

IDENTIFYING AND CATEGORIZING LANGUAGE DISCRIMINATION IN THE LEGAL FIELD

Jessica Brown | Marquette University

Language discrimination is a less-discussed form of discrimination that threatens the success of speakers of non-standard English in the United States' legal system. While language discrimination has been discussed as it relates to clients specifically, an attorney's perspective of this issue is missing. To better understand how much attorneys recognize language discrimination in their work, I conducted and recorded interviews with three practicing attorneys in Milwaukee, Wisconsin. Specifically, I asked them questions regarding their backgrounds, practices, and thoughts about the treatment of non-standard English speakers in the legal system. Their responses highlight some of the specific challenges that non-native or non-standard English speakers may experience in the institution of law: challenges related to the legal system as a whole, the availability and quality of translation services, and attorneys' conscious and unconscious discriminatory behavior toward their clients. A better understanding of language discrimination and how much attorneys understand this issue is important in working towards a more fair and just legal system for all.

Many Americans have heard the United States referred to as a “melting pot.” This country is represented by people of various races, ethnicities, and cultures; it is also represented by many languages and dialects. According to the United States Census Bureau, over 350 languages are spoken or signed in US homes (“Census Bureau Reports”). Yet, Standard American English (SAE), or “English that with respect to spelling, grammar, pronunciation, and vocabulary is substantially uniform . . . [and] is well established by usage in the . . . speech and writing of the educated” (“Standard English”), remains the norm across institutions such as the news, schools, and popular culture.

Moreover, those who don't speak SAE are often dismissed by those who do. Speakers of African American Vernacular English (AAVE) regularly experience language discrimination (“African American English”), as do non-native English speakers.

Instances of language discrimination are especially present in the US legal system. For example, in the well-publicized 2013 trial of George Zimmerman for the murder of Trayvon Martin, linguistic bias played a significant role. A key witness to Martin's murder, Rachel Jeantel, spoke a non-standard dialect of English on the stand. Even though she was on the phone with Martin when he was shot, her account was not taken seriously (Rigoglioso).

Language discrimination also affects those who are in court for their own cases. Individuals who speak non-standard varieties of English like AAVE and accented English are often looked down on in court, even when an attorney represents them. As a result, much like Rachel Jeantel, they and their testimony are not taken seriously, and speakers of non-standard English and their voices are ignored.

While issues of race remain consistently reported on in the media, language and its relationship to discrimination are rarely brought up in situations outside of a courtroom. Speakers of non-standard English also risk severe consequences, including death, when in situations involving law enforcement. Elijah McClain, murdered by police on August 24, 2019, in Aurora, Colorado, and George Floyd, murdered by police on May 25, 2020, in Minneapolis, Minnesota, were two black men who both tried to verbally defend themselves against police. Floyd exclaimed that he “[couldn’t] breathe” (Ebrahimji) when officers were kneeling on his neck; when McClain was stopped by police and stated that he “[had] a right to where [he was] going,” he was grabbed and forcibly detained (Walker et al.). In other cases, police sometimes give out “attitude” tickets or go so far as to arrest individuals who speak up instead of submitting (Ross 25). The 2010 Census showed that in Milwaukee, where almost 70 percent of Wisconsin’s Black population lives (“African Americans in Wisconsin”), 12.8 percent of black men were being incarcerated “compared to the country’s 6.7 percent average” (Joseph). When talking about racism in this country, it is important to think about

how less-prominent forms of discrimination, such as that of one’s language, occur in our society and how those prejudices contribute to racial disparities in the criminal justice and legal systems. More discussions regarding language discrimination must take place so that fewer arrests and deaths occur at the hands of police officers and legal practices shaped by discriminatory beliefs about language.

As a future lawyer who hopes to work in Milwaukee, Wisconsin, I wanted to know more about what language discrimination looks like in the legal field. As a white woman whose first language is English, I think it’s important to understand and identify ways in which the US legal field, a predominantly white profession, is biased against people of color, non-standard English speakers, and clients whose identities intersect with these two categories. In order to identify how language discrimination manifests at an individual level, I conducted an interview-based examination of attorneys’ attitudes towards language and their related practices.

LITERATURE REVIEW

Language discrimination occurring in many aspects of daily life is well documented (Lippi-Green; Piller). Research shows that speakers’ appearances and speech affect listeners’ impressions of a speaker and how they comprehend what is being said (Rubin and Smith 337-357; Dixon et al. 162-168). Research also shows that the credibility of a speaker is affected by their accent; listeners of those speaking accented English perceive them as less credible

than non-accented speakers of English (Lev-Ari and Keysar 1093-1096).

Researchers in many disciplines, including linguistics and law, have found that the way people speak can influence the outcome of court cases. Accented speakers of English, including non-standard variations such as AAVE, have faced this issue in the legal system; they have been dismissed as incomprehensible and disproportionately seen as guilty by members of the court, especially by judges and jury members (Swett 79-110; Rickford and King 948-988).

Legal professionals' frequent lack of understanding regarding language differences also results in non-standard speakers of English facing hardships within the legal system. Although interpreters are required by federal law for those with limited English proficiency (LEP) (United States, Dept. of Justice, Civil Rights Division), specifically for those whose primary language is not English, not all courts successfully implement this policy, leaving many without the ability to fully communicate with members of the court ("DOJ Finds"). Even when court interpreters are provided, problems can still occur. Misinterpretations of even a single word, for example, can result in misunderstandings ranging from changed attitudes on the parts of judges or court officers to longer and harsher sentences (Beitsch).

Several studies recognize the power language holds in legal proceedings (Cole and Maslow-Armand 193-228) and have found instances where courts have failed to provide adequate assistance to people with limited English proficiencies, bringing attention

to ways in which differences in language affect those who do not speak SAE and how the legal system sometimes discriminates against those individuals.

While these studies helped to inform my understanding of language discrimination in the legal field, conversations I had with people working in legal spaces helped me to identify other perspectives to consider when designing this study. In the spring of 2019, when I was in the early stages of my research, I had a conversation with a peer who was interning at a non-profit legal organization in Milwaukee. She recalled several times when the lawyers she volunteered with "talked down" to clients who spoke non-standard dialects of English, including AAVE. Her stories made me realize what was absent from what I had read so far. Specifically, what I was not gaining from existing scholarship was an understanding of language discrimination from an attorney's perspective.

The goal of my research, then, was to find out how much attorneys understand and recognize language discrimination in their work. Obtaining more knowledge about attorneys' understanding of language discrimination is important due to how much clients rely on their attorneys' knowledge of the legal system to help them win their case. By studying local attorneys' attitudes towards language, including patterns of bias or biased practice, I hope to better understand what language discrimination looks like in Milwaukee's legal field. To do so, I address the following overarching question: How much do attorneys recognize language discrimination in their field? More specifically, I also ask: What challenges do

attorneys see inherent in the legal system and legal language? How do they see translators and their roles? And how aware are attorneys of their clients and their needs, including but not limited to language issues?

My goal is to use this study's findings to help make the legal system more accessible for non-standard English speakers and to educate attorneys and others in the legal community about this issue.

METHODOLOGY

To better understand how much attorneys recognize and contribute to language discrimination, I designed and conducted an interview-based study in the fall of 2019. With approval from the Marquette University Institutional Review Board (IRB), I interviewed three practicing attorneys, all of whom I identified (in the interest of time) through previous or mutual contacts. The first interview I conducted was with Linda Harrison¹, a bi-racial, native English-speaking woman between the ages of 25 and 40 who graduated from a mid-sized law school in the midwestern US within the last ten years. She currently works for a non-profit organization in Milwaukee that assists *pro se* individuals, or those unrepresented by a lawyer, to fill out paperwork. She also provides them with legal advice. My second interview was with Bradley Smith, a white native-English speaker between the ages of 40 and 55, who graduated from a mid-sized law school in the midwestern US

1. To protect the confidentiality of my interview participants, I refer to them by pseudonyms throughout this essay.

within the last 25 years. He works in a small law firm in downtown Milwaukee, where he primarily does criminal defense work. The last interview I conducted was with Andy Wallace, a 55- to 70-year old native English-speaking white man who recently retired after more than 30 years of practicing law. Mr. Wallace had his own law firm, where he practiced many areas of law, including family, real estate, and bankruptcy.

During the interviews, which lasted approximately half an hour (e.g., 21-32 minutes), I asked each attorney a series of questions related to their practice, their clients, and their thoughts regarding the importance of language in their field (see Appendix A). I formulated my questions based on my review of relevant scholarship; I read and coded 82 articles from seven different legal journals to see if and how the legal community discussed language discrimination. My literature review indicated that language discrimination was seldom addressed explicitly, as when Rachel F. Moran writes in “Undone by Law: The Uncertain Legacy of *Lau v. Nichols*” that “teachers challenged a provision that subjected them to lawsuits if they delivered instruction that was not ‘overwhelmingly’ or ‘nearly all’ in English” (9). Instead, most examples of language discrimination were indirect or implicit, as when a student explains that, in school, she “act[s] white” and “avoid[s] speaking Spanish . . . [to] make [other students] stop assuming [that she’s] a dumb Mexican” (Chin 30); this is an implicit occurrence that is also present in law schools and the overall institution of law. These findings helped me establish a frame for my study, which I created with the understanding that

my research participants would not necessarily be aware of their own attitudes toward language or their own related biased practices.

After recording all three interviews, I transcribed them. I then conducted three rounds of open coding and made a list of areas in the legal field that affected, or didn't affect, non-standard English speakers. To generate this list, I followed Cheryl Geisler's and Jason Swarts's suggestions in *Coding Streams of Language: Techniques for the Systematic Coding of Text, Talk, and Other Verbal Data*. That is, I looked at my initial data and "let it speak to [me] . . . [I] let each segment of the data suggest appropriate categories to describe what is happening with the phenomenon of interest" (Geisler and Swarts 124). This round of open coding and the list I generated led me to focus on comments made about the legal institution and its language, translators and translation services, and their consideration for their clients. After I identified these themes in all three interviews, I continued coding, looking for specific comments related to each. I looked for references to and synonyms for the legal system (i.e., courts, courthouse, judge) and translators (i.e., interpreters), and I also noted the attorneys' uses of personal pronouns when discussing clients. I organized my findings into an Excel spreadsheet so that I could actively compare the statements of each attorney in regard to each theme. Ultimately, all three themes allowed me to better identify specific areas of the legal system that make it harder for speakers of non-standard English to navigate successfully. Looking at my interview participants' use of personal pronouns also provided me with the

perspective I was missing when I started this research in the spring of 2019. The attorneys' direct references to their clients allowed me to see how they may perceive them and how they potentially view other non-standard English-speaking individuals in the legal system.

After coding each theme, I looked to see if my themes had any relation to one another in order to consider whether and how the attorneys' comments were related. At this stage, I began to see how closely issues regarding translators were connected to larger issues related to the legal system as a whole. Looking deeply at the relationships between the themes also showed me more ways in which my interview participants understood the significance of language in their field despite their different identities and positions.

The themes I identified while coding—the legal institution and its language, translators and translation services, and attorneys' consideration of clients—occurred across all three interviews. To explore their significance, the sections below contain a close examination and discussion of the themes within each interview, as well as their significance in Milwaukee's legal field.

THE LEGAL INSTITUTION AND ITS LANGUAGE

Language discrimination can take place in any social institution. Within the legal system, as my interview data suggests, non-native English speakers can experience a double jeopardy, facing language bias as both non-standard speakers of English and individuals unfamiliar

with legal discourse, or “legalese.” Throughout her interview, Ms. Harrison raised these issues, where she discussed language differences mainly in relation to her *pro se* clients, many of whom are not fluent English speakers. She commented that “the courts don’t understand *pro se* litigants and *pro se* litigants don’t understand the courts,” meaning the courts don’t recognize that non-standard speakers of English may not have a full understanding of the specialized language used in the legal system. As a result, it can seem like the law “isn’t looking out for [litigants]” when, really, there are more fundamental communication issues present.

Mr. Wallace further explained the issue of legalese by pointing out that “a lot of words in the legal profession don’t translate well to people’s everyday language. No matter what language it is . . . it’s further complicated when you are trying to go from English to another language.” Even if those working in the legal system attempt to translate legal words into standard English, the full meaning of the term may be lost, which can make conversations between legal workers and clients more confusing. Mr. Wallace confirmed Ms. Harrison’s observation by reiterating the importance of using “regular English” in place of a “legally English word” in a legal setting. Both Ms. Harrison and Mr. Wallace demonstrated that lawyers and court officials may not always recognize the difficulty many people face when trying to understand legalese. Although it is clear that Ms. Harrison and Mr. Wallace do recognize a problem with legalese, their statements show that not all lawyers or court officials are aware of the difficulty that the use of

legalese presents to speakers of non-standard English. They also make it clear that speakers of non-standard English may be at a greater disadvantage than clients who speak standard English, both with regard to what they comprehend and how they are perceived. As a result, non-standard English-speaking clients are likely to face barriers that others do not in legal spaces.

Ms. Harrison then explained some of the consequences clients face when speaking non-standard English in the courts. She stated that court personnel “may say ‘well, that person is less intelligent,’” and they “may think less of that person because they aren’t communicating in the way that [legal professionals] are used to.” While she went on to say that she doesn’t believe this is done “intentionally,” the fact that this occurs is problematic, highlighting the way that forms of discrimination, such as that of one’s language, can happen undetected. Her comments signal a situation where language discrimination can arise and reveals the consequences of such a situation: clients who do not share the same background or language with those present in the court may be thought poorly of and mistreated.

Mr. Smith furthered this point, stating that he “think[s] that people who speak foreign languages often don’t get the same kind of consideration . . . from the prosecutors.” While he shared an opinion related to criminal law and courts specifically, he made a more general statement about speakers of non-standard English in the courtroom. He explained that “cultural differences can make a big difference on how a case should resolve” and that

“sometimes the full cultural background that [clients] come from is not completely understood.” By not taking into consideration clients’ backgrounds, such as where they are from or related language barriers they might face, lawyers and other legal professionals contribute to an already anxiety-inducing process. In turn, speakers of non-standard English are kept from fully participating in legal processes pertinent to their success in and out of court.

TRANSLATORS AND TRANSLATION SERVICES

Translators, including court interpreters, freelance interpreters, and over-the-phone translation services, emerged as issues in the legal system that stood out from what was mentioned above. I was surprised to discover this theme across all three transcripts because I did not ask questions that focused specifically on translators; I also did not note translators as a significant topic in the coding I completed during my review of relevant literature. Nonetheless, each attorney brought up the subject in their interviews. For instance, Mr. Wallace noted that translators often make the legal process “slower,” a sentiment shared by Ms. Harrison and Mr. Smith. Ms. Harrison noted that translators “have to consider what [she] said, respond to it, and . . . interpret what [the client] said and say it back to [her] . . . [I]t makes it, you know, a 30-minute form becomes an hour and a half form.” As translators play a crucial role in helping non-standard English speakers communicate with their attorney and others involved in court proceedings, those

individuals often have to endure longer wait times for their cases to go to court or otherwise be resolved. The majority of clients Ms. Harrison sees live paycheck to paycheck or in dangerous living situations. For them, longer case times may be more than inconvenient or frustrating; they may be dangerous financially and even personally.

Not only is time an issue when working with legal translators, but accuracy is as well. In his interview, Mr. Smith described working with two translators, one of whom was significantly better than the other. As a fluent Spanish-speaker, Mr. Smith was able to discern how accurately they communicated what his client was saying to those present for the testimony. Mr. Smith explained that “there were a couple of times when the one who [was] not so good said things that really were not what [his] client had said and which really affected what the secret service agent and the US Attorney [were] understanding.” He also noted that the miscommunications on the side of the “bad” interpreter “[could’ve] harmed [his] client.” While it is true that court interpreters must be certified to work in Wisconsin courts, as Ms. Harrison confirmed in her interview, the quality of their interpretations can vary. For these clients or any in similar situations, translators who are meant to help them plead their cases effectively can actually hurt them, leading to misinterpretations with real consequences, including longer and harsher sentences.

While the comments made by Mr. Wallace, Ms. Harrison, and Mr. Smith don’t reveal intentional discriminatory practices, they do highlight specific obstacles that non-standard

English-speaking individuals face in the legal system. Their comments also bring to light a paradox found in translation services, that a service meant to help speakers of non-standard English in the legal system may actually hurt them. This shows some of the hidden barriers that many must overcome when navigating the legal institution that are often not thought of by legal professionals.

CONSIDERING CLIENTS

It goes without saying that attorneys play a significant role in their clients' cases. In many small ways, attorneys also influence proceedings by detailing the facts of their clients' cases and portraying clients in ways that are meant to ensure a successful case. For clients who are non-standard English speakers, attorneys can have an even greater impact because they serve as their clients' English language voice and their interpreter throughout the legal process. That is, attorneys must ensure that their clients understand each phase of the legal process and are able to communicate their point of view successfully to everyone involved in their case. To fulfill their responsibilities to clients who are not standard English speakers, attorneys need to take into consideration clients' language needs and related barriers that would inhibit their success in the legal system.

In their interviews, Ms. Harrison and Mr. Smith detailed ways in which they think of their clients' language needs, namely through choosing the best translation services for an individual client. In her interview, Ms. Harrison described when and how she makes the

decision to use certain translation services or have someone within the office serve as a translator. She explained that it "depends on the person [she's] dealing with." She went on to say that sometimes clients come in who "truly don't even have enough English to tell [them] what it is that brings them here." In a situation like that, she would choose certain translation services over others to ensure that her client is adequately assisted throughout their case. If such consideration was not given for clients, they may not receive the help they need to communicate with legal personnel and successfully get their case to court.

Mr. Smith also gave examples of how he takes his clients' language diversity into account and how he thinks about his clients and their languages by reflecting on ways in which the legal system can hurt speakers of non-standard English. Describing what it's like to have a client in court, he talked about how language barriers can make it difficult for clients to understand different elements of their case, including discovery, or the evidence related to it. He stated:

[Clients] don't have such a good understanding of what's in the discovery because normally their lawyer won't take the time to sit down, especially if there's a necessity for a translator . . . [T]hey won't sit down and take the time to really review the discovery with the client. So it's a problem, all kinds of problems arise.

Mr. Smith recognizes how important it is for clients to have access to certified translators or

someone who can relay information to them in their primary language. He enumerated some of the problems that can arise when a client's language needs are not met, such as not understanding how their case is progressing or spending a longer amount of time in jail. Through his experiences, Mr. Smith brings light to more hidden ways in which speakers of non-standard English are put at a disadvantage in the legal system.

Mr. Wallace, too, demonstrated his consideration for clients who don't speak standard English. Like Ms. Harrison, Mr. Wallace recognized how confusing and complicated legalese can be. He also recognized attorneys' roles in helping to alleviate that problem, explaining that "you, as an attorney, have a choice taking off your attorney hat and just making the person understand what's happening." He went on to propose that attorneys could "shed all legalese" and use plain English to talk with their clients, especially clients who are not fluent English speakers. While Mr. Wallace's comments show ways in which attorneys can help speakers of non-standard English, they also raise questions as to how much attorneys consistently act in those ways.

In Mr. Wallace's case, he demonstrated that he does not always take his clients' language needs into consideration. Responding to a follow-up question regarding interpreters, Mr. Wallace commented:

You know I would always joke with everybody at the [office] because I have still yet to meet a Spanish-speaking person that doesn't understand English. And we've always had these fun times about

it because they'd say this person needs the language line, and I'd say 'well, let's just see.' And I would sit down and, and I'd say to the person, 'well, how are you doing today?,' 'well, just fine,' and then I'd say, 'do you understand my English well enough.' 'yes, I think so'. . . like that. And so I always had a lot of fun with that along the way.

Here, Mr. Wallace reveals his own language bias, his "joke" about Spanish speakers saying more about his own lack of understanding than his clients. It also demonstrates a 2-D-sort of thinking about language diversity: just because someone can introduce themselves in another language does not mean they are proficient or fluent. Many times, too, people can understand more than they can speak in a non-native language. While Mr. Wallace is aware that "shedding legalese" can be helpful to his clients, his broader views about language diversity provide a sharp contrast and may limit his ability to best serve non-standard English-speaking clients.

I want to note that these observations are by no means an attack against these attorneys and their practices. However, it is important to discern where and how attorneys think of their clients and their situations in an effort to better recognize and stop language discrimination in the legal field.

INTERPRETATIONS AND IMPLICATIONS

My findings help bring into focus what role lawyers play in the legal system and how their understanding of language diversity can affect

non-standard speakers of English. These issues are important because speakers of non-standard English who seek help from the legal system must be ensured adequate assistance throughout the legal process. Throughout this essay, I've regularly pivoted from my data and lawyers' attitudes and practices to the clients themselves. My reason for doing so is simple: The purpose of the legal system is to help clients, all clients. Understanding attorneys and their attitudes toward their clients is vital to learning whether or not clients are getting the best help. This is because attorneys not only work directly with their clients but also represent the legal system as a whole, including many of the language biases that exist within it. Research about language discrimination in the legal system, including my study, can help identify specific problem areas and make it possible to develop strategies for improvement. Through my interviews, I identified how the legal system contributes to language discrimination, the potential for bias, and issues of accessibility. What follows is a close examination of these problems and how they affect speakers of non-standard English.

THE SIGNIFICANCE OF THE LEGAL SYSTEM

In the legal system, speakers of non-standard English are positioned at a disadvantage due to how legal practices and legal language operate. Regarding translation, Ms. Harrison discussed how services like the Language Line are limited. As a fee-based over-the-phone service, Language Line is something many *pro se* clients use in their attorneys' offices. If clients need translation help elsewhere (e.g., when filing legal forms, in the courtroom), they

have to wait for a translator, which can take a "week or two weeks." Similarly, Mr. Smith described how he "[has] to search for an interpreter" when he wants to visit clients in jail. As a result, his visits to some non-native English-speaking clients are "much less frequent . . . and [aren't] as effective."

Ms. Harrison and Mr. Smith's comments do not indicate they intentionally discriminate against their clients. However, they do show how the legal system is biased against non-standard English speakers, particularly those who rely on translation services. As Ms. Harrison points out, individuals who need translation services to navigate through the legal system often experience longer wait times to get their case resolved; depending on when translators are available, weeks could be added to that wait time. Additionally, speakers of non-standard English may have greater legal fees than others, particularly if they have to cover translation costs themselves. Clients of Mr. Smith face similar issues with freelance translators, whose lack of availability can complicate scheduling and also increase costs. Not having a translator may limit a client's access to important knowledge regarding their case and also limit their ability to communicate with their lawyer. Particularly for clients facing criminal charges, limited access to readily available translators may have even greater consequences, keeping them in jail for longer periods of time.

THE POTENTIAL FOR BIAS

Within the legal system, non-standard speakers of English face not only structural disadvantages but also personal ones. Wisconsin's code

of ethics for translators states that they “shall be impartial and unbiased, and shall refrain from conduct that may give an appearance of bias” (“For Interpreters”). While my interview participants did not discuss this issue, it is important to consider the possibility alongside other issues of bias that did arise in my data. Ms. Harrison pointed out that she believes that the courts “try very hard to see past [differences in language].” However, she continued to say that if “somebody who comes up and is speaking the dialect of English that [the court] is used to versus someone who speaks a different dialect, [the court] may subconsciously give a little bit of brownie points to the person who is speaking clearly.” Mr. Smith confirms this possibility by explaining that he believes “people who speak foreign languages often don’t get the same kind of consideration.”

Both Ms. Harrison and Mr. Smith explicitly demonstrated their acknowledgments of language bias occurring in their field. However, they did not discuss their own linguistic biases. It is important to remember that all three interview participants are native speakers of English. All three attorneys come from socio-economic and educational backgrounds that differ from many of the clients they serve. In her interview, Ms. Harrison recognized those differences and acknowledged how they could affect her interactions with clients. However, the way she answered my questions revealed some of her implicit biases, which came out when she talked about needing to translate even simple concepts for non-standard English-speaking clients. Even Mr. Wallace, who joked explicitly about Spanish speakers’ English, talked mainly

in indirect terms about his own language biases and their effects on his clients. However, most of his answers to my questions were still implicit in revealing his personal biases against speakers of non-standard English.

Mr. Smith provides a contrasting example, showing an active awareness of his clients and their language differences. Of the three attorneys, I interviewed he is the only one fluent in a second language. His knowledge of the Spanish language and related history and culture may shape his attitudes toward his clients, most of whom are Spanish speakers with varied knowledge of English. His comments show how valuable it can be for attorneys to be able to empathize with their clients and consider the legal process, including language barriers, from their points of view.

ISSUES OF ACCESSIBILITY

The structure and procedures of the legal system, combined with the biases of legal professionals, can make the law less accessible to non-standard speakers of English. Problems surrounding the use of translators occur regularly. Even the simple fact that many legal resources are available only in English can make basic legal services harder for non-standard English speakers to access. The challenges clients face may not always be visible to their English-speaking attorneys. For example, when discussing clients’ access to translators, Mr. Wallace commented: “[A]ll [they] have to do is fill out an interpreter request form.” However, the form is extremely hard to find on the Milwaukee County Circuit Court’s website, which is entirely in English (see Appendix

B). Even when clients can get a copy of the form, it still may not be accessible to them because it is written entirely in English and uses some complicated legal terminology. It may be true that some who need the form have access to someone that can help them translate and fill it out, whether that be an attorney or a family member. However, for people who do not have any form of assistance, the possibility of arranging a translator significantly decreases along with their chances of success in navigating the legal system.

In our interview, Mr. Smith made an important observation. He commented on how few attorneys there are in Milwaukee who speak multiple languages. He explained that he “get[s] so many calls from Spanish-speaking people who have been referred to [him] from other English-speaking lawyers.” He continued, he “[doesn’t] take at least half the cases that . . . [he] get[s] called about.” In a place like Milwaukee, clients he or others turn away will almost certainly have to find a translator to help them. It also reveals how non-standard English speakers wind up having limited access to the law.

GOING FORWARD

My study offers insight into what language discrimination in the legal system can look like, at least from three different Milwaukee lawyers’ perspectives. My research also brings attention to the need for further research into the experiences of non-standard English-speaking clients. Gaining the perspective of non-standard English-speaking clients is critical to fully recognizing and understanding how language

discrimination affects their experience in the legal system. New research could also investigate their experiences with translators and the broader legal system. Additional research could inquire into their language background, gathering information about their proficiency in English and other languages as well as their feelings about using English in different contexts, including the legal system. A better understanding of non-standard English-speaking clients will allow legal professionals to see where people’s needs are not being met and ensure that their clients are getting the best possible help.

My research also calls attention to how much more there is to learn about attorneys’ own language biases. While three interviews were enough to gain first impressions on this subject, more interviews need to be conducted with attorneys in different areas of law, different geographical locations, and different demographics in order to better understand how language discrimination appears and how much legal professionals understand it. As a soon-to-be law student and aspiring attorney, I plan on continuing this research in Milwaukee so that I can educate myself and my peers on this issue and help us recognize our own biases. It is also my goal to become a law professor one day and ensure that more conversations regarding language discrimination happen in law schools to fully prepare law students to best serve every client, including speakers of non-standard English, once they graduate. As language discrimination is often more implicit than other forms of discrimination, it’s important in the context of the legal

field to continue and increase this conversation so that non-standard English speakers get the same quality of legal services as standard English-speakers. A better understanding of

language discrimination is also important to ensure that the legal institution can be an enforcer of justice rather than discrimination.

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APPENDIX A

QUESTIONS ASKED DURING INTERVIEWS

1. How long have you been practicing law?
2. How long have you been practicing in Milwaukee? (Possible follow up question: *Did you practice law anywhere else beforehand?*)
3. What made you want to practice the law that you're in? And what do you teach?
4. (Possible follow up question: *How long have you been teaching at Marquette?*)
5. What's your favorite thing about your job?
6. What kind of cases do you typically take? Can you say a little bit more about that?
7. In what setting do you meet with those you're representing in a case? (Possible follow up questions: *Do you meet in your office, in a courtroom, etc.?*)
8. Who do you usually represent? (Possible follow up questions: *What is the age range of your clients? Where are they from? What languages do they speak? Do they have more than one language? Have you ever worked with clients who have little to no English? How does that go? If your clients speak little to no English, does anyone help them? What impact does that have? How does it affect things?*)

Okay, to wrap up this interview, I would like to invite you to take a step back and reflect on the bigger picture of law and legal practices.

9. How do you think the languages clients speak matter in law? (Possible follow up questions: *What are your thoughts on the treatment of non-standard speakers of English when moving through the legal system? Where would you anticipate language would be the biggest obstacle? Do you think they are given enough support in terms of translators and education on America's legal system?*)

APPENDIX B

MILWAUKEE COUNTY INTERPRETER REQUEST FORM

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

Interpreter Request

Case No. _____

Form must be completed in the English language.

1. Name of Person Requesting Interpreter		Address
Telephone/TTY Number	Date Request Submitted	

2. The person who needs the interpreter is a
 party. witness who is testifying. victim. Other: _____

3. The interpreter will be needed
 on [Date] _____ at [Time] _____ a.m. p.m.
 for all proceedings related to this case.

4. The language needed is

<input type="checkbox"/> Spanish	<input type="checkbox"/> German	<input type="checkbox"/> Portuguese
<input type="checkbox"/> Hmong	<input type="checkbox"/> Hindi	<input type="checkbox"/> Punjabi
<input type="checkbox"/> Albanian	<input type="checkbox"/> Italian	<input type="checkbox"/> Russian
<input type="checkbox"/> Arabic	<input type="checkbox"/> Japanese	<input type="checkbox"/> Somali
<input type="checkbox"/> Bosnian/Croatian /Serbian	<input type="checkbox"/> Khmer	<input type="checkbox"/> Thai
<input type="checkbox"/> Bulgarian	<input type="checkbox"/> Korean	<input type="checkbox"/> Tibetan
<input type="checkbox"/> Chinese-Cantonese	<input type="checkbox"/> Lao	<input type="checkbox"/> Urdu
<input type="checkbox"/> Chinese-Mandarin	<input type="checkbox"/> Mai-Mai/Bantu	<input type="checkbox"/> Vietnamese
<input type="checkbox"/> French	<input type="checkbox"/> Polish	
<input type="checkbox"/> Other: (Specify dialect) _____		

IT IS ORDERED:

This interpreter request is approved for all court proceedings. Other: _____
 This interpreter request is denied because: _____

DISTRIBUTION:

1. Judge
2. Clerk of Court
3. Attorney/Party
4. Other: _____

The complete document can be found here: <https://www.wicourts.gov/formdisplay/GF-149.pdf?formNumber=GF-149&formType=Form&formatId=2&language=en>