Conversational Analysis: The Judge and Lawyers' Courtroom Interactions

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Abstract –*In judicial settings, courtroom interaction varies from time to time, depending on the character and personality, ability and proficiency, and style and manner of individual participants. This paper investigates and examines the relevance of the courtroom interactions as reflected in the organization of points and in the sequence of turn taking system, specifically the analysis of interactional activities, techniques used, and functions of transition and conditional at talk in interactions. Based on the limited materials or source, only one Official Transcript with audio-recordings from RTC Branch 12, Lipa City, Batangas was utilized as the corpus of my study. The corpus is about the civil case between the telecommunication service provider, generic name (plaintiff) and the City Government of Lipa, Batangas.*

Keywords –*Conversation; courtroom interactions; talk; turn taking*

INTRODUCTION

In all court proceedings, talk in interaction varies from time to time based on the desired goal of every party involved. In court interactions, talk seems to be the heart of conversation. There is interaction if the talk takes place between the parties (both counsels) with the judge in the court. All utterances in talk can be transcribed and recorded.

Language is an element of social activities. In social context, language in action can be grounded in the details of actual events. Stokoe and Edwards [1] stated that "Conversational analysis employs technical transcripts of recordings of everyday and institutional talk of various kinds" (p.155). CA includes the "analysis of how people take turns in conversation, how turns at talk are designed, what it means to overlap with another speaker or produce a delayed response, how people make reference to one another, how actions (e.g. complaining, questioning, assessing, inviting) are accomplished, how people develop and move through courses of action, how people solve problems in hearing, speaking and understanding, and a range of other conversational phenomena" (p.155).

Conversation—talk in interaction—can be audio or video recorded as these keepings and recordings may provide a complete and accurate record of facts and details (utterances). Conversational analysis, from Hopper, Koch, and Mandelbaum [2] is a "process of examining the predominant kind of talk in which two or more participants freely alternate in speaking"(p. 169). Organizing thoughts seems to appear a slight pause or rest of the party speaking at first, which initiates another party to negotiate thoughts as his/her turn. However, there are times that some hearings or court proceedings take in a long period of time either in preliminary, or in direct and cross examinations when some points of talk in interactions seem to be unclear. Some of the examples are the illogical narratives, sequence of organization of thoughts, and others that can affect the interpretation and understanding of both parties (as defendant and plaintiff), with the judge's decision during the court interactions.

According to Holt and Johnson [3], "The most distinctive and most widespread linguistic feature of legal talk is the question – in both interrogative and declarative form" (p.21). Question may be uttered in declarative form, but used as interrogative. Through question, answers seem to come up whether in single words, in phrase, in clause, or simple and complex sentences. They added that legal talk must therefore involve an analysis of what is accomplished interactionally through the use of questions, …for the effects of forensic questioning" (p.21). This can help any party to elicit information or ideas for reconstruction, organization, and sequencing. These

processes appear to be significant in taking a turn in interactions.

Turn can be defined as the beginning and the ending of talking in interactional activity. Sacks, Schegloff, and Jefferson [4] presented evidence that "parties take turns quite efficiently, with only brief utterance overlaps and few gaps between parties' alternating turns" (p.696). They emphasized that parties negotiate and allocate conversation turns. Interactional activity refers to the move of the party speaking at turn. Some identified interactional activities are *adjacency pair and insertion sequence.* Adjacency pair includes the question/answer pair, request, invitations, offers, proposals, informative, complains, and accusations. According to Schegloff and Sacks [5], "Adjacency pair—the two-part sequences— are instances of very tight type of sequence organization" (p. 289). The following interactional activities can be described as the presentation of points and the responses or feedback— a two-way process. In terms of insertion sequence, the act of embedding or inserting a word, phrase, or clause to complete the points clearly. Mazeland [6] defined "insertion sequence, like repair sequence is the insertion of relevant word or ideas" (p.157). There will be pending response or answer if the delivery of the question or idea is not clear to the receiver, or the receiver (second party) is not familiar, or even oriented to the ideas or concept delivered (first party).

In this context, the parties use techniques in the completion of points in their turns such as: current speaker selects another participant as next speaker, selected participant begins the turn, self-select if no other turn begins, and current speaker may continue if selected participant cannot complete his/her turn. Mazeland [6] expounded specific techniques in negotiating and allocating a turn (turn taking), to wit:

If the current speaker selects another participants as next speaker before her turns has arrived at its first possible completion point, the selected party has both the right and the obligation to begin the next turn at this point. If no other speaker is selected, another participant may self-select as next speaker. If none of these options is used, current speaker may continue.

Transitional relevance takes place when turns from both parties occur. In turn taking, transition can be observed as the position of each party at talk in interaction, negotiating and allocating the completion of points. Adjacency pair will be structured and sequenced if the points of both parties are well-organized and delivered. Apparently, "conditional relevance is also a key for understanding the structure of extract"[6]. Conditional relevance can help "readers understand the interaction in extract as an orderly, methodologically achieved sequential course action" (p.157). This also serves as the basis of the adjacency pair structure.

Several concepts reveal that in some court proceedings, good facility of the language has been found significant as it provides parameters or basis for some preliminary procedures that the court has to settle. Unlike the direct and cross-examinations, preliminary procedures is said to be the appearance of both counsels, representing their clients for a mere manifestation of their narrative or story that would explain and justify to the preliminary order by court. This study is anchored on Walker's [7] Turn-taking and Sequencing Theory (1986), Sacks, Schegloff, and Jefferson [4] Organization of Turn-taking for Conversation Theory (1974), and Richards and Schmidt [8] Speech Act Theory (2010).

In all courtroom proceedings, organization of turn-taking is said to be significant in the completion of points in a given time. Walker [7] emphasized that "turn-taking and sequencing seem to be the self-representation and persuasion of both counsels and the judge in the court" (pp. 218-220). In turn-taking, sequencing of points can be effective through proper turning, i.e., the transitional relevance place at talk in interactions. Consequently, Sacks, Schegloff, and Jefferson [4] simplified 'transitional relevance place into three forms, namely: current speaker may select next speaker; if the current speaker does not select next speaker, next speaker may self-select; and if no other participant self-selects, current speaker may, but need not to continue speaking" (p.702).

On the other hand, the talk in interactions can be determined from the participants' speech acts. According to Richards and Schmidt [8], "Speech act is an utterance as a functional unit in communication. Since this paper employs conversational analysis, illocutionary meaning or force, as a kind, is considered as it indicates the effect of utterance or written text to the reader or listener (Official Transcript and Audio-recordings)" (p.542). A speech act which is "performed indirectly is sometimes

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known indirect speech act—often felt to be more polite ways of performing certain kinds of speech act, such as request and refusals"(p. 542). "Speech act, [8] is classified as commissive, declarative, expressive, and representative" (p.543). These classifications directly answer to the objective of the study of examining and describing the courtroom talk as reflected in the organization of points and in the sequence of turn taking system, specifically in the analysis of interactional activities, techniques used, and functions of transition and conditional at talk in interactions.

Commissive is a speech act that commits the speaker to doing something in the future like a promise of the plaintiff about presenting the final proposal to the City Government of Lipa. As to declarative, it is a speech act which changes the state of affairs in the world, depending on the style, form, and purpose of the speaker. A speaker expresses his feelings and attitudes about something—a speech act known as expressive. Lastly, the representative is a speech act which describes states or events like an assertion, a claim, and a report.

The following theories on turn-taking, organization and sequence; and classifications of speech act shed light in the analysis and interpretation of extracts which are based on my personal transcription from the audio-recordings. The results of the study will be of great help to: legal linguists, lawyers, judge, police, criminologists, criminology students-instructors, non-legal people, and the community.

To legal linguists, the findings of the study can serve as their guide in understanding the language structure of the law—the sequence and organization relevance in a turn-taking system. To lawyers, the study can also encourage them to be more effective and efficient in organizing and allocating their thoughts and ideas at turn with a clear and good language facility. To the judges, the results of the study would be of great help as they can be more powerful in managing the flow of the interactions between the parties, and other persons involved in the proceedings. Their control can be attained through their good command of the language.

To the policemen, the study can help them by understanding some strategies on how to elicit answers or responses through effective questioning. To the criminologists, the study can also provide them another way to approach and treat some scenario or cases—the civil or the criminal. Academically,

criminology students-instructors can both learn some of the techniques or ways in determining the appropriate and effective language in terms of form, meaning, and function relevant to their future investigation and study, i.e., student researchers and their instructors (advisers). For non-legal people, this study can help them specifically when they have the good facility of the English language, or understand the law in their vernacular language. They could be able to determine their position as to whether they are given the right and equal opportunity to defend themselves, or even given a justifiable decision by the court.

Generally, through this paper, the community can be aware of the legal procedures and practices in the courtroom. They can also be judges in their own way as they can give attention and interests in the structural analysis of the language of the law—legal language— discussing the sequencing and organizing of thoughts and ideas at turn in interactional activities.

OBJECTIVES OF THE STUDY

With the background expounded and internalized, this paper examines the organization of courtroom interactions with the corpus from RTC Branch 12 in Lipa City, Batangas. The purpose of this paper is to describe how the courtroom talk is sequenced and organized with emphasis on the turn taking system that characterizes courtroom interactional activities in the discourse genre of preliminary procedures. The relevance of the courtroom talk is reflected in the organization of points and in the sequence of turn taking system as emphasized in the analysis of interactional activities, techniques used, and functions of transition and conditional at talk in interactions.

MATERIALS AND METHODS
Research Design

This paper used the descriptive and qualitative analysis to describe how the courtroom talk is sequenced and organized with emphasis on the turn-taking system that characterizes courtroom interactional activities in the discourse genre of preliminary procedures. The relevance of the courtroom talk is reflected in the organization of points and in the sequence of turn taking system as emphasized in the analysis of interactional activities, techniques used, and functions of transition and conditional at talk in interactions. With regard to

forensic linguistics, conversational analysis has been the method employed in this study.

The Corpus

The corpus subjected to analysis for this attempt is the civil case taken from RTC Branch 12, Lipa City, Batangas, Philippines RTC 12 is composed of criminal and civil cases. Most of the cases covered by this branch are drugs, thefts, and some other civil cases. Since some of the civil cases have official transcripts and audio-recordings, the case entrusted to the researcher by the Office of the Branch Clerk is between the telecommunication service provider (plaintiff) and the City Government of Lipa (Mayor, Treasurer, and Assessor) as defendants.

This case is about the business permit of the corporation that the City Government has to release for the continuation of the operation of the corporation. The problem is that the Plaintiff-Corporation disagrees to the order of the City Government for them to continue the operation. One example is paying the tax, and other matters that made the Corporation filed a complaint against the City Government. However, the limitation of my paper is that not all utterances as reflected on the Official Transcript had been heard to the audio-recordings. This means that, though, some of the audio-recordings are available in RTC 12, still some of the stenographer or transcriber uses only one tape especially when certain cases are already settled.

Mazeland [6] stated that in conversation, courtroom "participants organize social action through talk, which can be examined during interactions" (p.153). Recordings may serve as the keepings of talk in interactions. It can be in an audio/video to capture the utterances and other features of talk in interactions. Similarly, the common practices of the courtroom interaction is the production of the official transcript, which is mandated by law. He stressed that a transcription can provide reliable approximation of the interpretative assemblies that participants in talk are working with" (p. 153). Transcription, therefore, is the "combined result of carefully listening to how and where utterances are produced and the interpretative, and to the interpretative work of the transcriber" (p.153).

The following extracts are all taken from my personal transcription from the audio-recordings. Utterances in turns heard from the audio-recordings comprise page 2-last speech (plaintiff counsel) up to page 29-the expression (defense counsel), that completes up to the first portion of page 30. No other utterances related to the identified case can be heard.

Procedure

The researcher personally went to the Regional Trial Court of Lipa to request an official transcript and audio-recordings. The Branch Clerk office entrusted to the researcher the said documents provided that these shall be returned after using them.

The researcher's school identification was requested by BCO in place of the letter of permission. Then, the researcher orally explained that the materials he needed, i.e., official transcript and audio-recordings, would be used in the study under forensic linguistics—analysis, presentation, and publication—as one of the requirements for the degree of Doctor of Philosophy (PhD) in English Language Studies (ELS). The office also explained that the researcher can use the materials and even allowed him to bring them home for use. The case between the parties had already been settled that made the office decided to lend the materials to the researcher for academic reasons.

For ethical standards and considerations, the researcher, however, made use of the generic name of the company for its identity security.

Reading the official transcript several times had been done before the researcher came to listen to the audio-recordings using the cassette tape. Finally, comparison between the official transcript and the new transcription had been considered in this analysis.

RESULTS AND DISCUSSION

This part focuses on a discussion of the research problems beginning with the interactional activities, sequenced in a series of turns (i.e. adjacency pair and insertion sequence), the techniques used in negotiating and allocating the completion of points in turns, and the functions of transition and conditional of talk in interaction. Extract 1 shows the judge's (court) questioning strategy which characterizes his own style in form and use. During the preliminary hearing or court procedures, most of the questions of the judge sound to be informative in form, yet interrogative in function, and declarative in form, but interrogative in function.

As can be seen in Extract 1, adjacency pair (the question/answer) exemplifies how the counsel of the complainant responds to the command of the court

which sounds interrogative. The strategy of the court describes that there is power and control for the defense counsel to interact naturally with the judge. After the court, the counsel immediately responds with a *yes*—a single word, followed by the two words—your honor, expressing respect to the judge. It can also be heard and seen that there is repetition of "Your honor" before the counsel completes her turn. The counsel of the complainant presented her evidence (both testimonial and documentary copy) during the first hearing on the temporary restraining order (TRO), to inform the judge that her client (plaintiff) has prepared already a proposal for the issuance of business permit.

Interactional Activities in Series of Turns

Series of turn is defined as the sequence of points or statement when there is less than acceptable reply in such turn constructional unit for Lerner [9]. In this study, for Walker [7] Turn-taking and Sequencing Theory (1986) explains and describes how the speaker (plaintiff-counsel) allocates and negotiates the completion of points at talk in interactions. In addition, the counsel's two or more turn units can connect the court in such interactional activity.

Extract 1
Counsel: Yes your honor. Your honor, before we proceed then, they vested in me about it your honor evidence both testimonial and documentary copy we presented during the hearing on the temporary restraining order as part of our evidence [uhm] and in support of our proposal for the issuance of the writ of the company.

Court: Counsel, last April 17, 2012, the Court issued an order suspending the proceedings in this case upon agreement of the parties in order that plaintiff may::be able to provide all the necessary requirements for the issuance of the Mayor's permit. That was more than one year ago. What happened to that?

Counsel: Uhm [0.2]
Court: That is [0.2] the reason wh:::y the other party has not produced [0.3] the parties agreed to suspend proceedings so that you can comply with the requirements.

Counsel: Uhm [0.1] yes your honor. In fact your honor [ah]one of the employees of the plaintiff- corporation was[ah]required to [ah] to execute an undertaking for the submission of the certificate of real property tax payment and during that time [ahm] our client [ah]also communicated with the defendants to [ah] to [0.1] to amicably settle the dispute subject matter of this instant case, but [ahm] unfortunately [ah] no [ah]settlement [ah] we agreed [ah] reached by the parties, your honor.

It is also noticeable that in the extract, the counsel of the complainant lacks of preparation in presenting points as manifested in her frequent stammering in a little less than 2 seconds, before she completes her points in turns. As regards the spontaneity and consistency of the language at talk as heard in the audio, the judge's (court) way of speaking sounds that he is a seasoned and experienced lawyer, differs from the counsel who lacks the spontaneity and consistency of the language while speaking in turn.

As can also be seen in Extract 3, there is insertion sequence happens when the defense counsel answers the question of the court. The court seems to be unfamiliar or even not oriented to what the defense counsel wants to explain in a very short or simple sentence, that makes the court inserts or embeds some relevant information organized and sequenced from the series of points at turns. The question of the court if all the telecommunications in Lipa paid the real property tax, has been completed at the latter part of his questions if Digitel also paid. This strategy of the court is really powerful as manifested in his style of elicitation and initiation for the counsel to further explain or even express relevant points.

Techniques Used in Negotiating and Allocating the Completion of Points in Turns

In turn-taking, negotiating and allocating the completion of points refer to the technique or strategy of the speaker like elicitation question, question-answer, allowing others to take turn. This technique can be the participant's organization and arrangement of points in turns through word-search like request for information, instructions, directives, order, complaints, proposal, and suggestion.

According Richards Schmidt [8], Speech Act Theory (2010) emphasizes the utterances of both

counsels and the court, as a functional unit in communication. Specifically, this theory describes every member of court proceedings as commissive, declarative, expressive, or representative.

There were 45 instances that the judge raised questions in the entire court proceedings. The judge significantly initiates the talk in court interaction, followed by any of the parties, depending on the selection of the participant. Each party (any of the defense and plaintiff) has the right and obligation to talk as mandated by law. Each of the parties, however, may self-select or initiate a talk to allocate and negotiate the completion of points in turns. Extract 2 shows the interactions between the counsels and the judge (court) using their techniques in allocating and negotiating the completion of points in turns.

Extract 2

P. Counsel:	[Ahm]. Again, [ahm] the parties failed to [ahm] amicably settle, your honor.
Court:	Why?
P. Counsel:	Your honor, [ahm], I think [ahm] there is a problem with respect to the [ahm] exact amount to be paid by the plaintiff-corporation.
Court:	Atty. XXXX?
D. Counsel:	During the proceedings, your honor, before the mediator, there was no specific or particular offer [ah] from the plaintiff as to pay any amount, your honor.
Court:	There was no offer at all?
D. Counsel:	Yes, your honor.
Court:	Any amount?
D. Counsel:	Yes, your honor.
P. Counsel:	I disagree, your honor.

As can be heard and read (audio-recordings and official transcript) the court used a single word to ask question to elicit reply and explanation. A single word as *why* had been used but elicits simple but long sentence as indicated in the response using embedded or intercalated clause by the plaintiff counsel. It can be also analyzed that the plaintiff counsel expresses her complaint regarding the exact amount that the City Government asked her client to pay.

When the court called the defense counsel in a question form, the defense counsel declared and asserted that there was no specific or particular offer coming from the plaintiff-corporation for them to operate and continue the business. And suddenly the court summed up the declaration and assertion of the defense counsel, *There was no offer at all?* This representative functions as question, followed by another question, *Any amount?* It can be described that the court has completed his points after negotiating and allocating information from both counsels.

Functions of Transition and Conditional of Talk in Interaction

Turn transitions and conditions of talk for Lerner [9] are defined as the locally and interactionally arrangement of particpants in reference to possible completion at a time. Sacks, Schegloff, and Jefferson [4] Organization of Turn-taking for Conversation Theory (1974) explains how certain speaker, i.e., any of the counsels, or the court—sequences or organizes his or her points in a given time. This theory describes that the court has proper timing in eliciting and initiating ideas with any of the defense counsels.

In this study, turn transitions and conditions of talk refer to the timing of speaker to complete his or her points in interactions. In the completion of points in interactions, the speaker transition can be classified as *end-up being done, on time, delayed, and early.* On the other hand, in turn-taking, the speaker can determine the no-gap/no overlap transition, i.e., pre-allocated or controlled.

Extract 3 shows how the speaker or each participant take position or turn at talk in interactions in a logical and sequential manner that makes the readers or listeners understand the extract.

Extract 3

Court:	Under protest?
D. Counsel:	Yes, your honor.
Court:	After a re-evaluation, there will be a refund?
D. Counsel:	That re-evaluation is for the future payment, your honor, because you cannot make any re-evaluation if you have accountabilities.
Court:	By the way, Atty. XXXX, there are other communication companies here

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	in Lipa. Are they paying the real property taxes?
D. Counsel:	Yes, your honor. Globe paid, your honor.
Court:	Digitel?
D. Counsel:	[Ah] Digitel, I am not sure, your honor.
Court:	But Globe paid?
D. Counsel:	Yes, your honor.
Court:	Religiously up to the present?

It can be observed that taking a turn varies depending on the power and control of the court or judge. This shows that the court interacts with the defense counsel regarding the payment system of the real property taxes. It certainly describes that each speaker or participant has been given the opportunity to take the position when to speak—turn taking— that information flows between the participants speaking at turns.

This paper investigated and examined how the relevance of the courtroom talk is reflected in the organization of points and in the sequence of turn taking system is emphasized in the analysis of interactional activities, techniques used, and functions of transition and conditional at talk in interactions.

In court hearings or proceedings, it can be observed that the court or judge holds the most powerful control and command, as manifested in his manner and ability of using the language. Language is said to be the power, where participants are motivated to perform the best that they can, not just to impress and win the court's decision, but to express all relevant information at turns. A well-structured and sequenced utterances can be understood, especially when points are completed at talk in interactions.

In all interactional activities, there are techniques on how to negotiate and allocate the completion of points in a series of turns. Thus, insertion sequence is very helpful to elicit and justify points at turns, which seems to be always a part of the adjacency pair. To elicit a response is to allocate and negotiate the meaning through series of points, adjacency pair, and insertion sequence.

CONCLUSION AND RECOMMENDATION

This paper investigated and examined how the relevance of the courtroom talk is reflected in the organization of points and in the sequence of turn taking system is emphasized in the analysis of interactional activities, techniques used, and functions of transition and conditional at talk in interactions.

In court hearings or proceedings, it can be observed that the court or judge holds the most powerful control and command, as manifested in his manner and ability of using the language. Language is said to be the power, where participants are motivated to perform the best that they can, not just to impress and win the court's decision, but to express all relevant information at turns. A well-structured and sequenced utterances can be understood, especially when points are completed at talk in interactions.

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Since this paper mainly focused on the investigation and examination of the courtroom interactions—organization of points and sequence of turn-taking system, i.e., interactional activities, techniques used, and functions of transitions and conditional at talk, the researcher calls for further investigation of the same case, or any related study that would concentrate on the discourse, pragmatics, semantics, lexis, and other relevant language features that would contribute not only to the legal people, but also to all individuals, and the community, for their awareness and understanding of the law, and their possible participations, when needed, in some courtroom interactional activities and purposes.

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