

## Shadowing

Audio recording of the English court interpreting exercise 10, shadowing. In this exercise you will be shadowing the speaker. You must repeat in English everything you hear as soon as you hear it.

### Exercise 10

The good news is: I'm the last lawyer you're going to hear from. The bad news is that I will be fairly long. I will be perhaps as long as the other three lawyers put together. There's a reason for that.

As you heard, it's the responsibility of the Crown to prove all elements of the case beyond a reasonable doubt. It's not a situation, as it is for counsel, simply to poke holes in the Crown's case. They can pick their spots, go there, and be brief.

And there's an advantage to being brief. I don't have that advantage. I want to cover the whole case, and I want to do it thoroughly. So it'll take a fair amount of time, longer than the three of them combined, I expect. But we will get through it. And what I propose to do is, you know, at a break in my submissions I will ask to take just a brief break, and we'll take it from there. I don't expect to be talking in any one stretch for more than an hour.

Let me start by saying this. You will note that I have a stack of notes here, and I will try as much as possible not to relate to those. But there's a lot that I need to say, that I want to say, and if I try to wing it, I'm just gonna get all muddled up. So I have these notes here as a sort of a safety net. I know where I'm going, and if I get lost I can always refer back to it.

Let me at this stage - you've heard it from the other counsel - all of them thanking you for the service you have provided. And make no mistake, you really have provided a great service on behalf of the administration of justice in this city. Being members of a jury certainly has taken you outside of the daily routine of your lives. It certainly has been, I'm sure, an inconvenience. I hope, as well that it has had a number of positive aspects for you.

That being said, I really can't emphasize enough how important is the task you have undertaken. Often, you go to a party or whatever, and people are often fascinated by the work that I do, sort of getting involved in the criminal justice

system. But you always get the sense that when they ask you about it, they're asking you about some alien land that they really don't know anything about.

That's why the jury trials are so important. It's twelve members of the community, chosen to some large degree at random, who come together, and are asked to decide the guilt or innocence of another member of the community charged with criminal misconduct.

And that really is something unique. It's unique to our system of justice. And it is, it's been around -- the jury system has been around for a long time. And that's no mistake. The reason it's been around for such a long time is because what the jury system manages to do is to tap into a vast reservoir of common sense that exists in the community.

You all come from diverse backgrounds. Between you, you have upwards of four to five hundred years of life experience. The beauty of the jury system is that it makes use of that vast experience that varied experience.

So when the time comes to deliberate, I would urge you to have a fair and open exchange of ideas. That exchange of ideas is really the genius of the jury system. And to not go that route, to not hear each other out, to not share opinions would really be a shame.

Now, before dealing with the case for the Crown, I would like to briefly deal with some general legal principles only because I think, in order to understand some of the Crown's submission; it is helpful to have some general principles at the front end.

You have heard the indictment read out. You've heard the three accused arraigned. The first principle I want to deal with is one that counsel have already touched on - the presumption of innocence.

You've heard already from defence counsel. Those three men over there, Mr. Smith, Mr. Sutherland, and Mr. Unger on the end - they come to court cloaked in the presumption of innocence.

You will hear a great deal more about the presumption of innocence, I expect. And you will hear so much about it because it is one of the essential underpinnings of our criminal justice system.

A related principle is the burden of proof. A person is presumed innocent until such time as the Crown, which bears the burden of proof, discharges that burden, and satisfies you of guilt beyond a reasonable doubt.

The burden of proof is an important underpinning of our criminal justice system. It is also a burden that the prosecution in this case accepts willingly and without any sort of reservation.

Along with those two principles - presumption of innocence and burden of proof - there is a concept of reasonable doubt.

Again, you're going to hear a lot about reasonable doubt. The accused person is not to be convicted until you are satisfied of his guilt beyond a reasonable doubt. And that's a high standard - I won't pretend anything otherwise. And that's exactly as it should be.

That being said, any doubt - it must be a real doubt; it can't be an imaginary doubt or a frivolous doubt, not a doubt based on sympathy or prejudice, or a doubt conjured up to avoid passing judgment on another member of the community. You have all taken an oath to render judgment based on the evidence, without prejudice or favour.

Now, let me just say this, that the law requires - it's important to keep in mind - what the law does not require, that the Crown need not prove each and every fact beyond a reasonable doubt. The Crown is never obliged to prove each and every fact in the body of evidence supporting your final conclusion. Reasonable doubt applies only to the ultimate question of guilt.

As well, you have heard the word "reasonable." I should point out, the Crown has to prove guilt beyond a reasonable doubt. The law does not require the Crown to prove guilt beyond any doubt. That's unrealistic. That would be an unreasonable burden. The Crown has only to prove guilt beyond a reasonable doubt.

At the end of your deliberations, if you are left with a reasonable doubt as to the guilt or innocence of those three gentlemen over there, by all means find them not guilty. However, at the end of your deliberations, if you have no doubt, you are sure of their guilt, then you are duty-bound to return a verdict of guilty. The oath you've all sworn as jurors demands no less of you.

1165 words

## Examples of scoring units in consecutive interpreting English to test language

Scoring unit example	Type with explanation
simply to <b>poke holes</b> in the Crown's case	Idiomatic language
go there, and be <b>brief</b>	General vocabulary
at a break in my <b>submissions</b>	Specialized terminology/phraseology
talking in any one stretch	Phrases or clauses that may be structurally complex
You <b>will note</b> that	Grammar (verb form)
just <b>gonna get all muddled up</b>	Register (formal, neutral or informal language)
you've heard it from the other <b>counsel</b>	Specialized terminology/phraseology
make no mistake	Register (formal or informal language)
has taken	Grammar (verb form)
twelve	Numbers and names
chosen at <b>random</b>	General vocabulary
to do is <b>tap into</b> a vast reservoir of common sense	Idiomatic language
a fair and open exchange of ideas	Words or phrases likely to be omitted due to their position
briefly	Words or phrases adding precision or emphasis
<b>you are to disregard</b> what I'm telling you	Words or phrases likely to be omitted due to their position
Mr. Unger	Names and numbers
is an <b>important</b> underpinning	Words or phrases adding precision or emphasis
that the prosecution in this case	Phrases or clauses that may be structurally complex