluting the Rouge River.

STATEMENT (1). announce

(formal declaration of one's legal position with respect to some issue)

The president gave a STATEMENT to the press on the gasoline shortage.

STATEMENT (2). story + happening (DM)

(recital of facts, events, etc.)

His STATEMENT was written verbatim into the record.

STATUTE. law

(law created through legislative action; cf. Precedent, Common Law)

The STATUTE clearly states what is expected.

STATUTORY RAPE. intercourse + minor

(sexual intercourse with consenting minor, that is, below statutory age of consent)

The defendant was found guilty of STATUTORY RAPE.

STAY. stop

(stop; arrest; halt)

When capital punishment was common we would often read in newspapers that an attorney was asking for a STAY of execution for his client.

STEAL. steal

(take with criminal intent; see: Larceny, Embezzlement)

He decided to STEAL an automobile and go joy riding.

STIPULATION. understand (DM) + requirement

(formal acknowledgment of fact or event)

The custody of the child was given to the mother with the STIPULATION that the father would have visitation privileges.

STOP AND FRISK. police + stop + $\frac{\text{MIME: frisking}}{\text{(patting down body)}}$

(police on-the-scene halting of citizen under suspicious circumstances, to identify citizen or check on possibility of crime)

Some states do not have a "STOP AND FRISK" law.

STOP AND QUESTION. police + stop + $\frac{\text{question}}{\text{(both hands)}}$

(police on-the-scene halting of citizen under suspicious circumstances, to identify citizen or check on possibility of crime)

The officers decided to STOP AND QUESTION the suspicious looking woman.

SUBJECT. "er" + defend

(police term meaning "the one under investigation")

The SUBJECT was seen running between the two buildings.

SUBORDINATE. $\frac{\text{assistant}}{\text{(L.'10' hand, R.'L' hand, thumb hitting bottom of L. fist)}}$

(having a lower position in a recognized scale; secondary)

The captain asked one of the SUBORDINATE officers to testify for him.

SUBORN. not + $\frac{\text{right}}{\text{(all right)}} + \text{prepare}$

(prepare, provide, or procure especially in secret or underhanded manner)

The lawyer was charged with attempting to SUBORN the witness.

SUBPOENA. document + $\frac{\text{command}}{\text{(directional)}}$ + for + "er" + see + proof +
 $\frac{\text{"face to face"}}{\text{(appear)}}$ + court

(court order calling one to appear as a witness)

Did the officer serve you with a SUBPOENA?

SUBPOENA DUCES TECUM. document + require + bring + $\frac{\text{}}{\text{(whatever)}}$

(court order to produce documents, tangible objects,
etc., in court)

The accountant was served with a SUBPOENA DUCES TECUM.

SUICIDE. kill + $\frac{\text{self}}{\text{(directional)}}$

(kill oneself)

It was a clear case of SUICIDE.

SUIT/ACTION/CASE/CONTROVERSY/
DISPUTE/LAWSUIT/LITIGATION/MATTER. court + case

(action at law or equity of any sort in which the court
is asked to do something or make someone do something)

The malpractice SUIT against the doctor was dropped.

SUMMARY. condense

(condensation, compilation)

He wrote a SUMMARY of the day's events on a piece of paper.

SUMMARY OFFENSE. small + law + break

(probably same as "petty offense," "violation" or "infraction," triable before court of limited jurisdiction)

The great number of SUMMARY OFFENSES was clogging up the traffic court docket.

SUMMONS. document + $\frac{\text{order}}{\text{(directional)}}$ + court

(order to defendant to appear in court to answer a suit which has been begun against him)

My father received a SUMMONS to appear in the Smith case.

SUPPORT. support + pay (DM)

(furnish funds or means to another to meet basic needs)

He was ordered by the court to pay child SUPPORT for the three children.

SUPPRESS. stop

(keep out, exclude)

The defense attorney was trying to SUPPRESS his anger during the plaintiff's outburst.

SUPPRESSION OF EVIDENCE. court + order + stop + use + that + proof

(judicial order preventing the use of evidence because of the way it was obtained; e.g., wiretapping, search)

There is usually a SUPPRESSION OF EVIDENCE when such evidence is obtained improperly.

SUPREME COURT. most + "thumb up" + court

(highest court for the United States and most states; but some states use different names)

We will appeal this case all the way up to the SUPREME COURT.

SURETY. "er" + behind + signature + promise + will + pay

(someone who acts as a guarantor on a bond, note, etc.)

Bondsman McNally was the SURETY for Claude Benson.

SURRENDER. "give up"

(give back or give up)

The officer called to the man in the house to SURRENDER.

SURVEILLANCE. hide + $\frac{\text{watching}}{\text{(with both hands)}}$

(clandestine observation)

Police SURVEILLANCE can be conducted either with or without electronic devices.

SUSPECT (1). suspect + "er" + law + break

(person believed to be guilty of something; one under suspicion)

The SUSPECT was caught running down the alley.

SUSPECT (2). suspect

(be suspicious)

Do you SUSPECT that he was in the other woman's apartment yesterday?

SUSPENDED LICENSE. suspend/eliminate + $\frac{\text{license}}{(\text{L. \& R. 'L' hands, thumbs hitting each other [DM]})}$

(operator's permit revoked by licensing agency)

He was stopped for speeding and admitted he had a SUSPENDED LICENSE.

SUSPENDED SENTENCE. suspend/eliminate + punishment

(order discontinuing or dispensing with criminal sentence)

The family was overjoyed when the judge SUSPENDED SENTENCE of 3 years' imprisonment and placed the man on probation.

SUSPICION. suspect

(feel that something may be true, without proof)

He had a SUSPICION that there was someone hiding in the dark room.

SWEAR/OATH. $\frac{\text{"swear"}}{(\text{promise})}$

(to take an oath, swearing or affirming that something is true)

The court clerk had to SWEAR in the witness.

SWINDLE. $\frac{\text{"con"}}{(\text{R. fist tapping L. index finger})} + \frac{\text{"take away"}}{(\text{grab})}$

(take by trick the goods or money of another; see: False Pretenses)

The woman was aware that the man was trying to SWINDLE her but she was stalling so that he could be caught.

TAILGATE. MIME
(two vehicles following too closely)

(operation of a motor vehicle closer to the rear of another motor vehicle than the limits of safe braking)

It is dangerous to TAILGATE a large truck on the highway.

TAKE INTO CUSTODY/PLACE UNDER arrest
ARREST/APPREHEND/ARREST.

(arrest one not already in custody; seize)

The suspect was TAKEN INTO CUSTODY for further questioning regarding the burglary.

TEMPORARY. for + $\frac{\text{short}}{(\text{see: Watson's book})}$ + time

(for a short time)

The woman received TEMPORARY alimony while the divorce was pending.

TEST CASE. case + "see, see" + happen

(case at law which will provide an interpretation of a statute, regulations, etc., for similar cases which may come to trial in the future)

They are preparing a TEST CASE in Ohio on the education of the deaf.

TESTIFY. $\frac{\text{"swear"}}{\text{(promise)}} + \text{say}$

(state information under oath)

They asked his uncle to TESTIFY as to his whereabouts that night.

TESTIMONY. $\frac{\text{"swear"}}{\text{(promise)}} + \text{story}$

(statement of a witness in court under oath)

She gave her TESTIMONY in the privacy of the judge's chambers.

THEFT. steal

(popular name and modern statutory term for larceny and embezzlement)

She was his accomplice in the THEFT.

THERAPY. help + improve + $\frac{\text{(whatever applies for clarification)}}{\text{}}$

(treatment for persons who behave in a manner considered contrary to normal behavior to change that behavior to conform to acceptable norm)

The occupational THERAPY at the prison helped the prisoner learn new work habits.

THIEF. "er" + steal

THIRD DEGREE. force + make + confess

(slang: intensive questioning designed to break down the suspects will to resist, and bring forth a confession)

The man felt he was being given the THIRD DEGREE.

THREAT/THREATEN. promise + intend + give + $\frac{\text{harm}}{\text{(ruin)}}$

(to promise harm to someone, usually with an intent to alter that person's behavior, or force compliance to the will of the threat maker)

Did the accused THREATEN to kill you?

TICKET. ticket

(citation for a traffic violation calling for court appearance or equivalent; cf. Summons)

Did you get a TICKET for an improper turn?

TITLE/CERTIFICATE OF TITLE. document + prove + $\frac{\text{(whatever)}}{\text{(whose)}}$ + $\frac{\text{(whose)}}{\text{(whose)}}$

(document of ownership in property subject to recording)

Do you have TITLE to the land where you live?

TORT. wrong

TORT FEASOR. "er" + wrong + act

(one who commits a civil wrong)

A TORT FEASOR may be legally liable for his act.

TORTURE. awful + $\frac{\text{harm}}{\text{(alternating L. \& R. hands)}}$

(give extreme pain; force an individual to disclose desired information)

It is not legal to TORTURE a suspect to make him confess.

TRANSCRIPT. paper + finish + list + happen + during + court

(written copy of proceedings or testimony)

He ordered a TRANSCRIPT of the hearing to be sent to the prosecutor.

TRAUMA. (physical) $\frac{\text{hurt/pain}}{\text{(with force)}}$

(mental) $\frac{\text{"memorize"}}{\text{(thumb to forehead)}} + \text{impression} + \text{scare}$

(physical or psychic injury)

The TRAUMA he suffered while pinned behind the wheel of the burning car left its mark.

TRESPASS. forbidden + $\frac{\text{whatever}}{\text{(whatever)}}$ + anyway/"no matter" + "go ahead"

(commit unlawful or lawful act in unlawful manner to injury of another's person or property)

The farmer waited behind the barn to see if the hunters would TRESPASS on his land.

TRIAL. court (DM)

(formal adversary proceeding, the purpose of which is the resolution of a legal conflict)

He had set the case up for a TRIAL on Monday.

TRIAL BRIEF. document + lawyer + list

(document containing points of law pertinent to a specific case; document guiding attorney in presentation of case at trial)

The attorney prepared his TRIAL BRIEF for the case.

TRIAL COURT. trial + with + listen + "er" + see + proof + story

(court which hears the testimony of witnesses)

Any court below the appellate court is a TRIAL COURT.

TRIAL DATE. trial + day + time

(time set for commencement of trial activity)

The TRIAL DATE had to be postponed because the witness had disappeared.

TRUST. money/property/things/(whatever) + give + (whoever) + hold + for + (whoever)

(property given by owner to second person to be held or administered for the benefit of a third)

He left \$100,000 in TRUST to his infant daughter.

TRUSTEE/FIDUCIARY. "er" + money/(whatever) + manage

(someone administering property in a position of trust for someone else)

He was appointed TRUSTEE of the Jones Estate by the court

TRY (a case). "take up" + court

(hold on adversary proceeding, the purpose of which is to resolve a legal conflict)

They will TRY the Smith case tomorrow.

UNANIMOUS. agree + $\frac{\text{"same all around"}}{(\text{uniform})}$

(agreed to by all)

The jury quickly arrived at the UNANIMOUS verdict of "not guilty."

UNCONSCIOUS. not + know

or

feel + "zero"

or

mind + $\frac{\text{"at a loss"/dumbfounded}}{(\text{with eyes closed})}$

(be unaware of the real world and one's self)

He was UNCONSCIOUS of the needs of his partner.

He was rendered UNCONSCIOUS by the accident.

UNCONSTITUTIONAL. not + follow + constitution

(something that cannot be done because the Constitution forbids it)

It is UNCONSTITUTIONAL to deprive a citizen of the right to freedom of worship.

UNDERLYING FACTS. "for, for" + behind

(those facts which are most basic)

The UNDERLYING FACTS in the case were brought out at the beginning of the hearing.

UNFAVORABLE. not + good/agree(able)

(not in one's interest)

The verdict was an UNFAVORABLE one as far as the teachers were concerned.

UNIFORM. "same all around"
(uniform)

(standard)

It would help if certain laws dealing with child support payment methods in many states were made UNIFORM.

UNLAWFUL. law + not + allow

(not allowed by law)

The man testified that the boy made an UNLAWFUL turn at that intersection.

UNREASONABLE. not + "right, right"
(correct [DM])

(that beyond which the common agreement of society feels to be the acts of reasonable people in the normal affairs of life)

The attorney advised his client not to be too UNREASONABLE in his demand.

UNSOUND MIND. mind + can't + make + good + judgment

(not capable of legal responsibility)

They found that she was of UNSOUND MIND in her later years.

UNUSUAL CONDUCT. act + $\frac{\text{different}}{\text{(emphatically)}}$

(conduct other than that to be expected or anticipated under the circumstances)

His UNUSUAL CONDUCT aroused the suspicions of the officer on the beat.

USURY. excessive + $\frac{\text{percentage}}{\text{(draw \% in air with 'O' hand)}}$

(exacting an illegal interest rate)

The loan sharks who charged the unlawful rate of interest committed USURY.

UTTER & PUBLISH. _____

NOTE: Have attorney explain.

(to put and send into circulation [The sentence below is a description of "UTTERING & PUBLISHING."])

To UTTER & PUBLISH an instrument, such as a counterfeit note or forged check, is to declare or assert, directly or indirectly by words or action, that it is good.

VACATE. cancel

(to wipe out; set aside, cancel or rescind)

The judge ordered the entry of record VACATED.

VAGRANCY. $\frac{\text{"traveling"}}{\text{(crooked 'V' hand, moving around from place to place)}} + \text{not} + \text{try} + \text{find} + \text{work}$

(act of going around from place to place without visible means of support)

That man had been picked up for VAGRANCY before.

VALID/VALIDITY. worth

(true; worthy of legal recognition or effect)

He questioned the VALIDITY of her statement.

VANDALISM. $\frac{\text{harm}}{\text{(ruin)}} + \text{destroy}$

(destruction of someone else's property without lawful reason)

VANDALISM, which is willful or ignorant destruction of property, costs the taxpayers millions of dollars each year.

VENGEANCE/REVENGE. revenge

(retaliate; inflict punishment or injury in return for same)

VENGEANCE was uppermost in her mind.

VENUE. place + for + trial

(place where case is tried)

The attorney requested a change of VENUE for his client.

VERDICT/FINDING. decision

(result of deliberations of a jury or court)

The judge asked the jury for their VERDICT.

VICTIM. "er" + happen + $\frac{\text{to}}{\text{(directional)}}$

(person who is injured or suffers loss because of a crime)

The woman was the VICTIM of a purse snatcher.

VIOLATION/CRIME/INFRACTION/OFFENSE. law + break

(act committed which violates law; an action done contrary to law)

He got a ticket for VIOLATION of the open fire burning law in his community.

VIOLENCE. terrible + $\frac{\text{whatever action}}$

(aggravated physical force)

There was much VIOLENCE during the '65 riots.

VISA. MIME
("stamping of seal" on palm + allow + enter + country
of L.H./crimping of seal)

(permit to enter a foreign country that is issued by
that country)

You must obtain a VISA to visit Russia.

VOIR DIRE. question + "see, see" + can + allow

(testing a witness or juror for competency, interest, etc.)

The lawyer asked permission to conduct a VOIR DIRE on the
witness.

VOLUNTARY/VOLUNTARILY. "willing"
(please)/intended

(intended, willed, and done knowingly)

His plea of "guilty" was given VOLUNTARILY.

WAIVE. "give up"

(giving up a right)

Do you WAIVE your right to a trial by jury?

WAIVER. document + say + "give up" + (whatever)

NOTE: Can be an oral waiver, but is generally a written waiver.

(intentional or voluntary relinquishment of a known right)

John signed the WAIVER before the deadline.

WANTON AND WILLFUL. excessive + careless

(epithetical phrase substantially the same as "reckless;"
see: Gross Negligence)

He was accused of WANTON AND WILLFUL negligence in the way he drove the car.

WARRANT, ARREST. document + order + arrest

(judicial order to take named person into custody)

They issued an ARREST WARRANT for the pusher.

WARRANT, SEARCH. document + order + allow + search

(judicial order authorizing search of identified premises and seizure of listed property)

The officers obtained a SEARCH WARRANT from the court to search the brothel for the escaped convict's effects.

WEAPON. gun/knife/etc.

or

(if not known) things + use + for + fight

(instrument to inflict physical harm)

What kind of a WEAPON did the bandit have?

(
WILL. W I L L
(fingerspell)

(written document, signed and witnessed, that disposes of property after death)

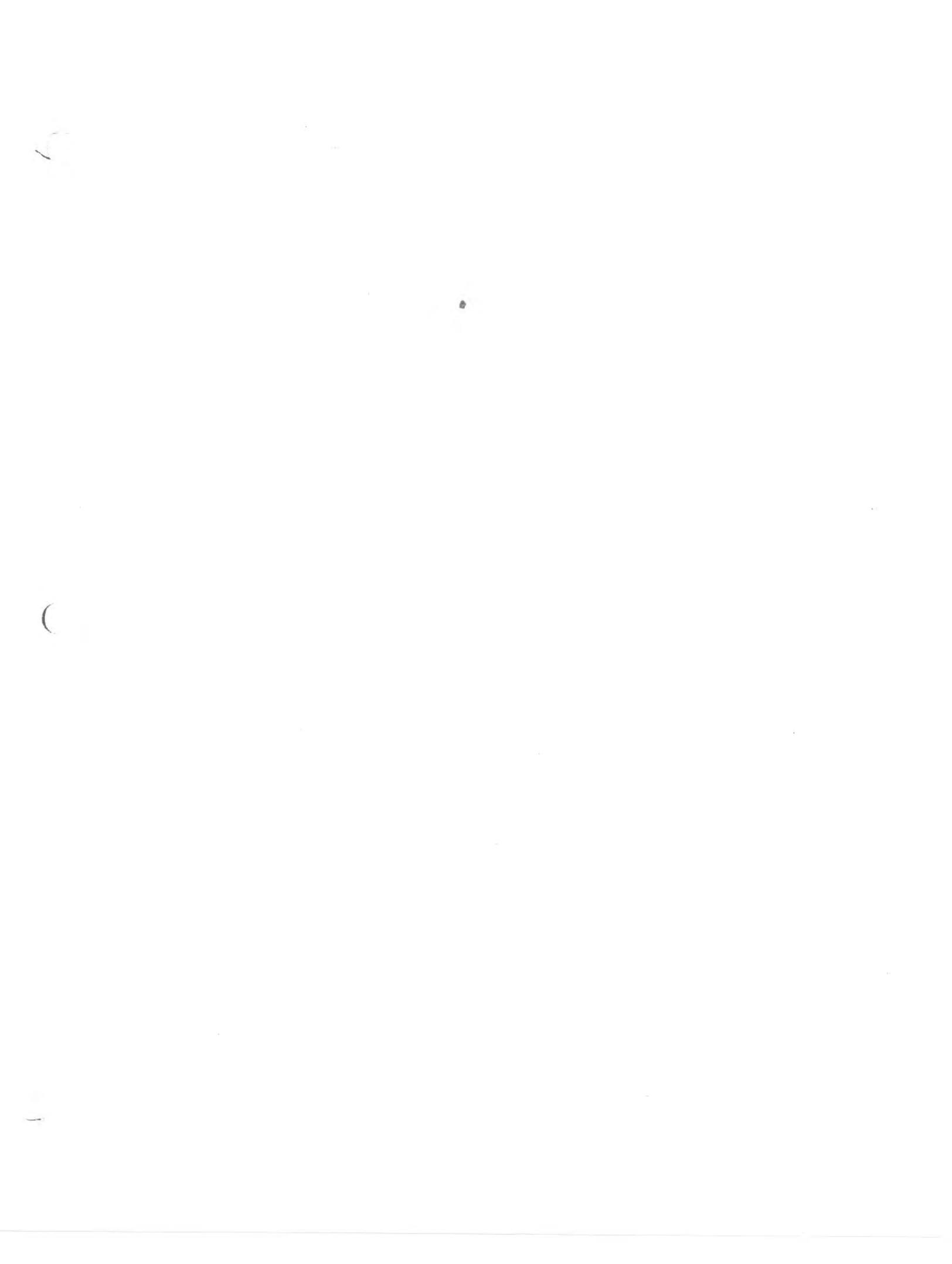
Everyone should write a WILL to prevent difficulties later on.

.....WITHOUT A REASONABLE DOUBT. have + $\frac{\text{none}}{\text{(emphatically)}}$ + doubt

WITHOUT RECOURSE. $\frac{\text{"no more" (more + "empty hands," with head shaking negatively)}}{\text{}} + \text{responsible}$

(transaction in which the seller is free from any obligation to the buyer after the sale is completed [Default on any financial arrangement will not cause a liability on the part of the seller.]

The note was assigned to the bank WITHOUT RECOURSE.



WITNESS. "er" + see + proof

(one who sees or receives direct sensory impressions of an event; one formally called to testify under oath in any kind of proceeding - judicial, administrative or legislative)

John was called as a WITNESS in the Smith case.

WOUND. hurt + bleed

(forcible dissolution of the tissues of the body)

The WOUND caused by the gun became infected because he was afraid to go to the doctor.

WRIT/DOCUMENT. document

(legal paper ordering someone to do something)

The attorney had a WRIT of habeas corpus.

WRONGFUL. wrong

(not right, correct, or legal)

It is a WRONGFUL act to jeopardize the lives of others by driving while intoxicated.

YOU CAN LEAVE THE COURT. allow + leave

(permission granted by the judge to the participants or witnesses in a trial, for such participants to leave the courtroom)

The judge will tell you when YOU CAN LEAVE THE COURT.

YOUTH HOME/REFORM SCHOOL/REFORMATORY. jail + for + young + people

(place of imprisonment, generally for youthful offenders)

The judge ordered the boy to be committed to a YOUTH HOME for six months.

APPENDIX

LEGAL STATUS OF INTERPRETING FOR THE DEAF

B. J. George, Jr.
Professor of Law and Director
Center for the Administration of Justice

I. Introduction

The law relating to interpreters is relatively unformulated. In part this is because most of the precedent (judicial decisions) was laid down during a period in which the appointment or recognition of an interpreter was stated to be in the discretion of the trial court. Appellate courts will overturn discretionary acts by lower court judges only when discretion has been grossly or gravely abused. Hence, until recently, there has been no basis for higher courts to deal with the details of legal interpretation.

Today there is a greater inclination to consider the constitutional implications of adequate interpretation in criminal cases, so that one perhaps should not attach undue weight to older cases which deny the applicability of constitutional principles to the matter of providing competent interpreting services for the deaf. Moreover, special statutes increasingly provide for many of the more important aspects of interpretation, which reduces considerably the need for litigation.

In what follows, we will consider (1) the constitutional status of the claim to interpretation, (2) the coverage of current statutes, (3) legal

aspects of the process of appointing interpreters, (4) legal standards for the performance of interpreter duties, and (5) the matter of fees for interpretation. Although most of the users of this Manual are not interested in researching original legal materials and thus do not particularly need legal citations to statutes and decisions, the latter are nonetheless included because of the relative dearth of published research in the field. In many instances, the cited cases include situations of translation between verbal languages, and not interpretation for the deaf. This does not matter, however, because the legal rules apply interchangeably to the two forms of interpretation, and the practical problems posed by both are essentially the same.

II. Constitutional Status of the Claim to Interpretation

A. Criminal Cases

The United States Constitution guarantees to criminal defendants the important rights to a fair trial, confrontation of witnesses, and competent counsel; these rights are made binding on the states through the due process clause of the Fourteenth Amendment.

In examining the application of these rights to a trial in which one or more of the participants are deaf, one might distinguish (1) the deaf defendant in the setting of a proceeding in which other participants can hear, and (2) a hearing defendant in proceedings in which one or more of the witnesses are deaf.

In the first setting, the basic claim of the defendant is that he or she might as well be completely away from the courtroom if there is no means of

communication. As one court noted in the setting of a trial in which the defendant knew only Spanish and the entire proceedings were in English, "most of the trial must have been a babble of voices" [United States ex rel. Negron v. New York, 434 F.2d 386, 388 (2d Cir. 1970)]; in the case of a deaf defendant, proceedings in which nothing is interpreted can be only a meaningless pantomime. Thus, to try one without providing qualified interpretation is to deny fundamental fairness [cf. Terry v. State, 21 Ala. App. 100, 105 So. 386 (1925); In re Muraviov, 192 Cal. App. 2d 604, 13 Cal. Rptr. 466 (1961)].

As perhaps a corollary to the basic concern for a fair trial, there is the Sixth Amendment right of a criminal defendant to confront the witnesses against him or her. While at times the principal thrust of this right is to bar trial in the defendant's absence or to prevent the invocation of technical rules of evidence to exclude credible evidence favorable to the defendant, the application of the right of confrontation principally germane to the provision of competent interpreting services for the deaf is the claim to effective cross-examination of prosecution witnesses. If the defendant cannot hear or understand the testimony of prosecution witnesses, he or she is in no position to suggest to counsel possible discrepancies in those witnesses' direct testimony. There is precedent for application of the right of confrontation to protect defendants who do not understand English [State v. Vasquez, 101 Utah 444, 121 P.2d 903 (1942); Garcia v. State, 151 Tex. Crim. 593, 210 S.W.2d 574 (1948)], and the same premise should apply to protect deaf defendants as well.

A second corollary to the fundamental principle that a criminal trial must be fair is the Sixth Amendment right to representation by counsel in any

case in which there is any possibility of imprisonment [Argersinger v. Hamlin, 407 U.S. 25 (1972)]. The right to counsel means the right to an attorney who knows enough about the case to be able to represent the defendant effectively; this is one aspect of the requirement that a defendant be provided with "constitutionally competent counsel." If the defendant is not provided with interpreting services for the purpose of consultations with counsel during the course of trial, then arguably the attorney does not provide the required level of representation. Certainly, in the setting of mentally-ill defendants who are placed on trial, the inability to communicate with counsel is an important element in determining whether due process was afforded [Jackson v. Indiana, 406 U.S. 715 (1972)], and the same consideration should apply when it is language (or deafness) and not mental condition which makes communication between counsel and client impossible [cf. United States ex rel. Negron v. New York, above (Spanish-speaking defendant); Mothershead v. King, 112 F.2d 1004 (8th Cir. 1940) (deaf defendant)].

Should it matter that the attorney happens to be conversant with Ameslan? In the analogous situation of a defendant whose attorney speaks the defendant's language, there has been a tendency to rule that the defendant's right to counsel has been adequately safeguarded [United States v. Desist, 384 F2d 889 (2d Cir. 1967); People v. Pelegri, 39 Ill. 2d 568, 237 N.E.2d 453 (1968)], since whether or not there has been a want of effective communication with counsel must be determined on the basis of the facts in the particular case. One might ask how counsel can perform the expected role of an attorney and at the same time provide interpreting services for the defendant, but the cases in which that dilemma was presented as an impairment of the right to effective counsel failed

to find constitutional error [Gonzales v. United States, 314 F.2d 750 (9th Cir. 1963); People v. Pelegri, 39 Ill. 2d 568 N.E.2d 453 (1968)].

If the particular hearing involves only questions of law, so that no factual testimony is to be taken, there is no requirement that the defendant be provided with interpreting services, since the entire proceeding on the point can be conducted in his absence without impairing his right of confrontation [cf. United States v. Paroutian, 299 F.2d 486 (2d Cir. 1962)].

If the defendant has the means to obtain his or her own qualified interpreter, is the court under a duty to provide interpreting services anyway? On the analogy to the right to counsel, which benefits only indigent persons, one decision holds that only a person without financial resources can claim the appointment of an interpreter on constitutional grounds [United States v. Desist, above].

To what extent has the United States Supreme Court spoken on these matters? The answer is, very little. In one rather elderly case [Felts v. Murphy, 201 U.S. 123 (1906)], the Court found the issue not to have been properly presented on habeas corpus when a deaf person had been tried without interpretation services (although the tenor of the opinion suggests that the Court thought the failure to provide interpreting unwise). In another decision soon afterwards [Perovich v. United States, 205 U.S. 86 (1907)], there was felt to be no abuse under the circumstances of the case in refusing to provide a foreign language interpreter for the defendant. In the most recent case [Marino v. Ragen, 332 U.S. 561 (1947)], the state admitted that constitutional error was committed

in accepting a guilty plea from a young, recent immigrant who did not know English and who was unrepresented by counsel; the arresting officer provided interpreting services. It is not clear, however, that the want of interpretation by an impartial interpreter was nearly as important as the lack of counsel.

It seems probable, nevertheless, that the Court's decision in Jackson v. Indiana, above, applies by analogy to an instance in which a deaf defendant is denied adequate interpretation. Jackson was in fact deaf and unable to communicate with the court, but the principal concern on the part of the Supreme Court was with his mental condition, which had brought about open-ended hospitalization that served to suspend indefinitely trial on pending criminal charges. Nevertheless, the constitutional basis for suspending criminal proceedings under circumstances of mental incompetence is the inability of a criminal defendant to understand the proceedings and to communicate adequately with counsel. (Jackson then holds it improper to keep a mentally-ill person compulsorily hospitalized without the usual procedures required for civil commitment of mentally-ill persons generally, and to suspend criminal proceedings indefinitely when the defendant cannot promptly be restored to a triable condition.) If a defendant suffers from similar disabilities because of inability to communicate, through deafness or lack of knowledge of English, it seems difficult to say that due process of law has not been denied him.

B. Civil Cases

The constitutional rights dealt with in (A) above do not apply to civil cases. Consequently, the traditional viewpoint is that there is no right to claim the appointment of an interpreter in a civil case (at least, one to which

a governmental agency is not a party) [Cochise County v. Michelena, 15 Ariz. 477, 140 P. 62 (1914)]. Naturally, this means only that there is no ability to insist that the court provide interpreting services at no cost to the parties. If a party provides an interpreter, the only issue for the court is the qualifications of the person offered for the purpose (see below).

However, the traditional distinction between criminal and civil cases may no longer be a reliable one for determination of the legitimacy of a claim to interpreting services. The Supreme Court has afforded constitutional procedural rights to several classes of persons who are not criminal defendants in a technical sense; examples include respondents in juvenile delinquency proceedings [In re Gault, 387 U.S. 1 (1967)], revocation of probation and parole (viewed as administrative rather than criminal) [Gagnon v. Scarpelli, 411 U.S. 778 (1973); Morrissey v. Brewer, 408 U.S. 471 (1972)], and prison disciplinary proceedings [Wolff v. McDonnell, 418 U.S. 539 (1974)]. Since procedural rights in each of these contexts include information about charges and the presentation of facts through witnesses, it is probable that the right to adequate interpretation will be recognized as appropriate cases arise to present the issue.

C. Waiver

A number of the somewhat older decisions required that a criminal defendant affirmatively request the appointment of an interpreter, else any constitutional protection would be waived [Gonzalez v. Virgin Islands, 109 F.2d 215 (3d Cir. 1940); People v. Soldat, 32 Ill. 2d 478, 145 N.E.2d 86 (1957); People v. Ramos, 26 N.Y.2d 272, 258 N.E.2d 197, 309 N.Y.S.2d 906 (1970); Salas v. State, 385 S.W.2d 859 (Tex. Crim. App. 1965)]. If a defendant is represented

by competent counsel, who is aware of his or her linguistic abilities or aural capacity, and counsel does not request an interpreter, there may be scope to apply the doctrine of these decisions. However, if the defendant is unrepresented by counsel, or has been unable to communicate with counsel, or has no knowledge of the nature of the proceedings, then it is unlikely that a court today will be inclined to infer waiver of the right to adequate interpretation from the failure to make a positive demand for the services of an interpreter [cf. Marino v. Ragen, above; United States ex rel. Negron v. New York, above; In re Muraviov, above].

If a hearing-impaired defendant has the ability through use of a hearing aid or whatever to hear what transpires in the courtroom, but refuses to equip himself, he can be viewed to have waived his claim to an interpreter through his conduct [People v. Guillory, 178 Cal. App. 2d 854, 3 Cal. Rptr. 415 (1960)]. In Guillory, the defendant refused to equip himself with batteries for his hearing-aid.

* * * *

In general on constitutional aspects of interpreting, especially between languages, one may consult Comment, Constitutional Law: Translators: Mandatory for Due Process, 2 Conn. L. Rev. 163 (1969); Comment, The Right to an Interpreter, 25 Rutgers L. Rev. 145 (1970).

III A Survey of Statutory Provisions

The following material is intended to alert one to the nature of state legislation affecting the appointment of interpreters for the deaf. The

complete statutory references are found at the end of the Appendix.

A. General Interpreter Statutes

A number of states continue the practice of making no special reference to the interpreting needs of the deaf. Instead, they provide only for interpreting services in general [Federal, Ariz., Del., Ga., Hawaii, Idaho, Miss., Mont., New., Ore. (for witness "who does not understand the English language"), Vt., Wis. (statute relates only to compensation)]. It is then the task of the trial judge to determine that interpreters for the deaf are included.

B. Special Statutes Governing Interpreters for the Deaf

In recent years, many states have enacted special statutes providing for the needs of the deaf for adequate interpreting [Ala., Ark., Conn., Fla., Ill., Ind. (civil proceedings only), Iowa, Kan., La., Md. (civil proceedings only, Mass., Mich., Minn., Mo., Neb., N.J., N.M. (criminal prosecutions), N.Y., N.C., N.D., Ohio, Okla. (criminal only), R.I., S.C., S.D., Tenn., Tex., Va. (criminal prosecutions) Wash., W.Va.]. When the legislation covers directly only civil or criminal cases, there may also be a residual statute covering interpreters in general on which a court might rely.

A few of the newer statutes specify that a deaf person in initial police custody have interpreter services [Colo., Minn., Okla., S.D.]. In the absence of such a requirement, whether or not the services of an interpreter should be available to an arrestee will probably depend on whether there is interrogation to produce a confession; in that event, a functional

corollary to the requirement of effective warnings and a valid waiver of rights [under Miranda v. Arizona, 384 U.S. 436 (1966)] should be that the deaf person be given an interpreter.

Several of the statutes enacted in recent years also specify that deaf persons involved in administrative proceedings also be provided with interpreters [Colo., Conn., Iowa, Kan., N.D., S.D., Wash., W.Va.]. This pattern of legislation is probably necessary to guarantee representation for deaf persons before administrative agencies, since it is doubtful at the present time that courts by judicial decision will impose such a requirement on administrative bodies and officers.

C. States Without Statutes

In the handful of jurisdictions not found in either (A) or (B) above, counsel for a deaf person will have to rely on the constitutional doctrines described in Part II in a criminal case or other form of proceeding to which due process procedural guarantees apply. In the case of civil proceedings, one would need to appeal to the concept of an inherent power in a court of general trial jurisdiction to take whatever actions are necessary to ensure fair and orderly proceedings. Such a concept clearly will allow the appearance and participation by a qualified interpreter provided by a party or witness, but not the appointment of an interpreter for an indigent party or witness, as the law now appears to stand.

IV. Legal Aspects of the Appointment of Interpreters

A. Judicial Discretion

Unless a constitutional provision specifically [e.g., New Mexico's constitution] or by judicial interpretation requires the appointment of an interpreter, the approval of an interpreter lies in the sound discretion of the trial court; there is abundant authority for that proposition [e.g., Perovich v. United States, above; Suarez v. United States, 309 F.2d 709 (5th Cir. 1962); People v. Lopez, 21 Cal. App. 188, 131 P. 104 (1913); Casciato v. Rennick, 380 P.2d 122 (Wyo. 1963)].

Matters having to do with the appointment and qualifications of interpreters are strictly within the province of the judge. Consequently, it is legal error for a trial court to leave to the jury the decision as to whether an interpreter is qualified [Kley v. Abell, 483 S.W.2d 625 (Mo. App. 1972)].

Judicial discretion goes to three matters:

(1) Legal availability of interpreter services. In the absence of a constitutional or statutory provision specifically guaranteeing the right to an interpreter, the trial court must determine whether an interpreter should be appointed or supplied. Even in a criminal case, if the particular phase of the proceeding involves only legal questions, the court has discretion to refuse to provide an interpreter at that time [United States v. Paroutian, above].

(2) Hearing capacity of the party or witness. The foreign language cases have firmly established the premise that the judge has discretion to determine whether the party or witness indeed lacks English language competency [Perovich v. United States, above; Suarez v. United States, above; Gonzalez v. Virgin Islands, above; Viliborghi v. State, 45 Ariz. 275, 43 P.2d 210 (1935);

People v. Avila, 50 Cal. App. 228, 194 P. 768 (1920); People v. Soldat, 32 Ill. 2d 478, 145 N.E.2d 86 (1957); People v. Ramos, above; Salas v. State, 385 S.W.2d 859 (Tex. Crim. App. 1965); Tompkins v. Byrtus, 267 P.2d 753 (Wyo. 1954)]. A similar approach is taken to the matter of the hearing ability of party or witness [e.g., People v. Guillory, above; Kelly v. State, 96 Fla. 348, 118 So. 1 (1928); Ralph v. State, 124 Ga 81, 52 S.E. 298 (1905); Beall v. Spears, 106 Kan. 690, 189 P. 938 (1920)].

(3) Qualifications of the interpreter. Some of the recent statutes indicate the qualifications of or the sources from which qualified interpreters for the deaf are to be drawn [Ala. (Alabama Association of the Deaf); Mo. (Missouri School for the Deaf); N.J. (R.I.D.); Okla. (Oklahoma Association of the Deaf); S.C. (R.I.D. or National Registry of Interpreters for the Deaf); Va. (R.I.D.); W.Va. (National Registry of Interpreters for the Deaf or "otherwise qualified")].

In the absence of such a statutory requirement, the court must find the proffered interpreter to be qualified to conduct the needed translation [e.g., People v. Mendes, 35 Cal. 2d 537, 219 P.2d 1 (1950); Reo v. Vecchio, 340 Mich.216, 65 N.W.2d 773 (1954); Erba v. Erba Bros., 77 R.I. 75, 73 A.2d 697 (1950)].

Although an interpreter is sworn like a witness, he is not treated like a witness as far as qualifications are concerned. In the case of an expert witness, for example, if the counsel calling the expert establishes that the latter has the necessary professional qualifications, then he is permitted to testify. If the opposing side believes that the expert's opinion is open to doubt, then it must resort to "impeachment" (the technical legal term) through cross-examination of the expert on the bases for the claimed scientific conclusion, or must use other

experts to suggest a contrary significance to the data originally relied on. In the instance of an interpreter, in contrast, the court is under a duty to find that the proffered interpreter is qualified, since a botched interpretation is not something which can be brought to light through cross-examination [State v. Spadoni, 137 Wash. 684, 243 P. 854 (1926)]. An objection to the interpreter's qualifications is required, however [Reo v. Vecchio, above].

Because of the nature of the issue of interpreter competency, the judge must determine the matter with the jury excused from the courtroom [Kley v. Abell, 483 S.W.2d 625 (Mo. App. 1972)].

What is the standard by which the proficiency of an interpreter for the deaf must be determined? Because statutes do not spell out the requisite skills, courts will have to establish the standards themselves. One court has stated the requisite qualifications in this way [Kley v. Abell, above]:

. . . Upon proper objection the trial court must determine:
(a) if the witness can communicate at all, and if so, how such communication is accomplished (by writing, normal sign language, or personal means such as here), (b) who can understand the communication, (c) which method of communication and interpretation is most likely to produce a fair and honest presentation of the witness's testimony, and (d) is the person who understands the witness best also the most qualified to act as an officer of the court. . . . [483 S.W.2d at 628-29]

There of course is no insistence that everything be reduced to writing for the benefit of a deaf defendant or that questions be written for a deaf witness; sign language is proper [Ralph v. State, 124 Ga. 81, 52 S.E. 298 (1905); State v. Howard, 118 Mo. 127, 24 S.W. 41 (1893)]. However, the interpreter must use an established system subject to external monitoring [People v. Walker, 69 Cal. App. 475, 231 P. 572 (1924)]. In Walker, the wife of a prosecution witness claimed to interpret his bodily responses, although the witness could not speak and was observed to make no ascertainable response to the questions. At a minimum, the trial judge would be under a duty to require the purported interpreter to establish under oath what the claimed system of communication is.

There is no objection to using two interpreters if that is necessary to permit communication between the deaf person and the court [Skaggs v. State, 108 Ind. 53, 8 N.E. 695 (1886)]. Conversely, there is no inherent impropriety in appointing a single interpreter to serve the needs of two or more defendants in need of interpreting assistance [Chavira Gonzales v. United States, 314 F.2d 750 (9th Cir. 1963)(Spanish interpreter)].

The fact alone that an interpreter is replaced during trial is not proof that he or she is unqualified, since there may be personal reasons which account for the change [Gallegos v. Garcia, 14 ARiz. App. 85, 480 P.2d 1002 (1971)].

An interpreter with the requisite professional qualifications may still be disqualified if there are obvious circumstances which will bias the

interpreter against the defendant, party or witness [Prince v. Beto, 426 F.2d 875 (5th Cir. 1970) (husband of deaf rape victim held excessively biased; he had offered to call off the prosecution on payment of money)]. However, it is not relationship alone which determines bias; the fact that an interpreter is a police official [State v. Firmatura, 121 La. 676, 46 So. 691 (1903)] or a collateral relative [People v. Rardin, 255 Ill. 9, 99 N.E. 59 (1912)], or has interpreted for the opposing party on other occasions [Hsu v. Mt. Zion Hospital, 259 Cal. App. 2d 562, 66 Cal. Rptr. 659 (1968)] does not automatically require disqualification. Instead, the objecting party must show additional factors indicating actual bias in the particular case [State v. Boulett, 5 Wash. 2d 654, 106 P.2d 311 (1940)]. An objection of course is required, so that an attack on qualifications made only after trial will be ineffective [Sellers v. State, 61 Tex. Crim. 140, 134 S.W. 348 (1911)].

The South Dakota statute requires that an interpreter be acceptable to the party or witness for whom the interpreting is to be done. Although one can understand the motivation behind the provision, it makes little sense from the practical standpoint, particularly in light of the paucity of qualified interpreters. If one presses the logic of the statute, a deaf defendant could delay proceedings indefinitely simply by refusing every interpreter offered to him. One may surmise that under such circumstances a trial court would probably ignore the statute or else read into it a requirement that the refusal be in good faith or based on some valid explanation for the rejection of a qualified interpreter.

B. Oath

After an interpreter has been qualified to act, he or she must be administered an oath [Federal Rules of Evidence, Rule 604 (1975); Ark., Colo., Conn., Ga., Ind., Iowa, Kan., La., Miss., Minn., Mo., Nev., N.D., Ohio, Okla., R.I., S.D., Tex., Va., Vt., Wash., W.Va.]. This requirement stems in part from the tradition that likens an interpreter to a witness or expert witness, and in part from the recognition that an interpreter occupies a status akin to that of an officer or employee of the court. Presumably, any wilful failure to perform the duties of interpreter properly could be dealt with as contempt of court [cf. the Florida statute, which imposes misdemeanor penalties upon an interpreter who wilfully fails to perform assigned duties].

V. Legal Standards for Interpretation

A. Nature of Duties

The most usual indicator of the duties which an interpreter is to perform is the content of the oath administered to the interpreter by the court. The Federal Rules of Evidence require the interpreter to "make a true translation" [Rule 604], and the Georgia statute is similar. The Colorado statute is typical of the language found in the oath provisions in several other states [Conn., Kan., Minn., Mo., Ohio, Okla., R.I., S.D., Tex., Wash.]: "Every interpreter . . . , before entering upon his duties, shall take an oath that he will make a true interpretation in an understandable manner to the person for whom he is appointed, and that he will repeat the statements of such person in the English language, to the best of his skill and judgment."

B. Practical Problems of Interpretation

A handful of statutes (apparently based on a model statute prepared by one or more organizations of or for the deaf) specify that the interpreter must be "in a position not exceeding ten feet from and in full view of the deaf person" [La., R.I., Tex.]. Even without such a statute, it would be incumbent on the trial judge to ensure that the interpreter is afforded whatever position or conveniences are necessary to effective communication.

An interpreter must interpret everything which a witness states under oath [State v. Deslovers, 40 R.I. 89, 100 A. 64 (1917)], without holding anything back. It is then the trial court's responsibility to rule whether the answer is responsive to counsel's questioning, legally relevant, or whatever. Correspondingly, it is the trial judge's duty to see that a qualified interpreter is provided so that everything the witness says is indeed translated into English [People v. Shok, 12 Ill. 2d 93, 145 N.E. 2d 86 (1957)]. Within these limitations, however, there is no legal problem if the interpreter uses the third person form rather than first person in translating the witness' testimony [People v. Jackson, 53 Cal. 2d 89, 346 P.2d 389 (1959)] (a problem perhaps more observable with foreign language translation than interpreting for the deaf).

The Georgia statute is unusual in that it permits an interpreter to "explain his evidence." Judges and legislators ignorant of foreign languages or the conceptual nature of Ameslan will usually insist on a "literal" translation, which of course is impossible. Until the nation's trial bench can be educated about the nature of proper interpretation, an interpreter should be

prepared to indicate to a trial judge the fundamental character of interpretation for the deaf, and will also bear a practical burden of educating the attorney for a deaf defendant or party, or counsel who calls a deaf witness to the stand.

VI. Fees

An interpreter has a claim to a fee for services performed, which in some states may be enforceable by civil suit [cf. Myers v. County of Cook, 34 Ill. 2d 541, 216 N.E.2d 803 (1966)]. The matter is dealt with by statute in many states. In some, the amount of the fee is fixed by the statute [e.g., Ala., Conn., La., Mich., Mont., N.D., R.I., Tex., W.Va.]. Particularly in a time of inflation, this is a poor legislative technique. In federal practice and under the statutes of a substantial number of states [Ark., Colo., Del., Fla., Iowa, Ill., Md., Minn., Mo., Nev., N.J., N.Y., N.C., Ohio, Okla., S.D., Tenn., Tex., Vt., Va., Wah., Wis.], the amount payable in the particular case is determined by the trial court. Presumably, a clear abuse of discretion in that regard can be made the basis of either appeal (in the instance of an interpreter for the party), or a special proceeding by the interpreter.

Some of the statutes also provide especially for payment of expenses to the interpreter [Ala., La., Okla., Tex., Wash., W.Va.]. If there is no direct provision to that effect, one should check the general statutes or rules applicable to witness travel; since an interpreter for many purposes is dealt with as a witness, the provisions governing mileage and other expense probably apply to both.

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Federal Rules of Evidence, Rule 604

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