



Jurisprudence Section - 2015

F19 **LEGLER: LEGal Linguistic Evidence Rulings and Forensic Linguistic Evidence**

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After attending this presentation, attendees will better understand the current and historical state of rulings concerning linguistic evidence in American jurisprudence. Attendees will learn how these rulings fit into the “four corners of forensic linguistics” and where litigation-independent research is needed, based on the judicial record of admissible or inadmissible methods.

This presentation will impact the forensic science community by helping attendees learn to accurately understand legal rulings about the current admissibility of different methods in forensic linguistics and to access a toolkit for evaluation of cases and rulings in forensic linguistics.

Whenever an attorney hires a forensic expert, he/she enters into a potentially unfamiliar area of science. This unfamiliarity is intensified when the forensic expertise involves an academic discipline that rarely appears in court. Linguistics is a rather rare academic discipline, with many universities offering only a course or two related to a major in foreign languages or education. Unsurprisingly, most attorneys have never heard of “forensic linguistics” or “linguistic evidence.” Further, most attorneys need help in evaluating the “forensic linguistics” or “linguistic evidence” that is being offered in a case because most attorneys are not linguists who are professionally trained in the academic discipline. Yet American courts have been considering and making rulings about the admission of linguistic evidence for more than 100 years and recently several high-profile cases have attracted attention to the idea of language as evidence. The 2014 ruling about the “Redskins[®]” trademark mentioned linguists hired by both sides to opine about the semantics of “redskins.” The 2012/2013 *Paul Ceglia v. Mark Zuckerberg* case highlighted language-based methodologies for determining authorship of electronic documents. On the pseudonymous landscape of the internet, forensic linguistic evidence will play an increasingly important role in investigation and litigation. The LEGal Linguistic Evidence Rulings (LEGLER) project helps attorneys quickly access rulings about forensic linguistic evidence and provides expert evaluations of the rulings from both the legal and linguistic perspectives.

LEGLER is web-accessible software that contains published rulings from American jurisprudence starting in the 1800s and continuing to the current year. Rulings were first gathered by an experienced attorney using one of the available legal databases. The 300+ rulings were then “scrubbed” by a computational linguist who wrote software to remove any proprietary information from the legal database. The scrubbed rulings were then loaded into the LEGLER section of ILER, a database platform for conducting web-based experimental research in forensic linguistics.^{1,2} Research associates of the Institute for Linguistic Evidence and subscribers to ILER can access LEGLER through a web-browser, with password authentication for the user account. LEGLER offers information beyond the legal databases (i.e., annotations by at least one attorney and at least one linguist). These annotations help the user organize and evaluate the rulings.

LEGLER annotations include several features: (1) each ruling is categorized as being from one or more of the “four corners of linguistic evidence,” (i.e., identification, text-typing, intertextuality, and linguistic profiling); (2) within the general category, each ruling is subcategorized by a specific topic. For instance, identification includes speaker, author, and language identification, or text-typing includes authentication of a document as a real suicide note, real threat, ransom note, and so forth; (3) each expert in the case is listed; and, (4) the method used by the expert(s) is evaluated for its relationship to linguistics. Methods related to linguistic evidence may be rooted in linguistics or other approaches to language such as literary criticism, prescriptive grammar, or computational stylometry. Only a trained linguist can accurately evaluate whether a method is rooted in linguistics or not, just as only an attorney can accurately evaluate the legal implications of a ruling. LEGLER annotations provide an interdisciplinary perspective on a ruling, search and organize rulings by all the usual legal parameters as well as linguistic methodology, and thus prepare for a case involving linguistic evidence with insight from both the law and linguistics.



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References:

1. Chaski, C.E. 2014. "Collecting Ground-Truth, Web-Based Data for Research in Forensic Linguistics." Proceedings of the American Academy of Forensic Sciences, 66th Annual Scientific Meeting, Seattle, WA. 2014.
 2. Chaski, C.E. 2013. "ILER: A Web-Accessible Resource for Research in Forensic Linguistics." Linguistic Evidence in Security, Law and Intelligence, Volume 1:1. <http://lesli-journal.org>
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Forensic Linguistic Evidence, Admissibility, Legal Databases