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# Telephone interpreting in lawyer-client interviews: An observational study

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**Abstract:** This paper presents the findings of an observational study of 17 telephone interpreted lawyer-client interviews in New South Wales, Australia. It focuses on the lawyers' and interpreters' interactional management approaches when they work together remotely. The study highlights a number of issues pertaining to this particular mode of interpreting, including a distinct lack of briefing, ignorance of existing protocols, poor working conditions and at times technical problems. The study found mixed results relating to interpreters' compliance with the code of ethics. The vast majority of interpreters adhered to the normative practice by using the standard first-person pronoun, however instances of interpreters adopting extra roles were prevalent, which is most likely due to lack of training and adequate credentials. Interestingly, most interpreters were passive participants, who rarely initiated coordination functions. On the other hand, the lawyers seemed conversant with the role of the interpreter and demonstrated active coordination strategies to help interpreters overcome some of the inherent challenges of telephone interpreting. The paper concludes with a number of recommendations.

**Keywords:** telephone interpreting; interpreted lawyer-client interviews; interpreter code of ethics; interactional management; choice of pronouns

## 1. Introduction

Telephone interpreting, as a form of remote interpreting, has gained great popularity in the interpreting industry over the past few decades. Compared to engaging on-site interpreters, the more traditional form of interpreting, telephone interpreting has a number of distinctive advantages: it is cost-effective, especially due to the steep fall in the price of telephony (Ozolins, 2011); it is time-saving, as the interpreter does not have to travel; it offers quick and easy access to interpreters in languages of lesser diffusion (Ko, 2006; Napier, Skinner, & Braun, 2018), sometimes even at short notice (Wadensjö, 1999), and it can be more conducive to maintaining confidentiality if the interpreter is located in a private place (Rosenberg, 2007). Yet, at the same time, with its potential technical issues, lack of visual cues, possible physical discomfort, inconsistent or non-existent protocols, unpredictable workflow, and generally low remuneration, telephone interpreting can be very challenging for interpreters and those who use their services (e.g. Lee, 2007; Määttä, 2018;

Wadensjö, 1999; Wang, 2018a), potentially affecting the quality of the interpretation.

As demanding as working over the telephone can be, there is not much training available for interpreters or for interpreting service users on how to conduct telephone interpreting (Iglesias Fernández & Ouellet, 2018; Stern & Liu, 2019a). This situation is rapidly changing at least in Australia, where in 2011 the National Accreditation Authority for Translators and Interpreters (NAATI) commissioned an independent review whose findings are summarised in the report *Improvements to NAATI Testing: Development of a Conceptual Overview for a New Model for NAATI Standards, Testing and Assessment* (Hale, Garcia, Hlavac, Kim, Lai, Turner, & Slatyer, 2012). As a result, NAATI accepted one of the review recommendations to incorporate Telephone Interpreting in its Interpreter certification examinations commencing in 2018 (NAATI, 2019). As a consequence of this addition to the content of the certification examinations, education and training institutions have also incorporated Telephone Interpreting into their curricula in a more systematic way. In line with this new development, the Australian Institute of Interpreters and Translators (AUSIT), has published its *Recommended Telephone Interpreting protocols* (AUSIT, n.d.) which are freely available on its website. The results of such changes are yet to be explored, although it is anticipated that specific protocols, training and testing in this skill will inevitably lead to improved outcomes.

Research in the field of Telephone Interpreting has not been extensive either. Despite its popularity in the interpreting industry and high skills expected of interpreters, telephone interpreting remains a “vastly under-researched area” (Ozolins, 2011, p. 33) and there is “a paucity of observational studies” investigating challenges of this type of interpreting (Iglesias Fernández & Ouellet, 2018, p. 19).

### **1.1 Telephone interpreting research**

Early research on telephone interpreting has attempted to identify the uniqueness of this type of interaction. A US study compared interpreter-mediated telephone dialogues (English-Japanese) and non-interpreted ones to assess the management strategies used by the participants (Oviatt & Cohen, 1992). Three professional Japanese interpreters, with between three and 12 months’ experience working in telephone interpreting participated in the study. The interpreters’ professional qualifications are unknown. However, considering the scarcity of interpreter training in the USA in Japanese in the early 1990s, it is unlikely that they would have received any training. The research found that interpreters played an active role in managing the information flow, by adding questions or information of their own. They also consistently used the third person pronoun to refer to the participants while interpreting. The researchers commented that due to lack of visual cues this strategy was used to avoid confusion about who was speaking. With regards to the organisation of the conversation, instead of a conversation between the two main interlocutors, the study found the interpreters summarised one party’s utterances to the other, leading to two parallel sub-dialogues between the interpreter and the English-speaker and between the interpreter and the Japanese-speaker. The study also found that the error rate was higher in the interpreted dialogues than in the non-interpreted dialogues, leading to a higher level of miscommunication when an interpreter was involved, despite the fact that there was a higher rate of requests for confirmation in the interpreted calls.

In another comparative study, Wadensjö (1999) analysed two interpreted police interviews with one interview being interpreted over the telephone and the other being interpreted face-to-face. Wadensjö found that in the face-to-face interview the tempo was faster and the interview seemed to be more fluent, with the interpreter at times using a semi simultaneous mode, a strategy found in a

recent study on interactional management by trained interpreters in simulated police face-to-face interviews in Australia (Hale, Goodman-Delahunty, & Martschuk, 2019). Wadensjö (1999) argued that telephone interpreting limits the interpreter's coordinating function due to its lack of visual cues and "the sense of immediacy inherent in face-to-face interpreting" (p. 262) but acknowledged that more detailed research is needed to further explore the differences between these two types of interpreting.

Rosenberg (2007) analysed his own telephone interpreting experience over a 14-month period in the USA, amounting to 1876 encounters in medical and business settings. Rosenberg's main observations were that there was very little if any introduction or briefing at the commencement of each interview; the use of the third person pronoun was common throughout to compensate for the lack of visual cues; it was more difficult for him as interpreter to understand speakers of different dialectal varieties of Spanish over the telephone and at times poor sound or other technical issues also interfered with the communication. He also concludes that more rigorous research, with larger data sets should be conducted to further explore the advantages or disadvantages of this type of interpreting.

Based on six Australian-based interpreters' performances in eight three-hour long simulated telephone interpreting sessions for a total of 24 hours, Ko (2006) set out to examine issues of fatigue, stress and concentration span associated with this type of interpreting activity. The results showed that after a period of practice with the use of adequate equipment, the interpreters felt much more comfortable and perceived that their stress and fatigue levels decreased, and their concentration span increased. Although these were only personal perceptions, they may indicate that familiarity and good working conditions may be able to dispel the commonly negative views held by interpreters about this mode of interpreting, as evidenced in a number of survey studies (Lee, 2007; Wang, 2018a, 2018b).

In a recent study, a team of European researchers analysed 25 simulated interpreted telephone calls in health, tourist and legal settings in Spain (Amato, 2018; Spinolo, Bertozzi, & Russo, 2018). The results showed that telephone interpreters performed an active role in managing turns, for example, by effectively chunking information using back channelling signals. Dyadic exchanges between the interpreters and one of the speakers, rather than interpreted three-way communication, were common. The interpreters initiated these dyadic exchanges to ask for clarifications and sometimes even solicit information by adding their own questions. The third person pronoun was frequently used by the interpreters in these dyadic exchanges, which, according to Amato "seems to be effective on the phone, especially as it (the third person pronoun) prevents misunderstandings and confusion" (Amato, 2018, p. 86).

Lee (2007) conducted a survey of 20 Korean interpreters' perceptions and experience of working as telephone interpreters in Australia. The study revealed that 46% did not consider telephone interpreting as a profession and none of them found the remuneration level satisfactory. Like other studies, the biggest challenge reported was the lack of visual information. Lee also found that most of the interpreters either used a mixture of first person and third person pronouns (45%) or used the third person pronoun only (15%). This result, however, is not corroborated by Wang's (2018a, 2018b) more recent and larger survey of 465 Australian interpreters. Wang's (2018b) larger sample preferred the use of the first-person pronoun when interpreting (62%). The difference may lie in the level of education of the sample of interpreters. It is possible that ten years of improvements in interpreter training and professionalism in Australia would have led to a better educated cohort of professional interpreters, who are confident in the use of the first-person pronoun and are better equipped to successfully manage the telephone interaction. Although it can be argued that interpreters in the 'new and emerging' languages of more recently arrived communities have had little or no formal interpreter training, and have lower

certification levels, it is possible that telephone interpreting service providers have been ensuring ongoing training for these interpreters (Stern & Liu, 2019b). In addition, Wang's (2018a) study also found a preference for face-to-face interpreting from interpreters, who opined face-to-face interpreting offered better working conditions and was more conducive to achieving accuracy.

Another recent survey of 52 telephone interpreters based in Spain and Sweden (Iglesias Fernández & Ouellet, 2018), different from most previous studies, found that a lack of visual cues was not the most difficult hurdle encountered by interpreters. Instead, a lack of provider's/client's awareness of interpreting needs, client's emotional state and technical issues were identified as major challenges.

The results of the limited research into telephone interpreting are consistent on the disadvantages of this type of interpreting and of interpreters' preference for face-to-face interactions. Most of the above studies have used very small data sets, but they corroborated each other on the problems associated with the lack of visual cues, poor working conditions that lead to higher levels of stress and the tendency for some interpreters to take on extra coordinating roles and use the third person pronoun to relay others' utterances. However, qualifications and training of the interpreters are not explicit, and it may be that the same interpreters would also use the third person in face-to-face interpreting. Studies comparing the behaviour of the same interpreters interpreting face-to-face and remotely would be needed to ascertain this.

Furthermore, the studies so far have been silent on the way telephone interpreting affects the main service provider and their control over their own interview. Interpreted interviews are by their very nature much more complex than monolingual interviews. Service providers need to learn to effectively work with interpreters as professional colleagues. Doing this remotely adds to the complexity and requires the interviewer to play an even more active role in coordinating the turns, verbalising visual cues for the benefit of the interpreter who cannot see and overcome the challenges of not being able to see what the interpreter is doing on the other side of the telephone or what is happening around them. This last point can also impinge on the confidentiality of the interview, as the interviewer cannot control who hears the conversation on the interpreter's telephone.

## **1.2 Protocols**

As mentioned above, AUSIT (n.d.) has recently produced telephone interpreting protocols, which outline the responsibilities of the call organiser, the interviewer and the interpreter. The protocols are divided into three sections:

1. What should happen before the interview (p.1)
2. What should happen at the commencement of the interview (p.1)
3. What should happen during the interview (p.2)

The protocols recommend that interpreters be called in advance before the interview, to be briefed and also given the opportunity to find a suitable place to conduct the job. It is also recommended that, at the commencement of the interview, the interpreter's role be explained to all present. This involves the interpreter's setting out the ground rules about how they will conduct themselves as professional interpreters – what Tebble (2013) calls “the contract”. The interviewer for their part should establish and explain the suggested protocols at the commencement of the interview to all involved, so as to avoid confusion (protocols 3.a-c. – see below). Most research into interpreting activity has concentrated on what happens during the interpreted event. However, the stage prior to the start of the interpreted event is also very important, because this is the stage when the primary participants become familiar with each other's roles and where they can explain the “contract”

(Tebble, 2013). In particular, how the interpreter's professional role is introduced is likely to influence their performance in the rest of the interaction, as this is where interpreters explain that they are obliged by their code of ethics to interpret everything accurately, using the first and second person pronouns (Hale et al., 2019). Thus, it is generally recommended that interpreters be briefed by the professional end users to be prepared for the interpreting task, and interpreters introduce their role during the initial greeting (e.g. Hale, 2013; Tebble, 2013).

With regard to what should happen during the interview, the AUSIT telephone interpreting protocols recommend the following (AUSIT, n.d.):

3. What should happen during the interview
  - a. Every speaker should wait their turn before speaking. There should not be any overlapping speech
  - b. Every speaker should state who they are before they speak
  - c. If reference is made to anything in the room that the party who is not in the room cannot see, it should be described for their benefit. (p. 2)

As important as these protocols are, the limited research on telephone interpreting has shown that they are not always practised or even known.

## **2. The study**

### **2.1 Aims**

Based on the data obtained from live observations of 17 authentic interpreted lawyer-client interviews in Australia, where telephone interpreting was used, this study aimed to investigate how lawyers and interpreters interact remotely to manage the interpreted encounters and share the responsibility for successful communication. In line with the three sections recommended in the AUSIT telephone interpreting protocols, this study concentrated on analysing interpreters' and lawyers' interactional management approaches before, at the commencement of and during the interpreted interviews. The language of the interaction between lawyers and interpreters was English.

### **2.2 The context: telephone interpreting in Legal Aid NSW**

The interviews were held at the Legal Aid Commission in New South Wales (Legal Aid NSW), Australia. Legal Aid NSW is a government-funded organisation that provides free or low-cost legal services to socially and financially disadvantaged people. As many of Legal Aid NSW's clients have limited or no English language skills, interpreting services are provided to ensure access and equity. There is an overwhelming reliance on telephone interpreting services, which largely has to do with the "drop-in" client service. That is, on several days of a week, clients can simply show up at the office to see a lawyer without making an appointment. In such situations, telephone interpreting is the only option available for clients who require interpreting services. Legal Aid NSW has issued *Guidelines on Interpreting and Translation* to help lawyers and other staff use interpreting services effectively. To ensure the quality of interpreting, the *Guidelines* recommend that lawyers work with interpreters who hold a NAATI Professional Interpreter accreditation<sup>1</sup>, or Paraprofessional Interpreter accreditation if the former is not available (Legal Aid NSW, 2014, p.7). The *Guidelines* also provide a short set of

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<sup>1</sup> In Australia, most public and private organizations require interpreters to hold a NAATI credential. At the time of the study, there were four accreditation levels for interpreting, including Senior Conference Interpreter, Conference Interpreter, Professional Interpreter and Paraprofessional Interpreter. To obtain a NAATI accreditation, training was not compulsory. In 2018, NAATI launched a new certification system, adding new categories of specialist interpreters (in legal and healthcare settings) and making pre-certification training compulsory.

recommendations on how lawyers should work with interpreters during interviews and in court. There is little, if any, guidance on how to work with interpreters who are located remotely and provide interpretation via telephone interpreting services (p. 9).

### **2.3 Data collection and description**

Between March and November 2016, ethnographic observations of lawyer-client interviews were carried out under the auspices of Legal Aid NSW at its head office (Sydney CBD) and branch offices at Liverpool and Bankstown (greater metropolitan Sydney). These three offices were chosen as the research sites due to the high volume of non-English speaking clients requiring interpreting services. Ethics approvals were granted by Legal Aid NSW and the University of New South Wales, Sydney<sup>2</sup>. Prior to the observations, consent was obtained from all the research participants, including interpreters, lawyers and clients. The observations were conducted by the first author who sat in the room where the interpreted interview took place. To avoid distraction, the first author sat in a corner of the room away from the desk where lawyers interviewed their clients. The aim of the observations was not to assess the accuracy of the interpretation but to examine the interactional aspects of the interview, using English as the language of analysis.

As audio or video recordings were not permitted, the first author used an observation sheet to note down how lawyers and interpreters managed the interactions. The observation sheet had been designed based on the themes extracted from previous research on interactional aspects of the interpreting activity, such as turn-taking, interpreter's interpreting approach and role performance. The notes also included verbatim quotations of some of the comments made and of short interpreted conversations in some of the interviews when possible.

Seventeen interviews in total, involving eight lawyers, 17 clients and 18 interpreters form the data of this study. To our knowledge, to date, this makes it the largest study on telephone interpreting using data from authentic interpreted events. All the interviews were conducted with the lawyer and the client sitting in the interview room at a Legal Aid NSW office, and the interpreter providing interpretation by telephone from a remote location. Communication with the interpreter was always via an audio-only speaker telephone, i.e. no visual input. Each interview lasted approximately 45 minutes, covering cases on immigration law, criminal law, social security law and family law. The eight lawyers all had experience using telephone interpreting services, although with different levels of frequency. Altogether, the 17 clients spoke eight languages: Arabic, Assyrian, Chinese (Mandarin), Lao, Punjabi, Rohingya, Swahili, and Vietnamese.

Eighteen interpreters were involved because in one interview (No. 9) the first interpreter was accidentally disconnected so the lawyer had to call the interpreting agency again to find another interpreter. The professional qualifications of the 18 interpreters were unknown. Considering the fact that for most of these languages there were no training opportunities<sup>3</sup> and NAATI accreditation was only available at the Paraprofessional Interpreter level<sup>4</sup>, it was very likely that the 18 interpreters would have held different accreditation levels,

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<sup>2</sup> This study is part of the first author's PhD research supervised by the second and third authors at the University of New South Wales, Sydney.

<sup>3</sup> At the time of the study, formal interpreting training at tertiary level was only available to a limited number of languages in Australia. Out of the languages in the data only Arabic, Chinese (Mandarin) and Vietnamese were included in tertiary interpreting programs. There were few training opportunities for languages that were considered of "limited diffusion", such as Punjabi, Rohingya, and Swahili, also referred to as "new and emerging" languages of recently settled communities of migrants, refugees and asylum seekers.

<sup>4</sup> At the time of writing of this article, for Assyrian, Rohingya and Swahili, NAATI accreditation was only available at the Paraprofessional Interpreter level.

and most would not have been trained at all. In order to maintain the anonymity of the research participants, each participant was numbered with “L” referring to the lawyer and “I” referring to the interpreter. Examples used in this paper are drawn from 11 of the 17 interviews (Table 1).

Table 1. An overview of the 11 interpreted interviews

Interview No.	Language combination	Law type	Case matter
2	English-Arabic	Immigration law	The client enquired about how to apply for a refugee visa for his family to come to Australia.
3	English-Arabic	Immigration law	The client enquired about how to apply for a refugee visa for his daughter to come to Australia.
5	English-Swahili	Immigration law	The client enquired about how to apply for a visa for her sisters to come to Australia.
6	English-Arabic	Immigration law	The clients (two sisters) enquired about how to apply for a visa for their uncle to come to Australia.
8	English-Chinese	Criminal law	The client was suspected of committing domestic violence against his wife.
10	English-Lao	Criminal law	The client was suspected of sexually harassing a girl.
12	English-Arabic	Criminal law	The client had a light traffic offense.
14	English-Arabic	Social security law	The client sought legal advice on some issues with her business.
15	English-Vietnamese	Social security law	The client sought legal advice on her application of disability pension.
16	English-Chinese	Criminal law	The client sought legal advice on separation with his wife.
17	English-Chinese	Family law	The client sought legal advice on separation with his wife.

### 3. Results and discussion

Using the three stages included in the AUSIT telephone interpreting protocols, this section will describe what our observations revealed for each of these stages. Section 3.1 shows how lawyers contacted telephone interpreters before the start of the interviews. Section 3.2 presents how lawyers and interpreters greeted each other at the commencement of the interviews. Section 3.3 shows how lawyers and interpreters managed the interpreted interaction during the interviews by showing their different approaches to a number of issues arising during telephone interpreting. Some of these issues, such as technical issues and a lack of visual cues, are particular to telephone interpreting, while others relate to the interpreter’s level of professionalism and are not unique to this interpreting type.

#### *3.1 Before the commencement of the interpreted interviews*

In contrast to face-to-face interpreting where the interpreter is present at the interpreted event from the very beginning, interviews using telephone interpreting often started before an interpreter got on the line. When a non-English speaking client turned up at one of the offices and was shown into an interview room, it was ascertained then that interpreting services were needed. The lawyer then called the interpreting agency to request an interpreter. The

lawyer first placed the request to a booking officer who solicited relevant information, such as the lawyer's name and affiliation, the language for which an interpreter was required, whether the client was with the lawyer at the time of the call, the client's gender, and if there was a preference regarding the interpreter's gender. Noticeably, the booking officer did not ask for information related to the matter to be discussed, which means it was unlikely for interpreters to be briefed by the booking officer, contrary to the recommendations of the AUSIT protocols.

After providing relevant information to the booking officer, the lawyer and the client were put on hold. There was no common pattern as to what the lawyer and the client did while waiting. Most of the lawyers and the clients remained silent. Four lawyers (L2, L10, L11, L16) in six interviews (Nos. 5, 6, 7, 14, 15, and 16) started to talk with the clients while waiting. They either asked the clients whether they had any documents that needed to be read or started to ask some routine questions in simple English, such as the clients' address, date of birth, and their employment status. This only took place when the clients were able to understand and speak some English.

This pre-engagement between the lawyers and the clients sometimes had an impact on the lawyer-interpreter interactions at a later stage. This is because what was exchanged at this stage was often unknown to the interpreters, considering it was not a common practice for the observed lawyers to brief the interpreters (see Section 3.2). This created some difficulties for the interpretation when parts of the conversation during the interview were based on their pre-engagement, which was unknown to the interpreter.

### **3.2 The commencement of the interpreted interviews**

#### **3.2.1 Initial greetings**

At the commencement of the interviews, the lawyers often played a leading role in initiating the greetings to achieve different purposes: they always introduced themselves to the interpreters by name and affiliation; they sometimes let the interpreters and the clients greet each other in their LOTE<sup>5</sup> (in 6 interviews); they sometimes alerted the interpreters to the fact that they were with the clients and revealed how many people were present (in 8 interviews). They only occasionally briefed the interpreters about the nature of the case (in 4 interviews). None of the lawyers asked the interpreters if they were located in a suitable place, with adequate equipment and comfortable working conditions, where confidentiality could be maintained. Our observations indicated that some of the interpreters' working locations were not suitable, and often interfered with their ability to perform professionally.

Example 1 below demonstrates a typical initial greeting between a lawyer (L2) and an interpreter (I2) at the commencement of an interview. The lawyer initiated the greeting by saying "Hello" and stating her name and affiliation. Then, she asked the interpreter to introduce himself to the client directly in the LOTE. After the short adjacency pair, the interpreter said "OK" to the lawyer, indicating he had finished.

#### **Example 1** (Interview 2)

Lawyer (L2): Hello interpreter!

Interpreter (I2): Hello.

Lawyer (L2): My name is XXX. I'm calling from Legal Aid. I'll let you introduce yourself to the client.

Interpreter (I2): *[Speaks in Arabic]*

Client: *[Speaks in Arabic]*

Interpreter (I2): *[Speaks in Arabic]*

Client: *[Speaks in Arabic]*

Interpreter (I2): OK

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<sup>5</sup> Language other than English

Letting the interpreter and the client greet and introduce each other is an important step in the initial greetings. It offers an opportunity for the interpreter and the client to ascertain their mutual understanding, as well as for the interpreter to briefly introduce their role (Hale et al., 2019; Tebble, 2013). However, it was impossible to check if the interpreters explained their role, as they spoke in languages other than English that the researchers do not understand, but due to the short duration of the majority of their introductions, we consider it unlikely.

Example 1 demonstrates the lawyer's good understanding of how to work with interpreters. However, only four lawyers (L1, L2, L16, L17) in six interviews (Nos. 1, 2, 3, 4, 16, and 17) asked the interpreters to introduce themselves to the clients, but they did not instruct interpreters on what to say to the clients.

Four lawyers (L2, L9, L10, L11) in eight interviews (Nos. 5, 6, 7, 9, 11, 13, 14, and 15) told the interpreters they were with the clients, and how many other participants there were (see Example 2), thus providing interpreters with contextual information. This was particularly helpful in cases of overlapping speech between clients, as knowing that more than one client is present helped interpreters to distinguish between different speakers. Therefore, the lawyers who provided contextual information helped the interpreters to better understand the situation, which counteracted some of the inherent disadvantages of telephone interpreting.

**Example 2** (Interview 6)

Lawyer (L2): Good morning! My name's XXX, calling from Legal Aid. I'm with the client XXX and her sister.

In addition, our observations showed an absence of any briefing in most of the interviews. Only four lawyers (L9, L10, L11, L16) in four interviews (Nos. 9, 14, 15, and 16) provided a very short briefing to the interpreters about the case (Example 3). A lack of briefing may have had to do with the fact that lawyers did not know what was going to be discussed in the interviews as most of the clients were "drop-in" clients. It may also relate to the lawyers' lack of knowledge about the need to brief interpreters.

**Example 3** (Interview 16)

Lawyer (L16): Hello. How are you? I'm a criminal lawyer. If you can introduce yourself to the client... I've looked into some of his documents. He's got issues with his wife.

Another noticeable pattern found in our observations was the interpreters' comparatively passive participation in the initial greetings. Most interpreters simply followed the lawyers' instructions without taking the initiative to introduce themselves. None of the interpreters asked for briefings. Only one telephone interpreter initiated a self-introduction to the lawyer (Example 4).

**Example 4** (Interview 12)

Interpreter (I13): Hi, XXX. I'm an Arabic interpreter. My name is XXX. Good afternoon.

Lawyer (L2): Good afternoon.

In Example 4, the interpreter (I13) initiated the greetings, and she addressed the lawyer by her first name, indicating that the booking officer had provided it as part of the initial briefing to the interpreter. However, as was discussed earlier, the booking officers generally did not ask the lawyers for information about the case matter. The interpreter introduced herself as an Arabic interpreter and gave her first name, which helped to establish rapport and a sound working relationship with the lawyer. However, the interpreter did

not establish the “contract” (Tebble, 2013) or explain her professional role as recommended in the AUSIT protocols.

### ***3.3 During the interpreted interviews***

Once the interview commenced, the interpreters started interpreting and for the most part interpreted in the first person. At times, in order to provide an input into the ongoing conversation, the interpreters interrupted their interpretation to become ‘visible’ interaction participants (Wadensjö, 2008, p. 170) to assist communication. These were examples of what Wadensjö (1998/2014) called “non-renditions”, which were also common as found in previous research into telephone interpreting (Rosenberg, 2007; Spinolo et al., 2018). They often occurred when the interpreters needed to manage the interaction. For example, when interpreters had difficulty hearing the client due to technical issues, they asked for repetitions. Non-renditions also occurred when interpreters provided their own comments or engaged in side conversations with one party without revealing what was said to the other party, in contravention of the AUSIT Code of Ethics. The lawyers at times also spoke directly to the interpreters. This was either to describe their non-verbal behaviour, such as passing documents to the clients, or to ask the interpreters to explain what they had just said to their client in a side conversation. At times they also questioned the interpreter’s behaviour that they could not see. Many interpreters’ non-renditions and lawyers’ meta comments were directly linked to the distinctive nature of telephone interpreting, whilst others had to do with the interpreters’ level of professionalism. Below we provide examples of different interpreters’ non-renditions and lawyers’ meta comments.

#### ***3.3.1 Technical issues specific to telephone interpreting***

Successful telephone interpreting communication relies heavily on good telephone connection and reception. Our observations showed that nine out of the 17 interviews (Nos. 1, 3, 5, 6, 8, 9, 13, 15, and 16) suffered from poor signal and the use of ill-conditioned or inappropriate equipment, such as a mobile telephone, leading to an unclear line and unsatisfactory sound quality.

##### **Example 5 (Interview 5):**

Lawyer (L2): Sorry, interpreter, you are very far way. Are you on speaker? We can’t hear you.

...

Lawyer (L2): Sorry, could you repeat the first part? Your line is unclear.

...

Lawyer (L2): Sorry, could you please repeat the last sentence?

...

Lawyer (L2): Sorry interpreter, you just dropped out. Hello?

Interpreter: Hi?

Lawyer (L2): Yes, I can hear you now.

Example 5 above demonstrates a case where the lawyer (L2) had difficulty hearing the interpreter (I5) due to technical issues. The lawyer addressed the interpreter directly several times to ask for repetitions or check if the interpreter was still on the line. The lawyer also asked the interpreter whether she was on speaker-phone, which may have caused the interpreter’s voice to sound distant and unclear. The lawyer’s frequent requests for repetitions took extra time and interrupted the flow of the interview. Interruptions in particular would affect the interpreter’s concentration, also leading to further requests for repetitions.

##### **Example 6 (Interview 8):**

Interpreter (I8): Sorry, it’s not very clear.

Lawyer (L12): Which part did you miss?

Interpreter (I8): I’m not very sure.

Example 6 demonstrates a case where the interpreter (I8) missed the lawyer's utterance because of the unclear line and asked for repetition. Instead of repeating what had been said directly, the lawyer (L2) asked the interpreter which part she had missed. The interpreter could not answer because she had not heard it. The lawyer eventually repeated the whole turn. During the rest of the interview, whenever the line was unclear, the interpreter continued to ask for repetition. The interpreter's frequent requests for repetitions may have impacted on the flow of the interaction, delaying and disrupting the consultation. It may have also made the lawyer doubt the interpreter's professional competence.

### *3.3.2 Inadequate location and working conditions*

Speaker-phones were provided at the three offices for the use of telephone interpreting services at the times of our observations. Speaker-phones allow lawyers and clients to hear the interpreters without the need to take turns passing the telephone receiver to each other. At the other end, interpreters can hear the exchange between lawyers and clients. However, many researchers advised against the use of speaker-phones (e.g. Lee, 2007; Rosenberg, 2007; Wang, 2018a). Rosenberg (2007, p. 72) argued that the poor placement of the phone or the phone being too close to a source of noise (television, radio, crying baby) is likely to affect the sound quality. Therefore, using speaker-phones requires further attention to having appropriate working conditions. It is vital to have a quiet environment, as recommended by the AUSIT protocols, because the speaker amplifies any noise in the surrounding environment and obstructs clear hearing – a factor which may not be a problem for face-to-face interpreting situations. However, we observed that suitably quiet working conditions were not always available in at least five of the 17 interviews (Nos. 4, 5, 7, 13, and 15), and uninterpreted exchanges between the lawyer and the interpreter were likely to take place on these occasions.

#### **Example 7 (Interview 5)**

Lawyer (L2): Sorry, the kids were a bit noisy. Could you please repeat that again?

Example 7 is taken from Interview No. 5. The client brought her children, including a baby and a little girl, to the lawyer's office (L2). While the client was talking with the lawyer, her children became noisy, making it difficult for the lawyer and the interpreter (I5) to hear each other, even when the line was clear. At this point, the lawyer spoke directly to the interpreter explaining that she could not hear the interpreter clearly because of the children's noise.

In this noisy environment, the lawyer (L2) and the client often leaned forward towards the phone, and in order to get closer to the speaker, the lawyer and the client had to move the phone back and forth as they spoke. The frequent movement of the phone added to the bad connection. On several occasions, overlapping speech occurred when the client attempted to softly quieten down her baby while the lawyer was speaking. Overlapping speech was likely to distract and confuse the interpreter because the interpreter was unable to see to whom the client was speaking or hear clearly what the client had said.

### *3.3.3 Lack of contextual cues*

As previously described, telephone interpreters were absent from the pre-engagement between lawyers and clients. With no briefing, the interpreters mostly did not know what had been said between lawyers and clients. This lack of background and contextual information created difficulties for the interpreter in Example 8.

**Example 8** (Interview 6)

Lawyer (L2): Sorry, interpreter. Zeina<sup>6</sup>'s English is OK. She understands me.

Interpreter (I6): Not a problem.

Example 8 is drawn from Interview No. 6. One of the sisters, 'Zeina', spoke fluent English, while the other sister's English was limited and needed interpreting. When the interpreter came on the line, 'Zeina' sometimes spoke to the lawyer directly in English without waiting for the interpreter's rendition. The interpreter did not know that one of the clients was fluent in English because he had not been present in the pre-engagement between the lawyer and the two sisters. The lawyer thus explained to the interpreter that 'Zeina' spoke English, compensating for the interpreter's lack of contextual information.

### 3.3.4 *Lack of visual cues*

The absence of visual cues has been the most frequently mentioned disadvantage of telephone interpreting (e.g. Lee, 2007; Wadensjö, 1999; Wang, 2018a). Participants verbalising their behaviour to the interpreter is suggested to be an effective way to compensate for the lack of visual cues (Wadensjö, 1999). This is consistent with the recommendations in the AUSIT protocols. Our observations show that legal aid lawyers were often active in verbalising their non-verbal interactions with the clients to help interpreters perform adequately as reflected in the examples below.

**Example 9** (Interview 14, English-Arabic)

Lawyer (L11): Interpreter, I'm just giving her the number of the Law Society.

In Example 9, the lawyer (L11) explained to the client that Legal Aid NSW does not provide legal advice on small business issues and advised the client to consult the Law Society. While explaining, the lawyer wrote down the number of the Law Society on a piece of paper and gave it to the client. While doing so, the lawyer spoke directly to the interpreter (I15), verbalising her behaviour.

**Example 10** (Interview 3, English-Arabic)

*[The client's phone rings.]*

Client: Hello? *[in Arabic]*

Lawyer (L2): Sorry, interpreter. He's answering the phone.

Example 10 shows a case where the client answered his mobile phone in Arabic during the interview. The client's behaviour may have confused the interpreter (I3) who was unable to see that the client was on his mobile phone rather than speaking to the lawyer (L2). The lawyer spoke to the interpreter directly to explain what was happening on the other side of the line.

### 3.3.5 *The use of personal pronouns in interpreting*

The AUSIT telephone interpreting protocols recommend that interpreters should "interpret everything faithfully using the first person" (AUSIT, n.d., par. 2.b.). This principle does not mean that interpreters cannot use the third person but that they should use the same grammatical person as the speaker. On occasions, when interpreters need to initiate coordination turns, such as asking for repetitions, they may need to use the first-person pronoun to refer to themselves and the third person pronoun to refer to the other speaker.

Unlike previous studies (Lee, 2007; Oviatt & Cohen, 1992; Rosenberg, 2012), our observations show that most of the telephone interpreters in our sample (15 out of 18) maintained a consistent use of the direct interpreting approach by interpreting in the first or the second person. This finding is

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<sup>6</sup> To maintain the anonymity of the research participant, Zeina is a pseudonym.

consistent with the more recent survey results from Wang's study (2018b) which also found that most interpreters complied with this ethical requirement. When these 15 interpreters in our study switched to the third person pronoun, they did it only temporarily, to initiate coordination turns, for example to explain their difficulties in accessing the speaker's utterance because of inadequate working conditions or to seek permission to clarify (see Examples 14 and 15 below). The interpreters' use of the third person pronoun in some of these situations was due to the inherent characteristics of telephone interpreting which led to some non-renditions.

On a different note, the use of the third person pronoun is often associated with interpreters' breach of ethical principles, such as when they engage in side conversations to provide their own comments or ask unjustified questions (e.g. Angelelli, 2004, Van De Mierop, 2012). It is generally considered to be a sign of lack of professional training. For example, in a study of bilingual medical consultations facilitated by an untrained interpreter in Belgium, Van De Mierop (2012) found that when the interpreter deviated from her neutral position to initiate her own questions, she shifted to the third person to refer to the patient. Hale (2007) described such interpreting style as the mediated approach whereby an interpreter does not interpret for two main participants but mediates between them "deciding on what to transmit and what to omit from the speakers' utterances" (p. 42), as opposed to the "direct approach" where the interpreter interprets everything as it has been uttered in the source language. Our observations also show that some of the interpreters switched to the third person temporarily when they overstepped their role boundaries.

Three interpreters, a Swahili interpreter (I5), a Lao interpreter (I11) and a Vietnamese interpreter (I16), stood out in our sample because they consistently used the third person pronoun. These three interpreters were also among those who adopted roles which were outside their ethical boundaries (See examples 11 and 12 below).

**Example 11** (Interview 10, English-Lao)

Lawyer (L9): Sorry, interpreter, can you explain what is being said?

Interpreter (I11): He said he's touching the girl's neck and breast. Then I said, why you want to do that?

**Example 12** (Interview 5, English-Swahili)

Lawyer (L2): But you said that your youngest sibling is with your dad, so why does she need to come as well?

Interpreter (I5): *[to the lawyer]* Because she said her youngest sibling is actually supported by her sister.

Lawyer (L2): That's too many... It's going to be very hard.

Considering there are few, if any, interpreting training opportunities for Lao and Swahili in Australia (Stern & Liu, 2019a), we can safely assume that these two interpreters would have been untrained, pointing to a potential link between a telephone interpreter's choice of the use of the third person and their lack of professional qualifications in interpreting. By contrast, training opportunities do exist in Vietnamese, but the training level of the Vietnamese interpreter was unknown to the researchers. More empirical research is required to explore telephone interpreter's choice of personal pronouns and the reasons behind their different practices and implications.

### 3.3.6 Breaching the Code of Ethics

In spite of interpreters' compliance with the direct interpreting approach, instances of interpreters overstepping their ethical role boundaries were found. In 11 of the 17 interviews (Nos. 1, 2, 3, 5, 6, 7, 8, 9, 10, 15, and 16) we observed various forms of interpreters adopting extra roles, which threatened the lawyer's control over the interview and risked its success.

Example 11 above is drawn from Interview No. 10. Throughout the interview, the interpreter (I11) frequently engaged in side conversations with the client in Lao. Most of these exchanges were very short, seemingly indicating that the interpreter was asking for clarification or repetition. However, following one of the side conversations which consisted of several turns of talk, the lawyer asked the interpreter what they had talked about, as shown in Example 11. The interpreter admitted that he had asked the client to explain the reasons behind his alleged actions. The interpreter's behaviour constitutes a gross breach of the AUSIT Code of Conduct (AUSIT, 2012) which requires that interpreters should remain neutral (Principle 4), provide accurate renditions (Principle 5), and maintain a clear role demarcation with the other parties in the interpreted interaction (Principle 6). Such behaviour also puts into question the nature and the accuracy of every other interpreted turn from this interpreter, although our study did not focus on accuracy. It is possible that by engaging with the client and undertaking the lawyer's role, the interpreter undermined the lawyer's questioning strategy. The lawyer may have planned to ask this question at a different stage or in a different way. Such unethical behaviour is not particular to telephone interpreting and can occur in face-to-face interactions. The reason for such behaviour is most likely due to the interpreter's inadequate understanding of the interpreter's role and a lack of training, as Lao is not a language for which there is formal interpreter training in Australia (cf. Stern & Liu, 2019a).

In Example 12 above, the client asked about the possibility of applying for a visa for her youngest sibling, who lived in Congo, to come to Australia. The lawyer became confused and thus asked the client to explain why her youngest sister needed to come to Australia. It appears that the interpreter (I5) realised that there was miscommunication, probably remembering the earlier part of the interview about the client's youngest sibling needing to come to Australia because her father could not support her in Congo. The interpreter thus answered that question directly on the client's behalf. The interpreter's practice turned the original triadic interaction into a dyadic exchange between the two professionals, preventing a full and thorough lawyer-client communication. Neither did the client have a chance to answer the lawyer's question, nor did she know that the interpreter had already 'answered' for her. Given the chance to speak, the client may have provided different information. Further, it remains unclear whether the interpreter replied by repeating accurately what the client had said previously or if it was based on the interpreter's own assumption.

**Example 13** (Interview 6)

Client: *[Speaks in Arabic]*

Interpreter (I6): *[Interprets into English]*

*[After interpreting, the interpreter adds a comment]* She tried to explain the visa, but I can't tell.

Lawyer (L2): OK.

Interpreter (I6): *[in English, to the lawyer]* Is this the one you paid \$3000 for?

Example 13 is drawn from Interview 6. At this point, one of the clients attempted to explain to the lawyer which type of visa she was referring to. After providing a rendition of the client's explanation, the interpreter added a short comment, which was signalled by his shifting to the third person singular (she) to refer to the client. In the comment, the interpreter stated that he could not tell which visa type the client was talking about, to which the lawyer replied "OK". After that the interpreter made a further comment, "Is this the one you paid \$3000 for?" in English to the lawyer, contributing his own perceptions to the conversation. However, it is beyond the interpreter's professional role and capacity to offer legal advice in an interpreted encounter.

In contrast, in the other six interviews (Nos. 4, 11, 12, 13, 14, and 17), when interpreters did not understand the clients' utterances, they all asked them

for clarifications and then explained their actions to the lawyers, in compliance with ethical requirements (Examples 14 and 15).

**Example 14** (Interview 14)

Interpreter (I15): Sorry, I'll have to ask him questions to logically interpret.

**Example 15** (Interview 17)

Interpreter (I18): Sorry. I don't quite understand what he said. I also need to ask him to repeat.

Example 16 below demonstrates a case of the interpreter leaving the teleconference on three separate occasions and seemingly engaging in other tasks while interpreting.

**Example 16** (Interview 15)

1. Interpreter (I16): Can you give me a moment? Because my phone is not right.
2. Lawyer (L10): Yes.

*[The lawyer and the client have waited for about six minutes.]*

3. Interpreter (I16): Thank you for waiting.
4. Interpreter (I16): I got some issues with the phone. Can you please give me a few seconds?
5. Lawyer (L10): Yes. I would appreciate it as short as possible.

*[The lawyer and the client have waited for about one minute.]*

6. Interpreter: Sorry, hopefully, it should be fine. I fixed it. There should be no problem.

...

7. Lawyer (L10): Hi, interpreter, are you here?

*[There is no reply from the interpreter.]*

*[The lawyer and the client have waited for a few seconds]*

8. Lawyer (L10): Hello?
9. Unknown person (sounding like a child on the interpreter's end): Hello *[with a rising tone]*?
10. Interpreter (I16): Yes, I'm listening.

Initially (Example 16, lines 1 & 2), the lawyer allowed the interpreter to absent himself, and the interpreter was away for about six minutes. While waiting, the client's mother tried to talk to the lawyer in English, but the lawyer declined and suggested they should wait until the interpreter returned. The second time the interpreter asked to excuse himself, the lawyer showed some degree of impatience, urging the interpreter to make the interruption "as short as possible" (line 5). The third time, the interpreter took leave without asking for the lawyer's permission (line 7). This time, the lawyer realised that the interpreter was probably absent again as there was no interpreting. She asked the interpreter directly whether he was still on the line, and there was no reply. After a few seconds, the lawyer checked the interpreter's presence again (line 8), but this time, the phone was answered by a child (line 9). It was not until then that the interpreter came back and replied, "Yes, I'm listening" without explaining his absence (line 10). The lawyer continued the interview without asking the interpreter for any explanation of his absence.

Waiting for the interpreter to come back caused inconvenience and frustration for the lawyer and the client. If the interpreter's technical issues with the telephone were legitimate, the interpreter should have explained the situation to the lawyer who may have decided to engage another interpreter. As

the interpreter was working over the telephone, there was no way to verify whether he was in fact fixing the telephone or became distracted by something else. It was obvious, however, that the interpreter was not following the suggested protocols regarding the working place, as there were children present in the room. Allowing the young child to answer the telephone during a professional interview was an example of unprofessional behaviour, which risked breaching the confidentiality principle and impaired the quality of interpreting services.

#### **4. Conclusions**

Previous research into telephone interpreting highlighted several challenges associated with remote interpreting: the difficulties of performing interpreting assignments adequately under (often) poor working conditions, the lack of visual and contextual cues, unsuitable equipment and the lack of briefing. Earlier studies found that interpreters' non-renditions often reflected acts of active coordination to compensate for those challenges (Oviatt & Cohen, 1992; Wadensjö, 1999) and that the use of the third person pronoun was common among telephone interpreters. It is unsurprising that some studies (Lee, 2007; Wang, 2018a) found that interpreters preferred face-to-face interpreting for reasons that include better working conditions and pay and that they did not consider telephone interpreting a proper profession.

Having observed 17 different interpreted lawyer-client interviews in Sydney, Australia, we found that our study confirms many of the challenges found by previous researchers. Like Wadensjö's work (1999), our study provides examples of how the telephone interpreting mode limits the interpreters' coordinating functions, and corroborates Oviatt and Cohen's (1992) findings that some interpreters manage discourse by adding their own input through side conversations with lawyers and clients. It also supports Rosenberg's (2007) study showing little evidence of briefing by service providers and agencies in telephone interpreting.

However, some of our findings differ from the earlier ones. Unlike Oviatt and Cohen (1992), we found that most interpreters used the first person consistently and only switched to the third person temporarily. This corroborates Wang's (2018b) recent study that the majority of Australian interpreters adopt the direct interpreting approach. We found that only three interpreters in two languages for which there is no formal training, and one other in a language for which there is limited training, consistently used the third person pronoun. The same interpreters also breached the Code of Ethics in other ways, suggesting that without training interpreters do not acquire adequate understanding of their ethical role and appropriate protocols.

Our analysis showed that only some of the recommendations of the AUSIT protocols were followed. It was evident that no case-related briefing was provided to the interpreters prior to their joining the interview and many interpreters were not in a suitable location to conduct the assignment in an uninterrupted and confidential manner. The interpreters were not asked at any stage what their needs were or whether they were in a suitable place to interpret, nor did the interpreters volunteer this information. The commencement stages of the interviews were characterised by very short exchanges of information. Although some lawyers introduced themselves and asked the interpreters to greet the client, none of them explained the interpreter's role or outlined the way the interview would be conducted. A clear introduction establishing the protocols (Hale, 2013; Tebble, 2013) would have helped to avoid some of the difficulties that arose later in the interviews.

Our study revealed how technical issues, a noisy working environment, and a lack of visual and contextual information interfered with the success of

the communication – providing corroborative evidence to earlier studies. Poor telephone connections led to extra non-renditions and exchanges between lawyers and interpreters, as well as to repetitions, delays and added confusion. A lack of visual cues led to confusion for the interpreter and a loss of control for the lawyer; however, some lawyers compensated for the lack of contextual cues by providing additional information to the interpreters – an approach not mentioned in previous studies. On the other hand, our observations showed how the lawyers were disadvantaged by the telephone interpreting mode, as they could not see what the interpreter (or anyone else who might be with them) was doing, leading to a loss of power and control in their own interview. Had stricter instructions been given at the commencement of the interview and protocols established, these extra complications could have been avoided.

An important finding in our study is that lawyers took on a more active coordinating role than the interpreters. The lawyers initiated almost all the greetings and took the initiative to compensate for the interpreters' lack of contextual and visual cues. This also indicates that NSW Legal Aid lawyers have been aware of the need to cater for interpreters working via telephone, and to accommodate their own role in facilitating this form of exchange. Whereas Wadensjö (1999) argued that the telephone interpreter's ability to coordinate the interaction is constrained by a lack of visual interaction, our study suggests that the lawyer's responsibility for active coordination, such as feeding interpreters with contextual and visual cues, can to some extent mitigate this shortcoming. Moreover, the lawyers' active coordination may result from their having worked with telephone interpreters before and, in some cases, from having used this service frequently. On the other hand, we found that for the most part, telephone interpreters showed little initiative, and at other times tried to solve the problem by overstepping their role boundaries. Considering the languages of the interpreters, we speculate that their behaviour is likely to be due to the lack of training and professional credentials. Some examples of their conduct suggest that, just like almost 50% of interpreters in Lee's (2007) study, those interpreters observed by us do not always pay due respect to telephone interpreting as a profession. If this is indeed the case, then it explains the lack of adequate care by some of the interpreters in our study to act professionally, and in compliance with the Code of Ethics.

## **5. Limitations and recommendations**

Although our study has a larger sample size than other studies on telephone interpreting performance, it has a number of limitations. As we were unable to audio/video record the interviews and had to rely solely on our observations and notes, it limited the breadth of our data and prevented the analysis of the entire discourse. We could have had the LOTE utterances translated and analysed had we been allowed to record the interviews. Secondly, we were unable to obtain the interpreters' demographic information. It would have been helpful to know their credentials, qualifications and experience so as to possibly establish an association between these attributes and their performance. Thirdly, our study did not analyse interpreting quality and accuracy but concentrated on examining the interactional aspects of their professional behaviour. We therefore cannot make any claims about the effects of following the recommended protocols on the accuracy of the interpretation, but only on the interprofessional interactions, compliance with the Code of Ethics and the successful flow of the interview. Further research is needed to compare the performance of interpreters who work face-to-face and remotely.

Our observations provide evidence regarding the usefulness of the AUSIT protocols for telephone interpreting to facilitate interpreted communication and to compensate for additional complexities of interpreting via the telephone, and

we strongly recommend their implementation. We also recommend that Legal Aid NSW and other legal bodies update their guidelines on how to work with interpreters and add the *AUSIT Recommended Telephone Interpreting protocols* on working with telephone interpreters.

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