

Introduction

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This issue of *Language and Law/Linguagem e Direito* focuses on the work of the forensic linguist as expert witness. We are pleased to present contributions by authors with first-hand experience of expert witness work and/or those researching aspects of language in the legal process in a range of jurisdictions.

The issue opens with a contribution by Sabine Ehrhardt, a forensic linguist based at the German Bundeskriminalamt, who outlines the role of experts in German criminal proceedings more generally and then describes the situation of forensic linguistics in Germany more specifically, also with reference to educational settings. Ehrhardt's article is perhaps doubly interesting as Germany is an inquisitorial jurisdiction and one of only a few countries where the discipline is practised in investigative and evidential capacities at a state-run forensic science institute.

The next article, by Ed Finegan, first gives an overview of the US court systems to subsequently talk about the most frequent types of US cases where forensic linguists are retained and the roles they take on or are cast into. It is interesting to see that the arguably prototypical role of assisting the trier of fact is only one such role, and others include e.g. that of a guide working with an attorney in questioning an expert on the opposing side. The article concludes with observations on the pros and cons of the job of a linguistics expert in an adversarial legal system.

At the beginning of her article, Nicci MacLeod notes there is no formal regulation of the provision of expert evidence in the *England and Wales* jurisdiction. She then examines the implications of this fact for expert evidence. An important point MacLeod makes is that what forensic linguists can bring to meaning determination cases is not necessarily the knowledge of a specific language variety, but a rigorous methodology leading to unbiased and reliable findings.

Aneta Pavlenko uses a criminal case to draw several lessons for the practice of language proficiency assessment and to illustrate best practices in securing

understanding of the rights by non-native speakers of English in the United States. Pavlenko suggests that face-to-face assessments should be used in conjunction with analyses of recordings of police interviews and other types of case-relevant data.

Ehrhardt's, Finegan's, MacLeod's and Pavlenko's articles are conceptually similar in that they illustrate the various points around the work of the expert linguist with specific cases from the authors' case files. We thus not only find out about the various jurisdiction-specific statutory provisions around expert evidence and how these circumscribe the expert's work, but we also get a peek at actual casework by four experienced forensic linguists. Yet, engaging and informative, the four contributions do not promote a false sense of confidence in the field and its legal contexts. On the contrary, the authors openly share their various concerns: Ehrhardt speaks of fragmentation and heterogeneity of forensic linguistics in Germany and calls for closing the gap between state and private experts; Finegan voices a concern that 'much of the work currently in the record has been carried out by a generation of linguists who are now retired or retiring'; MacLeod posits that to improve access to justice '[forensic linguists] must be shameless self-promoters, taking every opportunity we can to publicise our work'; and Pavlenko is forthcoming about the problems with language assessment interviews and warns they should not be used to establish defendants' level of proficiency on their own.

Another contributor to this issue, Helen Fraser, is critical about a specific type of linguistic evidence in *Australian* courts. She takes a historical perspective on transcripts of indistinct covert recordings and describes three key cases of the 1980s and 1990s to show how the current procedures, with their misconceptions about language, have been arrived at. She also shows how, in practical terms, the procedures do not differentiate between police 'ad hoc' expertise and linguistic (including phonetic) expertise. Fraser adds to MacLeod's point about publicising our work by suggesting that better-informed judicial practice will not be achieved by simply educating legal professionals about linguistics, but by forensic linguists concurrently learning more about how the law works.

Finally, a concern about a particular type of legal-linguistic practice is at the heart of Nicholas Lynn and Patricia Canning's article. Strictly speaking, the article is not about expert witness work, but it does signal the need for potential linguistic intervention. The authors analyse 'management guidance' reports (instruments for recording pre-charge advice in England and Wales) in 13 cases of domestic violence and argue that the language of the reports steers prosecutors to an outcome favourable to the male suspects, mostly by shifting the blame away from them suspect and/or undermining the female victim.

We hope this issue of *Language and Law/Linguagem e Direito* will serve as a useful source of information about forensic linguistic practice in particular jurisdictional, judicial and statutory contexts. We also hope the issue will offer forensic linguists and scholars in language and law new knowledge, and help inspire burgeoning linguists to work towards making future contributions in legal and forensic settings.

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