

CHAPTER 4

RESEARCH METHODOLOGY

4.1 Introduction

This chapter gives a fuller account of the methodology of the research which was introduced earlier (Chapter 1.6), and a description of the procedures that have been followed is given. It is organised around five main headings: Qualitative research; soft system methodology; research framework; methods and procedures; and data processing.

4.2 Qualitative Research

A qualitative approach can be distinguished by a 'reliance on verbal reports, description and interpretations of events' (Dunn 1999:37): data which are not amenable to traditional, statistical methods of analysis. Dunn (op cit), Patton (1990) and Creswell (1994) all emphasise the fact that qualitative studies reveal human experience (how people make sense of their lives, experiences and surroundings), recognise the essential role played by context and are focused on processes, rather than the outcomes of processes and, for this reason, must engage in research activities which involve fieldwork. The researcher has to go to the people and observe them and record their behaviour in their natural setting and conduct interviews to discover their attitudes and values so as to create a first hand description of how the system works as a dynamic process.

The approach is also inductive rather than deductive; discoveries are made while the research is going on; perceptions held at the beginning of the research may well change into different ones by the end. The following summarises a qualitative research approach:

The intent of qualitative research is to understand a particular social situation, event, role, group or interaction. It is largely an investigative process where the researcher gradually makes sense of a (social) phenomenon by contrasting, comparing, replicating, cataloguing and classifying the object of study.

Creswell op cit: 161

The court interpreting service in Malaysia is such a system and one which is in need of examination in the way described above, i.e. exploring the process in terms of perceptions of the key players in the process and the problems encountered by them.

However, having established the above, this research does not rule out the use of the quantitative method. There are good reasons for adopting a multidisciplinary, multi-method and multi-source 'triangulation' approach to the issue being investigated. Triangulation seeks a convergence of results, it is developmental and expansionary and, because it provides multiple perspectives, ensures a richer in-depth picture than any single approach could give.

This study, therefore, makes use of the following combination of methods:

- Survey: A cross-sectional method of data collection involving the use of questionnaires, mailed to a specified population nation-wide, seeking

responses to a number of questions (closed and open-ended) related to the research questions.

- Interview: A face-to-face meeting with individuals representing different groups in the court interpreting system – the problem situation area - to elicit responses in terms of views, opinions, perceptions, experience as well as relevant information, related to the issues and concerns in the study. Audio recordings are used to document the interviews.
- On site observation: Direct personal contact with the participants and the process of administering justice in court, and observations of the activities of the court interpreter, to enable the researcher to understand better the context within which interpreting operates. It also allows the researcher to be open, discovery oriented and to see events which may escape the attention of routine participants. In the course of the observation, field notes are taken.
- Document review: To document and evaluate what is available (or not available) officially on record, that constitute policies or serve as a guide to practice.
- Previous research: The review of literature on court interpreting mentioned a research conducted by the researcher in 1998 on the perceptions of Malaysian court interpreters. The research made use of a similar triangulation method and succeeded in gathering data from 83% of the targeted population. The findings

obtained, which became the report to the Federal Court in 1999, are taken as part of the data for the present research and will be presented in the analysis to extend and expand the present research findings.

4.3 Soft Systems and the Qualitative Approach

The term 'soft systems methodology' (SSM) was introduced in Chapter 1 (section 1.6), in which the distinction is made between 'hard' and 'soft' systems. This approach is not only highly relevant but represents a more sophisticated view of a problem situation like that found in the court interpreting system in Malaysia.

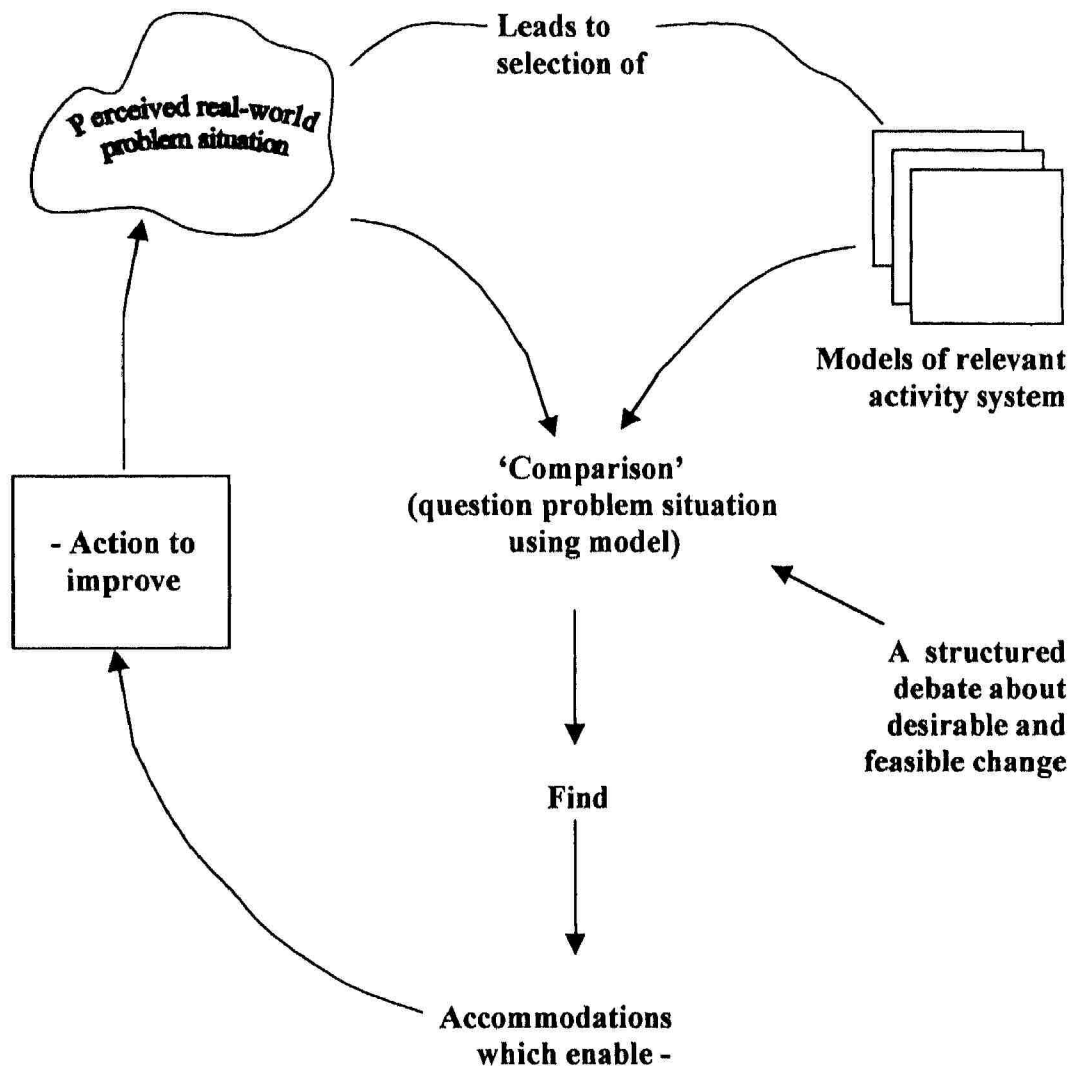
A working definition of a *system* referred to in Chapter 3.3 is adopted, i.e. a set of elements connected together to form a whole (Checkland 1999 provides an accessible introduction to the field of systems studies; Checkland (op cit) for a presentation of Soft Systems Methodology (SSM); Checkland & Scholes 1999 for a range of applications). The Court Interpreting Service in Malaysia is not only a 'human activity system' which exists for a purpose (providing legal interpreting support for those in need of it) but a 'subsystem' contained within a larger system (the 'court administration' system) which is, itself, part of the larger and more abstract 'justice system'.

A fully comprehensive description would deal first with all the systems involved and show their relationships with each other since the larger system dictates the structure and activity of the system(s) below it. This research recognises not only the 'soft' nature of the system but also, the fact that it is a

dysfunctional planned system, which contains 'problems' that call for 'treatment'. The soft systems approach seeks to create an atmosphere in which those who are involved can engage in fruitful debate leading to a 'rich picture' (Checkland op cit. 317) of the situation which will enhance understanding, and this in itself may lead to improvement. It is in this light that the 'recommendations' at the end of this thesis should be seen.

In this research, SSM guides the cycle of enquiry by highlighting 6 key points which, it is argued, should be present in any problem-solving approach: (1) that the context of the investigation is a real world *human situation*, in which people are 'attempting to take purposeful actions which are meaningful for them', (Checkland 1999:A7) (2) that what is observed can be *modelled* in many ways; there is more than one viable model, (3) that interpretations of the situation depend on the *viewpoints* of the participants (including the researcher), 4) that understanding the situation requires *accommodation* between alternative models, 5) that *action*, based on accommodation and in co-operation with those involved, needs to be taken to improve the situation, and, finally, 6) that the enquiry is itself a *learning process* for all involved, which changes the situation in unpredictable ways and leads to further enquiry.

Figure 4.1
Soft Systems Methodology as a Learning / Enquiry Cycle



Principles guiding the methodology:

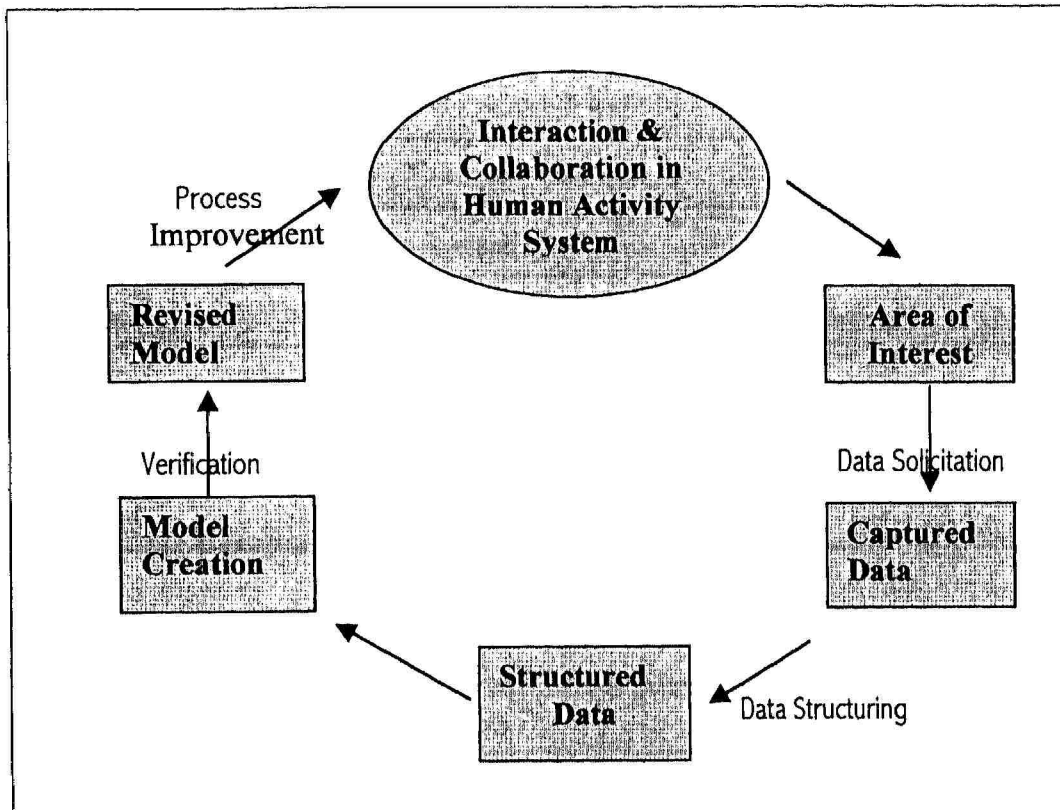
- (1) Real world: a complexity of relationships
- (2) Relationships explored using models of purposeful activities based on explicit world-views
- (3) Enquiry structured by questioning perceived situation using the models as a source of questions
- (4) Take 'action to improve' based on finding accommodations (versions of the situation which conflicting interests can live with)
- (5) Enquiry in principle never ending; best conducted with wide range of interested parties; give the process away to people in the situation.

(Source Checkland & Scholes op cit: A9)

The philosophy of SSM is realised in several models of the approach to action research. The following - Boardman Soft System Methodology (BSSM)—organises the enquiry by means of the Process Modelling Technique (PMT) illustrated below.

Process modelling begins with a broad understanding of the ‘process area’ to be modelled (in BSSM terms, ‘the system under observation’), and subsequently identifying the problem in the system. The second and third stages are concerned with obtaining data from documents, interviewing the ‘participants’, (‘the process agents’) and systematically organising the data, referred to as Data Solicitation and Data Structuring. The fourth stage constitutes the ‘process systemigram’ or ‘Model Creation’, the fifth, checking the Model, and referring the Model to the audience from which the data was obtained to ensure it is a faithful representation of the views held, and finally, a description of the way in which the model can be used to benefit other participants in the process and the process itself, referred to in BSSM terms as ‘Process Improvement’. The methodology is presented in graphic form below:

Figure 4.2
A Simplified Version of Boardman Soft System Methodology



Source: www.seg.dmu.ac.uk

4.4 The Research Framework and Procedures in SSM Terms

In adopting the SSM thinking, this research employed an almost identical approach to triangulation. It will be seen that the SSM and the qualitative approach are complementary.

4.4.1 Understanding the *Process Area*.

In the first stage, the researcher sought to define the system under observation i.e. the Court interpreting system. This was achieved by reviewing the

literature, and making extensive use of reports from related research in 1984 and 1998. Being at the same time involved in the training of court interpreters, a more intimate knowledge of the area was gained by the researcher. The problem in the system was identified, and expressed in the form of a major research question, and specific research questions. To begin obtaining the answers to these questions, there was a need to obtain the perceptions, views, opinions of other key players in the system apart from the interpreters i.e. the judges and administrators. A number of instruments were considered and decided upon to obtain the data needed.

4.4.2 Data Solicitation

At this stage the process of gathering data began. The multi-method approach, combining qualitative and quantitative methods enables as much information, viewpoints, opinions, perceptions, as time and resources would allow. These data were obtained from a nation-wide survey, interviews, documents, past research and observations.

The nation-wide survey made use of a 67-item questionnaire (in the national language and English), modelled on the format of the 1998 interpreters' questionnaire. The reason it was written in Malay and English was the anticipation that some judges and registrars might be more comfortable with English and it was felt the alternative therefore should be provided. Its content and structure were moderated by piloting on five key individuals in the judiciary and by meetings where they were able to discuss and clarify the questions. As a result a modified final version was produced and sent out by the Federal Court of Malaya

in late May of 2000 by mail to all 292 serving judicial and administrative court officers i.e. judges and registrars.

In the interim period between the time the questionnaires were sent out and returned, qualitative fieldwork was carried out. Observations were made in ten courts over a total period of four months. During this time, field notes were taken systematically, documenting what was observed in the courtroom: before, during and after trial proceedings: specifically (a) the surrounding in the courtroom, (b) the general mannerism and interaction between interpreters and lawyers, administrators, magistrates, prosecutors, the police and members of the public, (c) the specific duties of the interpreters during open court, (d) the way witnesses present testimonies, (e) the way prosecutors and counsels speak to witnesses and to the Bench, and (f) the way the Bench presides during open court.

Interviews were arranged before and during the period of observation. Twelve of the interviews were tape-recorded and the rest was recorded in the form of hand-written notes. The individuals whose interviews were tape-recorded included senior high court judges, a deputy registrar, and the deputy director of the Criminal Investigation Department whose busy schedules made it essential that the interviews were carried out in the shortest possible time. There was, naturally, a bonus; verbatim collection of the data ensured that what these influential individuals said was recorded completely and accurately.

4.4.3 Data Structuring

After the data from the various sources and process agents was obtained, the researcher analysed them in a systematic way, by (a) organising data from the survey as a summary of findings, (b) organising views and opinions according to specific questions and offering illustrations from the verbatim report to support the views expressed (c) incorporating research findings from the earlier research of 1998 and (d) classifying the findings under specific research questions: the critical issues in the research.

4.4.4 Model Creation

The researcher developed a preliminary description of the system, explanation of the current situation, prediction of future states showing the way the different units are interrelated, and the different or similar viewpoints that emerge. The perceptions highlighted formed the 'preliminary conclusions'.

4.4.5 Model Revision

At this stage, the findings expressed in the initial model, were checked and revised by referring them back to the audience (or representatives of the audience) from which the data was obtained. This constituted the second round of qualitative fieldwork to ensure that accurate information and views were presented. Key personnel and main role players in the system, those representing the judges, the

administrators, the interpreters, were provided with the preliminary conclusions, and discussions were held in which they responded to the results presented.

4.4.6 Process Improvement

The researcher finally obtained a description of the model, which incorporated different views, giving a balanced picture of the problem. A recommendation was made based on these information and views, pointing out the defects but also suggesting ways of improving the situation, emphasising the role and significance of every group, in order to benefit not only the participants or the role players, but also the process itself.

At all times, the researcher bore in mind that the objective of the research was not to discover one specific solution for all-time application to a problem, as this would be unrealistic and unachievable. Instead, the focus was on ongoing learning and inquiry. As in the real world, in human situations and interactions, elements of change are constantly present. Thus the emphasis is on flexibility and a readiness to accommodate changes. The framework incorporating the procedures of this research is presented in the following diagram:

Figure 4.3
Research Framework

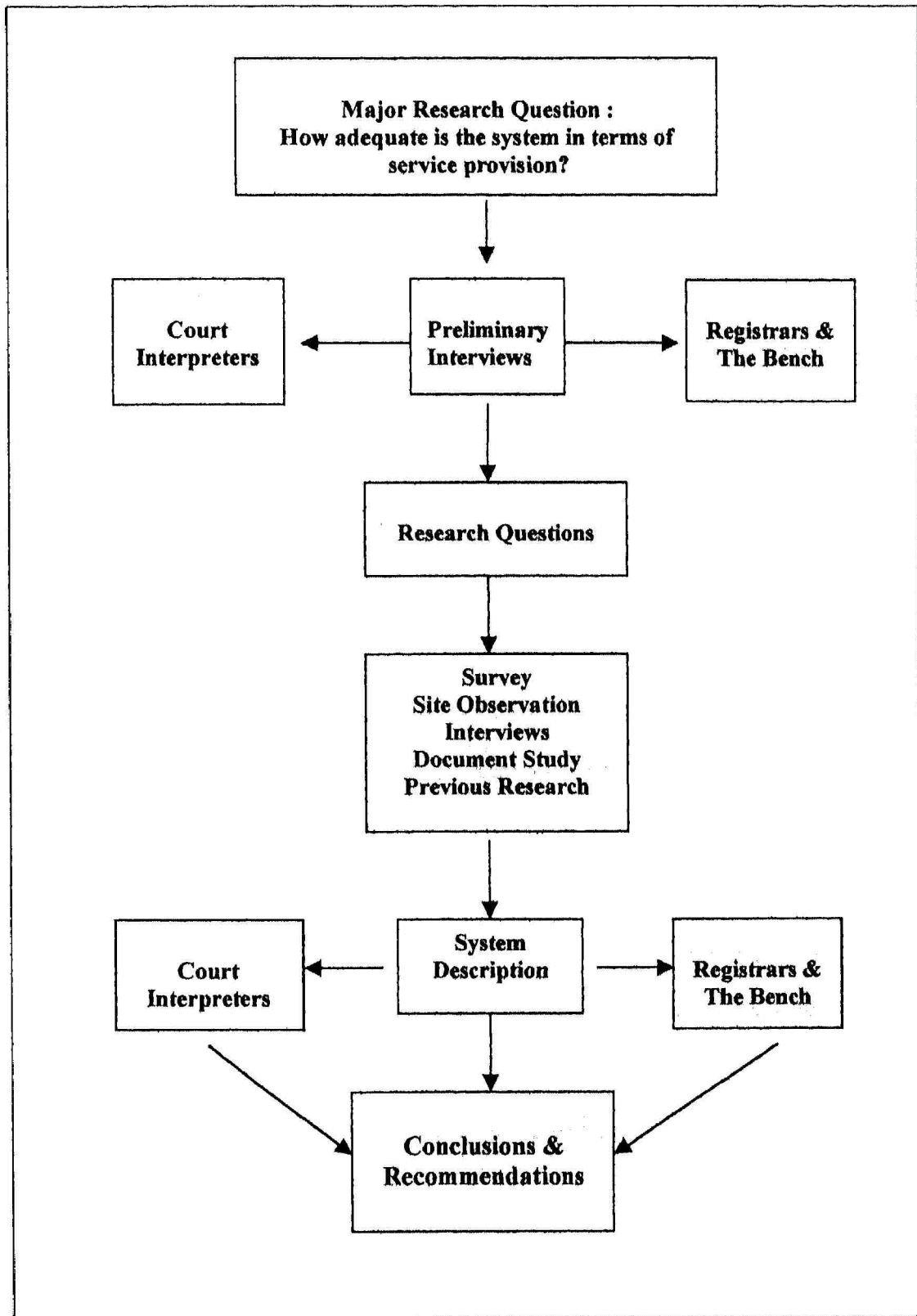
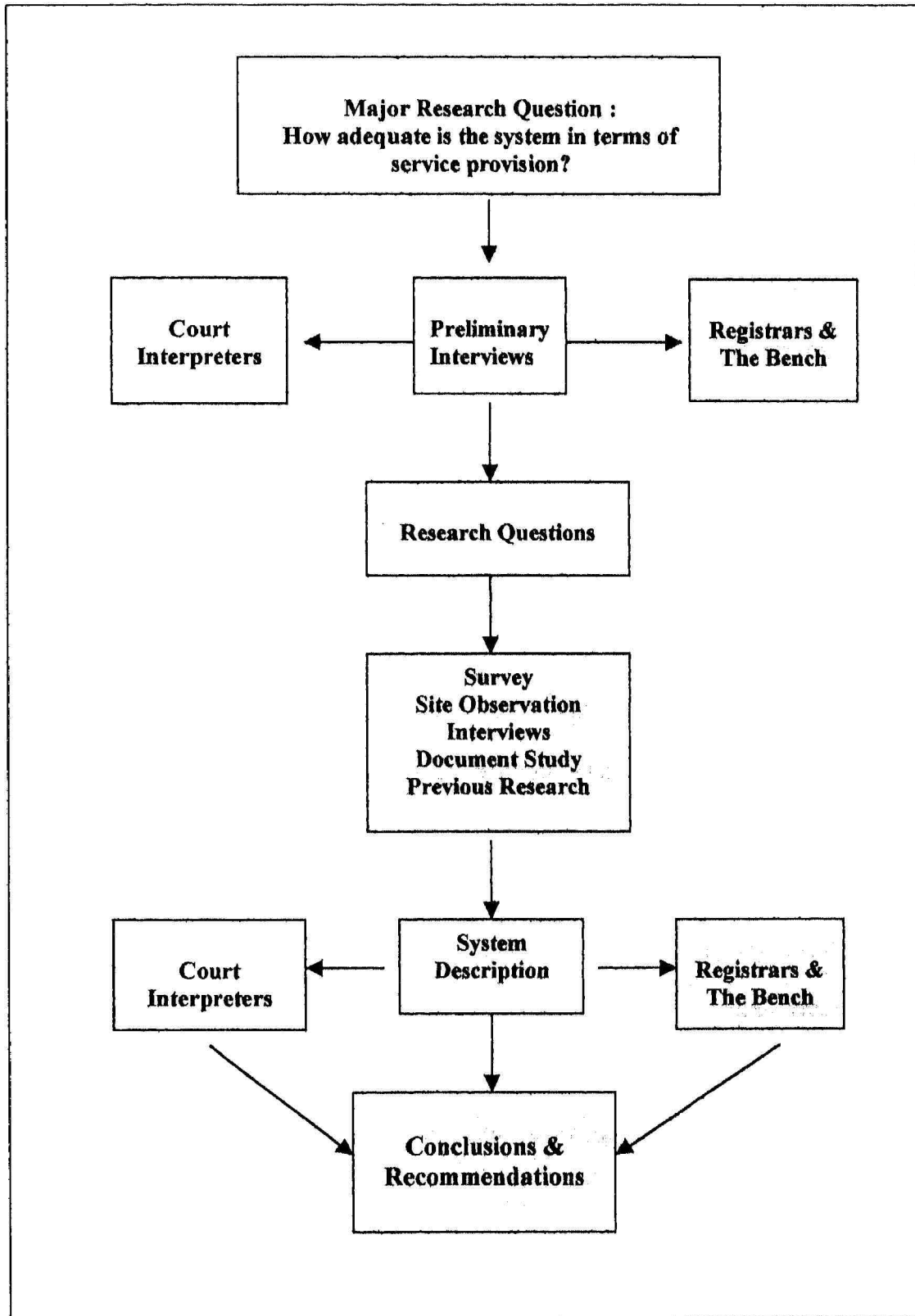


Figure 4.3
Research Framework



4.5 Methods and Procedures

The different methods employed and the procedures followed are detailed below.

4.5.1 The Survey involving Judges/Magistrates and Registrars

4.5.1.1 Population

The population targeted in the survey are all 292 serving judges and magistrates in sessions and magistrates courts, and the court registrars: deputy registrars, senior assistant registrars and registrars of lower courts (as listed by the office of the Registrar for the High Court of Malaya, Kuala Lumpur). The reason for the selection of these particular key participants in the system rather than the lawyers or the police is that they are the closest to the interpreters in their everyday work and can exert considerable influence over changes that affect interpreters and the interpreting system. Two significant points need to be mentioned at this stage. One, that judges and administrators have been grouped together for the purposes of the survey and this is because their roles are interchangeable. Administrators often perform duties as legal officers of the court. In the Malaysian court, the presiding legal officer may be an administrator: deputy registrars can and do act as first class magistrates and senior assistant registrars as second class magistrates. Equally, sessions court judges and magistrates may be administrators as well - particularly in smaller district courts in Malaysia - and act as registrars.

Another significant point is that magistrates and sessions court judges are part of the civil service and so of the whole administrative organisation. They are

appointed by the highest administrative authority: the Prime Minister. In contrast, Federal Court and High Court judges are not civil servants nor are they paid by the Public Service Department. Instead, they are appointed by the Supreme Ruler of Malaysia (the *Yang Di Pertuan Agong*) and for this reason they are considered independent and not part of the judicial department.

Excluding federal and high court judges, this means that the total number of respondents represent the whole population of court officers - legal and administrative - from all magistrates and sessions courts in Malaysia.

4.5.1.2 The Questionnaire

The questionnaire was written in both English and Malay, piloted on five deputy registrars (including the Registrar of the High Court of Malaya himself) and five magistrates. The comments made were very useful and modifications were duly made to the original based on these comments.

The questionnaire consists of 67 items covering the following areas:

- (1) Background (demographic information: type of court, state, post held, age, gender, and highest qualification).
- (2) Problems in Court and Administrative Matters (length of service, main problems in court, number of cases appealed or retried due to incorrect interpreting, postponed due to shortage of interpreters, languages for which there is shortage of interpreters, method of obtaining interpreters other than those provided by the court when the need arises, whether the

interpreters are paid for doing extra work in other courts, who should make the annual assessment of the interpreter's performance and how, and finally respondent's opinions on a hybrid system of interpreting service provision. (i.e. a system consisting of close co-operation between permanent staff and freelance interpreters).

- (3) Respondent's perception of interpreters (what interpreter's roles and main duties are, how crucial interpreters are in a trial, the ratio of interpreting and clerical duties performed by interpreters, respondent's assessment of interpreter's competence, and whether there was any incidence of partial interpreting);
- (4) Requirements to be a Court Interpreter (respondent's reactions to the criteria given), how essential training is, in what way it should be organised, what the contents of the training course should be, opinions on on-the-job-training, and whether there is such a system in the respondent's court);
- (5) Respondent's opinion on the existing interpreter scheme of service (whether it is satisfactory, whether interpreters should have a separate scheme of service with specialised training, higher educational entry requirements, how not to lose competent interpreters, whether the respondent has knowledge of any interpreter service provision in other countries);
- (6) The national language in court (does the respondent think that all Malaysians, immigrants and visitors are proficient in the national language, whether the interpreter is needed in a country like Malaysia, whether professional training is still required, even though the need might

be diminishing, and whether the respondent agrees that access to justice is synonymous with access to a competent interpreter).

Of the 67 questions, 10 are open-ended; the rest are closed, with 2-point, 3-point and 5-point commitment scales. The researcher's name, address and e-mail were given in order for the respondents, if they wish, to send the form themselves or make any contact (Appendix B for details).

4.5.1.3 Administration of the Questionnaire

- (1) The first step after having prepared the first final version of the questionnaire was to meet with the key person in the Federal Court to get the permission to distribute the questionnaire. In this research, overall permission was obtained from the Chief Registrar of the Federal Court. Subsequent correspondence and discussions were conducted with the Registrar of the High Court of Malaya and his Special Assistant.
- (2) Discussions with the Registrar were held on the methods of administering the questionnaire, including going through the questions to be asked (a kind of official 'vetting' or screening before the questionnaire was approved), who to send it to (determining the population), deadlines, follow up deadlines, and point of collection.
- (3) Upon collection of the final batch of returned questionnaires, the research assistant was briefed on coding procedures, and on using the Statistical Package for Social Science.

- (4) For closed choice questions, the results of analysis were presented as descriptive statistics i.e. frequencies and cross tabulations between a range of variables. For open-ended questions, the responses were noted verbatim in a separate set of tables indicating the respondent's code number and the items asked.

4.5.2 Interviews

In general, open-ended interviewing for data gathering may be approached using (1) the informal conversational style (2) the general interview guide approach, or (3) the standardised open-ended interview, each depending on type of preparation, conceptualisation and instrumentation, and according to the style and inclination of the researcher (Patton op cit:280).

This researcher combined the first two. Most of the interviews were conversational to maintain flexibility, and although there was a set of questions at hand, as a guide, most of the questions arose from the immediate context. In general, the interviews were conducted in a relaxed manner, primarily allowing and encouraging the informants to express their opinions and feelings freely. With the exception of the remand prisoners, most of whom were agitated and (one Nigerian) even angry, two Chinese nationals and one Thai who were confused as they do not speak nor understand either Malay or English, the interviews conducted were generally successful.

4.5.2.1 Informants in Interviews

The informants in the interviews were 20 interpreters including freelance interpreters, 5 prosecutors, 5 court administrators, 10 judges and magistrates, 5 lawyers, 10 remand prisoners, 3 past presidents of the Interpreters' Union, 3 Public Service Department officers, the past (2000) and present (2001) Director General of ILKAP, the Chief Registrar, the Chief Justice (formerly termed Lord President), the Chief Judge of Malaya, the Deputy Director of the Criminal Investigation Department, the Deputy Superintendent of the Police based in the courts, and the Minister for Legal Affairs in the Prime Minister Department: a total of 70 individuals.

4.5.2.2 Procedures and Preparation

- (1) The first step in the interview method was deciding on the individuals to be interviewed and how their responses could help clarify the problem situation. These were the participants in the process, both the key personnel as well as the persons actually involved in the day to-day process in the court, whose views and perceptions are crucial to the inquiry. The arrangement for interviews with key personnel usually required some correspondence followed by telephone calls.
- (2) The broad questions were prepared before the interview. Subsequently, specific questions to elicit specific responses from the different individuals were drawn up.

- (3) The approach to interviewing was generally structured but conversational. The researcher asked questions but did not necessarily press for answers. This means it was necessary to feel one's way around, when the informant seemed willing to talk, (s)he was encouraged. The researcher's tone was aimed at solidarity, to allow expressions of views and description of experience, leading to the informants' own conclusions. Thorny issues were asked in a tone of wanting to know or learn, or simply of asking for clarification.
- (4) The researcher was also careful to use appropriate terms of address for informants like judges, or senior police officers.
- (5) The researcher asked for permission to record. Some of the individuals did not want to be recorded (especially prosecuting officers) but, to assure all informants who were government employees that the information would be used for research purposes only, they were informed that names would not be disclosed.
- (6) An important aspect of the interview method was pre-interview preparation: the equipment for recording were tested, tapes for interviews were placed in the device so as not to take up unnecessary time, and the device chosen was not intrusive.
- (7) After the interview was over, the researcher generally listened to the recordings, to take stock of the perspectives of the individual's perception, to see if any crucial questions were left out. When this was the case, the same question was asked of the next informant if (s)he was from the same group.

- (8) The tapes were given to a bilingual transcriber to be transcribed and presented as raw data (a sample is provided in Appendix C).
- (9) The transcriptions were studied and responses to relevant issues and questions were selected and documented separately.

4.5.2.3 The Interview Questions

The interview questions usually began with the informants' experiences in relation to court interpreting in the course of his/her work, leading to his/her awareness and perception of the interpreting situation including the interpreter, and finally his/her evaluation of the situation (the list of interview questions is given in Appendix B).

4.5.3 Observation

The observational method has been used widely in ethnographic research, and doubts have been cast on its validity and reliability as a major method of objective inquiry. However, careful preparation for making the observation can alleviate the possibility of bias and, in any case, observational data is valuable, as documents and information from a questionnaire are no substitute for a direct personal contact with the participants (even if the researcher herself is not a participant in the process) and being physically present where the action is. The purpose of observation in this research is to describe the setting that was observed, the activities that took place, and the people who participated in the activities. This was done mainly as a means of accessing personal knowledge and experience

to assist in understanding and interpreting the process of court interpreting in Malaysian courts.

4.5.3.1 The Sites for Observation

Observation was made in a total of 10 courts for a total of four months from March to May in 2000, and from April to June in 2001. The sites were two magistrates courts, two sessions and two high courts in Kuala Lumpur (both civil and criminal); a sessions and high court in Shah Alam; one magistrates court in Kajang, and one sessions court in Kota Kinabalu, Sabah. The researcher spent about two weeks in each court in Kuala Lumpur and about one week each in Shah Alam, Kajang and Kota Kinabalu, from 9 a.m. to 4 p.m. In central Kuala Lumpur, where there are more than 12 magistrates' courts in one complex, queries were made as to which single court handles the most cases, civil as well as criminal. This depends on the zone of police jurisdiction in the city. Some zones, due to the location and physical environment, have a higher crime rate and therefore more arrests, leading to appearance, charge and subsequent trials in the particular magistrate's court. These courts were singled out and observed.

However, in small towns like Kajang, where criminal and civil cases are tried in the same court (there are only two courts), the choice of which to observe was not an issue. In the high court, queries were first made of interpreters. The researcher was then told of the type of trials going on and the courts in which the trials took place. As it turned out, the courts observed were trying a murder in which the accused was of unsound mind, an expert witness was observed giving

testimony, subsequently observed was the judgement given in a drug offence (potentially a death sentence). In both cases the accused were acquitted and discharged.

4.5.3.2 Procedures and Preparation

- (1) The first step was getting the mandatory permission from the same key officer in the Federal Court to sit in court. The permission was readily given and an official cover letter addressed to all judges and administrators was sent out to inform them of the researcher's intention.
- (2) Even though a letter was sent out, a short prior meeting with the judges whose court is observed was made, as a courtesy move. This required contacting their secretaries and arranging a time slot for an appointment. This move usually received excellent co-operation; the researcher was invited to sit with the interpreter, and was also able to interact with the prosecutor and the defence during court intervals.
- (3) During the observation, field notes were taken by hand (as a tape recorder is not allowed in courts in Malaysia) of the verbal exchanges, activities and any behaviour usually not observed by officers of the court e.g. conduct of police officers, accused, witnesses, lawyers and members of the public in court, before and after the judge made his/her appearance.
- (4) The researcher took time to be in the company of the interpreters: informal talks, having tea or lunch with them and being, in general, a listening ear.
- (5) Observation also extended to areas outside the courts – police lock-up, remand prisoners waiting outside the court, the courts' general office, and

interpreters' union annual general meeting, which the researcher was invited to observe.

4.5.4 Document Review

Among the documents studied as part of the document review were: the Suffian Report 1967, the report of the 1998 Interpreter survey (Zubaidah 1999), interpreters' schemes of service from 1956 to the present, interpreters' job descriptions, freelance interpreter records, Chief Registrar's directives, the Constitution, Language Acts, cases in the Malaya Law Journal on interpreters, interpreters' examination papers, record of Court registry, dockets of completed trials, and ILKAP training documents.

4.5.4.1 Procedures and Preparation

- (1) Libraries in the Federal and High Courts as well as the Public Service Department are only for in-house use; thus permission in writing to make the references needed was obtained. All correspondence with public agencies outside the University of Malaya was made through the Dean of the Faculty, which is the normal procedure.
- (2) Obtaining copies of documents, for example the schemes of service from the time before independence to the present, interpreters' exam papers for departmental promotions, completed trial proceedings in the past from various sources – requires the researcher to contact the key person(s).

These were the librarian in the Public Service Department (PSD), the PSD

Special Assistant to the Director (Organisational Development Section) in Putrajaya – the new national administrative complex outside Kuala Lumpur; the librarian of the Federal Court library in Kuala Lumpur, the librarian of the High Court in Kota Kinabalu Sabah, Special Assistant to the Registrar of the High Court of Malaya, Kuala Lumpur, Senior Assistant C in the Police Headquarters, Bukit Aman Kuala Lumpur, and the chairman of the Bar Council.

- (3) Documents were also obtained from contacts abroad (United States of America, United Kingdom, Singapore, Netherlands) New Jersey Supreme Court, Scotland Yard, University of Lancaster library, University of Westminster library, Institute of Linguists (London), Singapore Supreme Court. The researcher also had the opportunity to be at the Special Scottish Court in Zeist and observed part of the Lockerbie trial in which court interpreters were at work, interpreting between English/German/French and Arabic. An interview was conducted with the Chief Interpreter (who, like the other interpreters, is a conference interpreter by training), and the police officer in charge of the Witness Protection Unit.

4.5.5 Previous Research

The previous research was entitled 'Malaysian Court Interpreters: Perceptions and Future Prospects' conducted in 1998 and completed in 1999. The findings offer rich data not only on the demographic features of Malaysian interpreters but also educational background, perceptions and feelings about their job, hopes and plans for the future and the operation of their union. Using a full

scale study as a background research has the benefit of familiarity with the research instrument involved (the survey and interviews) and one section of the court personnel (the interpreters) which enables the present research to be conducted smoothly, in terms of data gathering.

4.6 Data Processing

The data obtained are subjected to qualitative and quantitative analysis, detailed as follows.

4.6.1 Qualitative Analysis

The observations in court were recorded by hand following a format devised for the purpose, which is given below:

Figure 4.4
General Format of Field-notes

Type of Court:		
Location:		
Date:		
Time proceedings start and end		
Presiding judge/magistrate		
Interpreter on duty		
Case observed		
Events		
Role Player:	Exchanges:	Action
Court Orderly	Court rise!	Court rises
Researcher's Observations (in parenthesis)	(Silence and formality in contrast to talking and informality previously)	

The field notes, although were taken systematically, served more to enhance understanding of the system and the perceptions of the role players in the system rather than to obtain hard data.

Twelve of the 70 interviews were tape-recorded and fully transcribed. The interviewees were selected based on the criteria of seniority and positions in their departments. They are senior high court judges, the Director General of the judicial training institute, deputy registrars of the court, the President of the Bar Council, the Deputy Director of the criminal investigation department and senior court interpreters. Their responses were most relevant and were quoted verbatim for purposes of analysis and discussion. The transcription did not have any strictly defined format except that the speakers were labelled A (the interviewer) and B (the informant). Location and the title of the informant were shown at the top each numbered transcription. Their names however, at their request, were not recorded.

4.6.2 Quantitative Analysis

Of the 292 questionnaires sent out, 135 were returned within a month. Follow-up questionnaires were sent twice at one-month intervals. This yielded a further 17 returns, after two months. All the returns received were complete and in a form which permitted processing and analysis using SPSS 9.0 for Windows. In all, 152 were returned and 140 were not returned at all; a rate of 52%.

First, the variable titles were decided, for example Location, Types of Court, Designation of respondents etc leaving out all open-ended questions (which

were recorded in a separate table). Next, variable value was assigned to each response. The raw data was then entered. In the next stage, results were produced using the statistical analysis method available in the SPSS system; first descriptive statistics of frequencies, subsequently, cross-tabulations between related variables. For example, if the frequency showed a preponderance of agreement that the main problem in the courts is a shortage of interpreters, the cross-tabulation shows in which zone (i.e. Location) of the country this problem was most acute. Multiple versions of the results, exhibiting relationships between different variables had to be produced before a clear picture emerged from the data.

The triangulation methodology which has been adopted makes the questionnaire only one method alongside several others - interviews, observations and document reviews, plus feedback on the preliminary conclusions from key figures - and the response was, in any case, from the whole population and not a sample. So, although only 52% responded and thus the number was far from overwhelming, it was nevertheless useful and acceptable in representing a reliable measure of views, opinions and perceptions on the issues put to the legal officers of the courts. This point is also made for the reliability factor (Section 4.6).

Two points need to be clarified at the outset of the presentation and analysis of results. (a) The findings from the quantitative analysis are given in relation to the questions presented in Chapter 1.4, by describing the experience nation-wide through descriptive statistics (e.g. total number, average and percentage, cross-tabulated value) to present the views of both judges and administrators, as a group, (b) Where crucial issues are raised relating to the

perception of the interpreter's role, the need for training, the scheme of service and issues concerning the use of the national language in court, the researcher also presented views obtained during interviews, observations as evident from field notes taken, and information from various documents. If there seems to be a great variation, statistical tests of significance were applied to determine the level of difference in the perception between the two sub-groups (independent variables) on the items relating to the issues raised (the dependant variables). Where there are no significant differences, only the descriptive statistics will be presented.

4.7 Reliability and Validity

The researcher was fully aware of the pitfalls of a purely qualitative method approach; bias could set in and be expressed in the outcome of the findings. It was precisely such awareness which prompted the researcher to employ different data collection techniques, different sources of data and different data evaluation strategies, which have been described above. The multi-method triangulation approach contributes to verification and validation of the analysis: checking out the consistencies of findings generated by multiple methods (survey, observation, interviews and document reviews) and data sources (interpreters, judges, administrators, prosecutors, lawyers, the police, and prisoners) to reduce the likelihood of bias inherent in a single-method. For example, what was obtained in the questionnaire is further confirmed or modified by the responses in the interviews. Where responses from the interviews express the opinions of one man, the evidence in the results of the survey may indicate a contrary popular view. Mention must be made that the questionnaire was piloted a month before it

was sent out. Five representatives of judges and five of registrars took part in the pilot exercise. Some of the items in the questionnaire were altered for clarity and accuracy and some were left out in the final version, as they were redundant.

Overall, the researcher has been successful in gathering the data that are relevant to the phenomena being studied. Should another researcher go through similar procedures, he or she would most probably arrive at the same findings, as views from the different sources seem to converge.

A further point for reliability was that the survey (both in previous findings and the present research) dealt not with *samples* but with *whole populations* (i.e. *all* the interpreters, administrators and judges). This reduced extrapolation from a sample to a population and increases reliability of data.

Adopting the soft systems methodology requires the 'model' i.e. the description of the system to be referred back to the 'process agents' to check that it faithfully represents their views. This internal validation was performed and this again reduced the likelihood of bias.

Finally, the researcher being the instrument in the qualitative inquiry had some form of preparation obtained from the previous triangulation research, and intellectually was prepared in terms of the issues and concerns of a court interpreting service provision by being herself a translator and interpreter trainer in a local university as well as in the judicial and legal training institute. The researcher can be said to be equally sensitive to the theoretical aspects of court

interpreting as well as the data being gathered, as a result of focused study on related literature and close interaction with relevant personnel in the field.

4.8 Conclusion

This chapter has detailed the procedures taken to obtain the data for a research of this nature. A triangulation method is adopted combining a nationwide survey for an overall consensus, interviews to gauge experts opinions, a four month observation in ten courts for the researcher's own personal and closer examination and document review to obtain background information. Every effort has been taken to ensure that appropriate measures were followed including internal and external validation and reliability. The next two chapters present the analysis of the data and discussion of the major findings.