

How I Got Started

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Although this might be surprising, given that I am a law professor, my interest in language and linguistics long predates my interest in the law. While I was an undergraduate student, I enrolled in an introductory linguistics course taught by Ray Jackendoff, and I found the subject fascinating. I went on to take a second course from him, but at the time, the university had no linguistics department and no major available for students to take to concentrate on the field, so I moved on to study other things, but continued to read linguistics books in my spare time. Language is the faculty more than any other than makes us human, and it seemed to me that understanding language and how it works was the best practical window into the problem of what it means to be human.

After finishing my undergraduate degree, I went on to graduate school in Chinese history, and in preparation for an academic career in that field, studied both the Chinese and Japanese languages. Both languages challenged me to think about the ways in which languages differ—and believe me, both of these languages differed dramatically from English, and from each other as well. But studying these Asian languages also impressed me with the ways in which unrelated languages nevertheless share a great many common features. I assumed that further language study would be in my future as a scholar in Asian history, but life often takes unexpected turns, and I ended up losing my dissertation advisor to an untimely death, and therefore needed to think about what a career Plan B might look like. Plan B ended up with an application to law school – not because I wanted to be a lawyer, but because I could get a joint degree in history and law, and finish my dissertation on Tang Dynasty taxation practices, while getting generous law school financial aid for my entire graduate education.

This was the plan, then. But again, my academic life took an unanticipated turn when, during my first year in law school, I happened to volunteer for an extra-curricular project in which law students served as legal representatives to prisoners charged with violating prison rules for which they could have their sentences increased if they lost their disciplinary cases. I had no intention to do anything more than take on a case or two, but once I took on my first such case, I was hooked. Before long, I began to wonder if finishing a dissertation on medieval Chinese law was really the best use of my

time, and started thinking more seriously about practicing law – specifically serving as a public defender representing people charged with crimes who could not afford to hire lawyers to represent them. And, in the end, that is exactly what I did – working at the Seattle public defenders’ office for what I thought might be a couple of years, but turned out to be eight years of serving as both a trial lawyer in the felonies division and as an appellate lawyer handling appeals of convictions. After several years in the trenches of the criminal justice system, I was asked to become the training coordinator for the public defender and work both with young lawyers as they gained early experience as trial lawyers and also with more seasoned lawyers to deepen their expertise in legal analysis and practice.

Through another unexpected turn of events, I was asked to consider taking a temporary position teaching at a law school for a year—sort of a sabbatical from practice. This struck me as a great opportunity to recharge my professional batteries and perhaps to inspire young law students to consider public interest work as a career. I also assumed that I would have more time to pursue interests that had necessarily taken a back seat to my hectic schedule as ‘counsel for the damned.’ Although I continued to read books about language and linguistics in my spare time while a public defender, spare time was a rare commodity in that job. Now that I was going to be a professor—if only for a year—I would have the time to catch up with my pleasure reading in linguistics.

As it turned out, my life as a newly appointed law professor was nearly as time consuming as my position as a public defender had been. Figuring out how to teach law students—at a time when the only accepted method of instruction in American law schools was a professor-centric use of Socratic-style questioning of students in class—turned out to be a lot more challenging than I had imagined. And, as the only female professor in the law school at that time, my office hours were more occupied with mentoring and advising students – particularly women students in need of role models – than with leisurely contemplation of scholarly books. I reluctantly put aside any thoughts I had entertained about catching up with the world of language and linguistics during my one year ‘sabbatical from practice.’

All this changed partway through that supposed ‘sabbatical from practice’ when the dean of the law school asked me if I would consider applying for a tenure-track permanent job. This was a difficult decision; I loved my work as a public defender, but I also found teaching law students to be deeply satisfying. In the end, the siren call of the academy won out; if the ‘teaching gig’ didn’t work out, I would happily have returned to the public defender. But, as you might assume from the fact that you are reading this, in the end the ‘teaching gig’ did work out, and I have remained at the law school for more than thirty years and counting.

One of the privileges and duties of being a professor is that you have the opportunity and the obligation to engage in scholarship. Frankly, I was unclear as to exactly what legal scholarship might look like and what topics I might have something to say about. My earliest law review articles came out of my experiences in practice. I had seen many, many instances in which the criminal justice system had failed to serve the needs of the community and failed to provide justice for those caught up in it. In my second year as a professor, my dean took me aside to ask me what area of scholarly endeavor I was thinking of pursuing to justify an eventual grant of tenure. “Well,” I began, tentatively, “I was thinking about exploring the intersection of law, language, and culture”. “Hmm...

are you sure there is enough to say there for you to establish yourself as a tenure-worthy scholar?” was his reply.

In the end, of course, there was. Indeed, there is enough to explore in that intersection to keep an untold number of scholars busy for a lifetime. For my first scholarly project located at that intersection, I chose to look at the law regarding a suspect’s invocation of the famous Miranda rights. I knew from my criminal trial practice that police officers and judges often failed to respect attempts at invoking Miranda rights by suspects undergoing police interrogation, and I believed that part of the reason was that judges and police officers had ideas about how people express themselves that linguistic science could show were simply empirically wrong. I decided to write an article to that effect, to be published in a law review where I hoped lawyers and judges would find it. To my surprise, it did receive a lot of attention in the legal scholarly community, and that encouraged me to keep writing about language issues in the law.

However, writing about language and the law as a law professor was a lonely endeavor at the start. My law school colleagues knew little if anything about linguistics, so it was a challenge to get feedback on my ideas from peers. Luckily, in the course of researching my articles, I became aware of the fertile scholarly ground being plowed by scholars identified with the linguistic subfield of forensic linguistics. I read their works voraciously – they insightfully applied linguistic science to dozens of areas that were highly relevant to me, including analyses of language in the legal process, language issues relevant to legal causes of action, and language evidence admitted, or more unfortunately, denied admission in legal disputes. I realized that there was indeed a scholarly community out there, consisting of both highly accomplished ‘giants in the field’ as well as more junior scholars taking the field into new and exciting areas. I began to send in paper proposals to conferences where forensic linguistic work was likely to be featured, and in the course of attending those conferences, large and small, I was getting a post-graduate education in the field of forensic linguistics as well as refining my own scholarly work through presentation and critique.

I have sometimes been asked whether there is a role for legally trained scholars in this field of study, to which my answer is a resounding “Of course!” Legal training and law practice experience can contribute an insider’s perspective on legal doctrines, policies, and practices that can illuminate why law so often misfires. If lawyers and judges better understood how language works, this awareness could contribute to making the law fairer and more responsive to society’s needs. By its very nature, forensic linguistic scholarship is highly inter-disciplinary. That means that all of us come to depend in our work upon knowledge and perspectives situated outside of our own disciplinary homes. Through my formal and often informal collaboration with researchers grounded in linguistics, I have found a community where the norm is that we build on the work of others in the field, adding to it our own contributions, in that way pushing the boundaries of forensic linguistics farther than before. The forensic linguistics community also happens to be the friendliest, most welcoming scholarly community that I have been privileged to become a part of. While I often joke that I am not licensed to practice linguistics in any jurisdiction, I am nevertheless deeply honored to be a member of the forensic linguistics community.