

The advocate as gatekeeper: The limits of politeness in protective order interviews with Latina survivors of domestic abuse¹

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Within institutions that provide assistance to victims of domestic violence, professionals and volunteers work as advocates for their clients at the same time that they act as gatekeepers for their agencies. While the labor of advocacy consists of empowering clients and validating their concerns and feelings, the task of gatekeeping entails making judgments about them in order to dole out goods and services. Thirty protective order interviews and their resulting affidavits form the data for this study. These interviews take place in a district attorney's office and in a pro bono law clinic. This micro-level analysis of the verbal interaction between protective order application interviewers (both paid and volunteer) and their Latina clients investigates what positive politeness strategies can reveal about how interviewers construct the conflicting discursive identities of advocate and gatekeeper. I examine what interviewers say to clients as well as how interviewers allow clients to give their accounts of abuse. The study points to specific linguistic techniques that may leave victims feeling unaccompanied in the sociolegal system. I suggest that one consequence of the gatekeeping required of interviewers is that victim-survivors may perceive a 'second assault' by the institutions meant to serve them. Linguistic phenomena particular to Latina women in the United States are also brought to light.

KEYWORDS: Domestic violence, frames, face, gatekeeping, positive politeness, Latino

INTRODUCTION

This article examines the linguistic construction of identity in legal settings. Specifically, it looks at how interviewers linguistically create and manage their identities as institutional gatekeepers for their agencies and institutional advocates for their clients in protective order application interviews.² In this study, the clients are Latina women who seek state intervention to solve some problem of abuse or violence in their intimate-partner relationships.³ The

analysis presented here attempts to identify the strategies professional and volunteer interviewers employ to carry out these dual responsibilities.

I examine the institutional tasks of advocacy and gatekeeping as they relate to issues of *empowering* victims to make their own choices versus *imposing* upon victims the options that the system can currently offer. This dichotomy is referred to in the literature on battering as victim- versus system-oriented intervention respectively (Mills 1999; Shepard 1999). I show how we can use the sociolinguistic theories of primary social frameworks and discourse frames (Goffman 1974, 1981; Tannen 1993a, 1993b) in conjunction with the pragmatic theory of politeness proposed by Brown and Levinson (1978, 1987) to better understand the differences between empowering victims (e.g. enhancing their positive face) and imposing upon them (or threatening their negative face). Specifically, this article illustrates what politeness theory can show regarding the ways in which interviewers construct their discursive identities.

GATEKEEPING AND ADVOCACY

Institutional gatekeeping interviews are defined by Erikson and Shultz (1982: xi) as 'brief encounters in which two persons meet, usually as strangers, with one of them having authority to make decisions that affect the other's future.' Scollon and Scollon (1981) define *gatekeeper* as a person who 'keeps the gate' or regulates the entry of all potential applicants to bureaucratic, technological, or legal institutions. Arguably, gatekeeping encounters are intimidating and difficult for any person who seeks passage through them. However, several studies suggest that these encounters are especially difficult when the interviewer belongs to a higher socio-economic class than the person who seeks access to goods or services (see Fisher 1991; Marcos and Trujillo 1981; Moreno 1991; Wodak 1985). For this reason, I focus on the particularities of Latina women's experiences with gatekeepers in a predominantly Anglo socio-legal system.

For a definition of advocacy, I turn to the National Organization of Victims' Assistance (NOVA), which is the unifying organization for professionals and volunteers (e.g. counselors, police officers, prosecutors and the like), who work with victims and who want to become advocates.⁴ NOVA states that all people providing services to victims should employ basic skills of advocacy. In its most simple definition, *advocacy work* consists of encouraging a victim to speak for herself or providing her with a voice if she is unable to speak (Young 1993: 28). Ideally, advocates do not make determinations or judgments about victims, but rather, they are supposed to empower victims to make decisions for themselves (Young 1993: 39).⁵

Interestingly, NOVA does not directly address the fact that institutional service providers must act as both gatekeepers and advocates (Young 1993). But scholars studying communication in fields as diverse as medicine (Fisher

1991; Telles Ribero 1996), education (Erikson and Shultz 1982; Fiksdal 1990), social services (Scollon and Scollon 1981) and the law (Sarat and Felstiner 1995; Wodak 1985) find that the roles of advocate and gatekeeper are commonly played simultaneously by legal, health and social welfare professionals. Of importance here is the way in which interviewers communicate with clients and how their mode of communication affects the client's telling of abuse.

Regarding communication, NOVA (Young 1993: 38–39) makes the following prescriptive distinction between counseling and advocacy:

The counselor's role in communication emphasizes the ability to receive and understand messages. It is a role that is focused on the victim and his or her internal needs. The advocate's role in communication emphasizes the ability to send understandable messages. It is a role that is focused on conveying the victim's external needs to another person, agency, or authority.

From this distinction, I take as a point of departure the interviewers' task of helping clients put their need of and desire for a protective order into a message form that will be understood by a judge. Yet, at odds with this advocacy task of repackaging victims' accounts of abuse are two separate, but related gatekeeping tasks. First, protective order interviewers need to determine whether clients are eligible for the order, and second, they need to indicate to clients that there are very specific ways that legal complaints must be couched. In other words, interviewers must signal to clients that their lay norms and ways of narrating abuse are not, in fact, what the court wants to hear. An analysis of frames or primary social frameworks (Goffman 1974) can be utilized to suggest how interviewers send these messages during the speech event.⁶

While several oral or written speech genres could be produced in protective order interviews, the particular format for entextualization, i.e., the making of a text, in this case, an affidavit, (see Briggs and Bauman 1992) is selected precisely because the context of the speech event requires it. It is then the specific genre, constituted by both content and form (see Bakhtin 1986), which accomplishes the communicative goal of petitioning the judge to grant an injunction. We will see that interviewers, knowing that a certain type of narrative genre is necessary to convince a judge, try to influence the narrative path clients attempt to take. Below, I discuss how this type of interviewer-influence might come across as gatekeeping to clients.

THE DATA

Clients come to the district attorney's (D.A.) office or to the pro bono law clinic either on their own initiative or by way of referral from another law enforcement or social service agency. In both settings, clients fill out a series of intake forms before they are interviewed. At the D.A.'s office, paralegals are employed to interview victims, write affidavits on their behalf and accompany

survivors (along with the assistant district attorney assigned the job of trying these cases) to court.⁷ At the clinic, volunteer-interviewers, most of whom are attorneys or paralegals, perform similar interview tasks, but volunteers do not accompany their clients to court.

Paralegals, like volunteers, ask victims questions and take notes as victims talk, but interviews are not tape-recorded in either place. Volunteers usually write affidavits while victims sit next to them, and so they are able to ask for clarification as they draft the document. Paralegals use interview time to take notes and determine whether to recommend clients for protective orders, but they generally arrange for a future meeting at which time the client can sign the affidavit.

From the protective order interview, two separate narratives of abuse are produced (Trinch 1999). The first is an oral narrative, co-produced by interviewers and clients in the interview setting. I tape-recorded these oral narratives during interviews.⁸ The second narrative text is the written affidavit, drafted by the interviewer on the victim's behalf. Several studies examine the influence interlocutors have on narrative production (Conley and O'Barr 1990, 1998; Mandelbaum 1987; Schegloff 1982). Here, I follow in the lead of Grossen (1996) and Grossen and Apothelz (1999) who examine the relationship between the discursive positions of advocate/gatekeeper and the interviewers' social roles.

The data for this study consist of thirty protective order interview transcripts and their resulting affidavits. Fifteen of these are from the D.A.'s office, and these fifteen were conducted by a total of seven paralegals, each of whom is represented at least once in this sample. The fifteen interviews from the pro bono law clinic were conducted by a total of eleven volunteers.⁹ Thus, although the sample includes some interviews that were conducted by the same individual, in each case, a different victim is represented ($n=30$), and the work of a total of eighteen interviewers is examined.¹⁰

The settings and the participants

These two sets of interviews come from two different institutions, situated in two distinct U.S. Latino communities. Yet in both settings, interviewers perform the same explicit function: interviewers help victims draft affidavits that will convince a judge to issue a protective order. Irrespective of the similarities in their duties, there are significant ways in which these two groups of interviewers differ. First, six of the seven paralegals at the district attorney's office are themselves Spanish-English bilingual, Mexican-American women. In the fifteen pro bono interviews, not one of the eleven different interviewers is Latino and none has more than a basic knowledge of Spanish. In fact, in the pro bono law clinic each of the interviewers uses an interpreter. At the district attorney's office, each paralegal can work with as many as ten victims daily in comparison to the volunteers who can conduct as few as two or three interviews monthly. In addition, the paralegals receive on-going training about domestic violence as

they attend national, state and regional conferences on advocacy, whereas the volunteer-interviewers, aside from a 30-hour training session, have expertise in other areas of the law.¹¹

SPEAKING OF *FACE* FROM POLITENESS FRAMES

As Schiffrin (1994) points out, language is affected by and continually affects, or rather, even constitutes the context in which it takes place. In this way, protective order interviewers construct contexts of advocacy or gatekeeping by establishing their dual identities of either advocate or gatekeeper through linguistic cues or primary social frameworks that signal to victims what it is that interviewers are doing in conversation. Gumperz (1982) refers to these linguistic signals as contextualization cues, and he states that such cues, even though habitually used to send messages and interpret them, are in effect implicit, rarely noted consciously and never discussed directly. Goffman (1974) argues that at any moment several frames may be at work at the same time.

Whether a district attorney's paralegal or a law clinic's volunteer will produce a more advocate- or gatekeeper-like identity is examined through the alignment s/he takes up either to the institution s/he represents or to the client interviewed. The term 'alignment' is defined by Goffman (1981: 128) as an expression of the way speakers in conversation direct themselves toward others present in the exchange. Goffman's analytic term for alignment is 'footing.' He argues, '[a] change in our footing is another way of talking about a change in our *frame* for events' (Goffman 1981: 128). Here, I examine the ways in which the various positive politeness strategies posited by Brown and Levinson (1978, 1987) can be analyzed to understand how interviewers manage their dual tasks and opposing identities.

Brown and Levinson's (1978, 1987) concept of *face* is the guiding analytical construct for the study. Positive face is a person's desire to be liked, to be judged fairly and to have his/her needs and wants also viewed favorably. Negative face is each person's desire not to have his or her actions impeded. Brown and Levinson's proposal that politeness serves to ameliorate the inevitability of face-threatening acts in interaction is employed here to examine issues of advocacy and empowerment for victims as well as issues of gatekeeping, unresponsiveness and insensitivity to victims.

Basic principles of politeness that underlie and facilitate interaction, I argue, also parallel the core functions of advocacy, namely, validation and empowerment as outlined by NOVA. Enhancing a victim's positive face, in other words showing her that she is viewed in a positive way and that her desires are seen favorably as well, in crisis intervention terminology, can be thought of as validating her feelings and concerns. Stressing a victim's negative face, or taking care not to intrude upon her desires, is akin to what advocates call empowerment, or the act of endowing someone with power or authority. By encouraging a victim of domestic violence to tell her story, to speak for herself,

and to develop a safety plan, advocates can demonstrate to victims that their own will and actions will not be intruded upon by the institution.

In addition to enhancing positive face, positive politeness strategies also act as a remedy for intrusions upon negative face (Brown and Levinson 1987: 103). In other words, when the speaker's verbal interaction somehow threatens the hearer's perceived ability to move about freely, the speaker can use positive politeness to mitigate the imposition that his/her utterance will have on the hearer. Positive politeness strategies can also function to accelerate the closeness of the social relationship.

While both sets of interviewers employ many communicative strategies to mitigate face-threatening acts, interviewers commonly either employ or fail to employ techniques to achieve the goals of (1) claiming common ground, (2) conveying cooperation and (3) fulfilling the interlocutor's wants and desires (Brown and Levinson 1987). These groups of politeness strategies are used to create what Fiksdal (1990) calls *rapport*, or the harmonious, easy and comfortable relationship experienced by people. Beyond *rapport*, positive politeness is also used to smooth over the possible rough spots of gatekeeping.

Claiming common ground is carried out through socio-pragmatic work that shows the speaker's acceptance of the interlocutor. Approbation can be signaled by stressing group co-membership, stating similar wants, goals, and desires and by exaggerating interest, sympathy or approval of the listener. Conveying cooperation involves using language that indicates that interlocutors are engaged with the speaker in a relevant activity and that common goals in some domain are shared (Brown and Levinson 1987: 125). Fulfilling the interlocutor's desire for something (whether goods, sympathy, understanding or cooperation) deals with the speaker's satisfaction of the interlocutor's face wants by merely giving her/him what it is that s/he desires.

ANALYSIS

The analysis that follows is predicated on a three-part research question. First, what communicative devices are available to interviewers to establish the frames of advocacy and gatekeeping? Second, can an examination of the abuse accounts that are written up by interviewers in the form of affidavits say anything about the interviewers' willingness to allow clients to set the narrative agenda? Third, is there a relationship between the social identities of *paid paralegal* vs. *volunteer* interviewers and the tendency of these two types of interviewers toward a construction of the discursive identities of either gatekeeper or advocate?

Actively performing the role of advocate

In the data collected for this study, there are very few explicit acts of advocacy. Following Brown and Levinson's theory of politeness, I define a linguistic act of

advocacy as any interviewer-utterance that obviously expresses sympathy or cooperation, as would be the case, for example, if interviewers said things such as 'I sympathize with you,' 'You are a very strong woman,' 'You have survived a lot,' etc. While it is perhaps not surprising that I did not find a single instance in which a victim or her actions are negatively judged in an overt manner, it is curious that there are very few instances in either the district attorney's office or the volunteer law clinic of interviewers' *actively performing the role of advocate*.

In these few instances, interviewers seem to align themselves with victims by taking the victims' side over the abusers'. In so doing, the interviewers openly disagree with the abusers' sentiments as the clients have introduced them in the form of reported speech cast in either a direct or indirect quotation.¹² For example in Extract 1 below the client uses indirect reported speech to represent a prior conversation she had with her ex-husband (see Note 17 for transcription conventions and abbreviations):

Extract 1: Client uses reported speech

Text 2A

- C. He says that we're not divorced.
 P. He says that you're not divorced?
 C. That according to, that according to God's eyes, we'll be married forever. So, I'm his property.
 P. That you're his property?
 C. That I'm his. That we were married under the eyes of God ().
 P. Did he ever threaten you with any weapons?

The interviewer, several turns later, actively performs her advocacy by dialoguing with the reported speech that the client attributed to her ex-husband earlier:

Extract 2: Example of active advocacy from D.A.'s office

Text 2A

- P. Well, uh, we understand that, you know, you have to have some communication with him. O.K.? (.01) Hopefully, not that much. O.K.? But say for instance if your son were to get sick or anything like that. You know? Those would be the types, but he did, he certainly does not have the right to keep threatening you like this. O.K.? **Because you're not his property, O.K.? You're not his property.** But, but, Ms. García, you need to start making police reports for everything. O.K.?

In this case, the advocacy work the interviewer does is one of empowering the victim by disempowering her ex-husband. By repeating the reported speech in two nearly identical phrases, 'Because you're not his, you're not his property, O.K.? You're not his property' the paralegal not only dismisses the abuser's claim, but she also dismantles his authority as she erases him entirely from the dialogue by not attributing the words directly to him. In fact, she establishes her own position as an advocate for the client by casting what her ex-husband said to create his authority over his wife in a negative construction.

The following example of active advocacy also consists of a dialogue of sorts.

But this time, the dialogue is not between the interviewer and the abusive spouse, but rather between the interviewer and outdated laws or traditional ideas regarding a husband's right to rule supremely over his wife. In Extract 3 below, the interviewer seems to be making assumptions about the client's understanding of marital relationships, and presumably she seeks to affirm the client's decision to end her marriage:

Extract 3: Example of active advocacy from the clinic

Text 21A

- V. I'm I'm really glad that you came today. I know that this is not easy for you. But you understand that he has no right to hit you for any reason at all. He has no right to hit the children. He has no right to, to require you to have sex with him, or with anyone else. And you're doing the right thing to get help, to avoid him, and you are doing the right thing to protect your children because he is giving a very terrible example. And you don't want your daughter to grow up, to accept that this is O.K. And you don't want your son to think that it's O.K. to hurt women. And that is why you need to protect yourself and protect them. Now, do you know a shelter where you can go to once you get the children?

In Extract 3, the volunteer interviewer's lecture-like utterance can be interpreted as attending to the victim by showing concern for her. It might be that the interviewer even attempts to establish emotional identification with the victim by telling her, 'I know that this is not easy for you.' According to politeness theory, this tactic, as it is used in both settings, can serve to 'exaggerate sympathy' for clients and to seek, presuppose, raise or assert common ground with them. However, these types of comments are rare in the overall corpus. Much more common is the interviewers' use of subtle mechanisms that can claim common ground and/or convey cooperation with victims.

Conveying cooperation and claiming common ground

Such subtle mechanisms can be found in point-of-view operations carried out through the interviewers' use of inclusive and exclusive pronouns. While neither English nor Spanish has a grammaticized morpheme to mark exclusivity, in context the pronoun *we*, translated into Spanish as *nosotros/as*, but much more commonly marked through verbal morphology, can be used pragmatically to express the inclusion of the hearer or to mark his or her exclusion.

In nine of the fifteen interviews from the D.A.'s office, the paralegals take an institutional footing that essentially puts them on one side of the gate and the victims on the other with some version of the question, 'What is it that you want **our office** to do for you?', 'What is it that you want **us** to do for you?' or '¿Qué es que quieres que **hagamos** por tí?' *What is it that you want that we do for you?* A division is created between the victim and the paralegal by this 'us' versus 'you' distinction. The divide is further entrenched by the fact that this

question, rather than stressing common ground, assumes that there is absolutely none between the paralegal and the client. Put differently, with this question interviewers act as if they have no idea why the clients have come to their office. The question requires that the clients answer for their being there.

The example in Extract 2 above illustrates how politeness theory can reveal the ways in which interviewers speak from more than one frame at a time. In this extract, the paralegal embeds an advocacy frame within the institutional frame. She uses the exclusive 'institutional *we*' while telling the client what type of communication with the alleged abuser will be tolerated before she launches into her active advocacy role. However, immediately afterwards, the paralegal reiterates her identity as gatekeeper with the last clause introduced by the contrastive connector *but*. Tannen (1993b: 44) argues that the word *but*, when used in narrative, serves 'to mark the denial of . . . [an] entire preceding set of statements. . . .' In this case, the set of utterances that precedes the *but* are precisely those of active advocacy. The paralegal's positioning of the word *but* directly after these active advocacy clauses and immediately before her demand that the client begin to make police reports does not necessarily serve to negate the advocacy statements, but it might be interpreted as negating the spirit in which they were made. In other words, the *but* here could indicate to the client that the paralegal's advocacy is conditional upon the victim's making a police report.

Another way in which politeness theory can be utilized to attempt to determine the frame from which interviewers speak is through examination of how this pronoun is used to mark cooperation in the coordinated activity of drafting a written account of abuse and a petition for court orders. While both groups use the first-person plural 'we' to talk with victims, the volunteers make no consistent use of an exclusive *we* as was shown to be the case with the paralegals in their questions, 'What is it that you want that we do for you?' Admittedly, the use of 'we' in the volunteers' discourse is ambiguous, but volunteers rarely so clearly and consistently use it to create such a marked division between themselves and their clients. In Extract 4 the volunteer interviewer speaks to the interpreter regarding the victim's desire to keep her address confidential:

Extract 4: Volunteer interviewer's use of inclusive *we*

Text 16A

- V. Well, **we, we are** that's what she's here for, **we're** going to get a restraining order to prevent him from coming within a hundred yards of her.

In Brown and Levinson's (1987: 127) words, 'by using the inclusive "we" form, when the [interviewer] really means "you" or "me," he can call upon the cooperative assumption and thereby redress any potential face-threatening acts.' While it is impossible to determine the precise intention of the interviewers, we do know that this interviewer is not the conversational participant who petitions the judge for the order or the eviction of the abuser. Given that the interviewer is

neither the client's attorney nor a protected party on the order, his utterance, '...we're going to get a restraining order' does not refer to his actually obtaining an order, but rather to his cooperating with the victim to request one. The same interviewer continues using *we* in this way in Extract 5 below:

Extract 5: Volunteer continues with inclusive *we*

Text 16A

- V. Does she want to try to get him kicked out? That, that **we** can ask the judge to evict him.

In Extracts 4 and 5 above, it can be argued the interviewer's language shows his solidarity with the client by indicating that the two of them are involved in the communicative activities of telling the judge why a protective order is needed and of requesting that the judge grant specific things. Further evidence of his advocacy-oriented position is found in this interviewer's utilization of the third-person plural *they* to refer to the clinic and/or its directors. In Extract 6 below the interviewer seems to want to dissociate himself from the institution:

Extract 6: Volunteer's use of *they* to establish advocacy frame

Text 16A

- V. You know, I forgot about this processing fee. Is she on AFDC or something?
 I. ¿Usted está recibiendo ayuda del estado?
Are you receiving state assistance?
 C. No.
 I. No.
 V. Then she will have to pay the twenty dollars for us to help her fill out the forms.
 I. No sé si le dijeron pero hay uno, un honorario de veinte dólares para llenar los formularios ¿Sí sabe eso? She knows.
I don't know if they told you, but there is a twenty-dollar fee to fill out the forms. You already know this? She knows.
 V. She knows (). That's what **they** tell us to do. Uh, ha-has he actually ever hit the child?

In this case, the demonstrative pronoun 'That' anaphorically refers back to the interviewer's having to collect the money. His employment of the third person-plural pronoun *they* refers to some unspecified beings that have the authority to direct the interviewer's actions. In this example, the unnamed 'powers that be' referred to by the pronoun *they* in the absence of an explicit antecedent solidifies the omnipresence of the institution. That is, it can go without saying who *they* are; the important thing is that the interviewer is not a part of them.¹³ At this point we can only make inferences about the interviewers' intentions and about the inferences clients make when listening to interviewers talk.¹⁴ In fact, in cases where interpreters are present, these frames are not even always communicated to Spanish-speaking clients. Yet these point-of-view operations can provide a starting point for the examination of interviewer alignment.

The examples in Extracts 7 and 8 depict another salient difference between volunteer- and paralegal-interviewers, namely that the volunteers tend to give

explanations to victims when they make requests of them whereas the paralegals do not. 'Giving reasons' is a mechanism that speakers have at their disposal to communicate cooperation to their interlocutors and to mitigate the force of threats to the interlocutors' negative face. Arguably, because interviewers see obtaining a protective order as the main function of the interview, they tend to steer their interaction with victims toward a conversation that will produce the generic format (i.e. the report narrative) that will accomplish this goal. Since clients do not tend to speak in this speech genre, interviewers must direct the clients' narrative production, and in the process, they may threaten the clients' negative face as they continually thwart the clients' narrative efforts.

Extract 7: Volunteer gives reasons for demands

Text 23A

- V. O.K., So ((abuser's name)), O.K., whatever, that's fine. O.K., let's start, (.02) O.K., we're going to start with the last incident ().
- I. Vamos a empezar con el último incidente.
We are going to start with the last incident.
- V. So the one that happened last, not the . . .
- I. The most recent?
- V. Yeah, the most recent one.
- I. El más reciente, el incidente más reciente.
The most recent, the most recent incident.
- C. ¿Um, fue ayer. O sea, lo que pasa, como él ()
Um, it was yesterday. Uh, what happened was, since he ()
- I. ¿Y cuándo sucedió eso?
And when did this happen?
- C. Ayer.
Yesterday.
- I. O.K., the recent, the most recent incident was yesterday.
- V. O.K.
- I. Y () empezaron a . . .
And () you two started to . . .
- C. Lo que pasa es que, o sea, él tiene una hermana, ¿no?
What happened was, well, he has a sister, right?
- V. [And the defendant is (.01) her husband?
- I. ¿Es su esposo él?
He is your husband?
- C. Sí.
Yes.
- I. Yes.
- C. Entonces, lo que pasa es que como tiene una hermana, entonces estábamos hablando allí () (se metió).
So, his sister, since he has a sister, well then, we were talking there
- I. [He has a sister. And, ¿Usted y la hermana estaban hablando?
He has a sister. And, You and his sister were talking?
- C. Mhmm.
- V. **We're going to start one question at a time so we can get the order correct.**

- I. Lo que va a hacer es hacer una pregunta a la vez para tratar de poner todo en orden.
What he is going to do is ask one question at a time to try to put everything in order.
- V. Ah, it's ah, es una declaración que, it's a specific order.
Ah, it's ah, it's a declaration that, it's a specific order.

The above example shows how the victim disregards the imposition of the report genre by beginning the narrative with something other than clauses that orient the last abusive incident in time. The interviewer, seemingly dissatisfied with the fact that the client's story lacks a standard orientation, first asks her about her relationship with the alleged abuser, and then, he tells her how he wants her to talk. He does so, however, by taking the time to explain why he needs her to narrate the events in a particular way. In other words, he informs her of why – namely, because he is trying to elicit a very specific type of account – he is encroaching on her narrative's composition.

In contrast the requests of clients made by paralegals in the district attorney's office seem to emphasize the power imbalance between the interviewer and the interviewee as paralegals in that office make unexplained demands on victims' storytelling practices. The following example in Extract 8 illustrates how paralegals neglect to tell victims why they need certain information and why such information needs to be discussed in a particular way:

Extract 8: Paralegals neglect to give reasons for their demands

Text 10A

- P. O.K. Great. What I'm going to, what I'm going to want you to do, or what I need you to do is, start with the most recent incident, of him either threatening you, bothering you, or assaulting you, O.K.? And then we'll go back in time. All right? So, when was the last time that he either went to your house or called you, or did anything like that?

In the extract above, the interviewer tells the client how to narrate, but she does not tell her why the most recent incident should be discussed first. The social role of *interviewer* carries authority to direct the discourse of the client, and this authority can be intensified by gatekeeping frames that order, command and expect compliance without giving reasons. Brown and Levinson (1987: 128) argue that giving reasons is a way of implying, 'I can help you' or 'You can help me' as long as something else takes place first. In most cases in the district attorney's office, the clients are not even informed that a formal statement is being taken until after they have narrated what interviewers consider a sufficient amount of abuse to be able to recommend clients for protective orders.

Using Spanish to claim common ground

A major difference between the way these paralegals and volunteers establish gatekeeping and advocacy frames also involves the social act of attempting to claim common ground. Brown and Levinson suggest that speakers can assert

common ground with their addressees by using in-group language. From the perspective of Spanish monolingual and bilingual clients, it is likely that in-group language is either Spanish or the Spanish-English code-switching variety common among U.S. Latino communities (on the use of Spanish and code-switching as in-group language see Gumperz and Hernández-Chavez 1975; Limón 1982; Valdés 1982; Zentella 1981). The language of the institution is clearly English as all interviewers speak English and as all documents are written in English. Zentella (1981) refers to Spanish and English for the New York Puerto Rican community as 'we' vs. 'they' languages, respectively, and the two groups of interviewers employ the 'we' and 'they' languages quite differently.

In the district attorney's office, where six of the seven interviewers are bilingual, Mexican-American women, there is not one example of a code-switch from all-English interviews to Spanish in which semantic content is communicated. That is, paralegal-interviewers confine their code-switching from English to Spanish to the pronunciation of Hispanic last names. For example, if directly addressing the client with the term of address 'title + last name,' the Latina paralegals tend to switch their phonological system from one of English to one of Spanish to pronounce the last name as in [owkej misas garsía]. Aside from the Spanish pronunciation of last names, however, there are no other instances of Spanish in the all-English interviews. Switches to English are also rare among the Mexican-American paralegals when they conduct interviews in Spanish with Spanish-dominant bilinguals.

In the law clinic, where the eleven interviewers are not nearly as proficient in Spanish, several of them, both in the presence of an interpreter and in situations where they are left to their own linguistic devices, attempt to speak Spanish with clients. In light of Brown and Levinson's theory of politeness, I argue that these pro-bono interviewers use Spanish to do more than just communicate semantic content. The non-Latino volunteers with limited Spanish proficiency seem to use Spanish to try to raise common ground in a situation where there is virtually none upon which both they and their clients can stand. In Text 24A, for example, when the interpreter leaves the conversation, the interviewer uses what little Spanish he knows to continue speaking with the client. He asks, '¿Cómo se llama el hombre?' *What's the man's name?*

The use of Spanish in the presence of a competent interpreter is perhaps the best evidence that this linguistic device is available to the non-Latino for at least diminishing social distance and perhaps even for the purpose of establishing solidarity. In Extract 9 even though the interpreter is available to mediate between the two different codes, the interviewer still peppers his questions with Spanish. When reading from one part of the official form that must be filled out, another interviewer takes advantage of the simple questions regarding physical appearance to use his limited Spanish:

Extract 9: Interviewer's use of Spanish in the presence of an interpreter*Text 27A*

- V. O.K., so we need um, as to, **esposo**, we need his **altura**, height, how tall is he? ('esposo' means husband; 'altura' means height))
- I. ¿Cuánto mide su esposo?
How tall is your husband?
- C. No sé, más o menos ().
I don't know, more or less ().
- V. Is he taller . . . ¿Es **bajito**, **mediano**? ¿O . . .? . . .
Is he short, medium, or . . .?
- C. Es tan, es un poquito más alto que yo.
He is, he is little taller than I am.
- I. He's a little taller than I am.

In the above extract, it appears as though the volunteer-interviewer and the client actually, albeit briefly, end up speaking to each other in the fourth, fifth, sixth and seventh lines. That is, the client answers the interviewer without waiting for the interpreter to translate for her. Below, a different volunteer also makes use of his basic Spanish to speak over the interpreter and directly to the client:

Extract 10: Volunteer-interviewer uses Spanish*Text 28A*

- V. Do you have any other **niños** or **niñas**? (('niños' means boys and 'niñas' means girls. This interviewer uses these words to mean sons or daughters)).
- I. No, no.
- C. ¿Más hijos? No.
More children? No.
- V. Just those?

When an interpreter is present, there are two communicative obstacles lying between the client and the interviewer. First, there is the language barrier itself, and second, there is the very presence of the interpreter. In the extracts above, the transcripts depict how the volunteer-interviewers' Spanish utterances literally serve to bring them closer to Spanish-speaking clients. Interactionally, the Spanish used by interviewers might at least temporarily diminish the interference that results from the language barrier and the presence of the interpreter. In some cases because the interviewers know so little Spanish their attempts to speak it produce a comic effect that both they and the clients recognize and are willing to laugh at. The resulting humor may also help to equalize the power imbalance as the interviewers show themselves to be linguistically handicapped in the client's language.

Whereas the court interpreters are state certified professional interpreters in the examples above, the interpreter in the examples below is the client's family member. Also, this interviewer knows much more Spanish than do those above. However in this case, even the more complex syntax of this interviewer's Spanish does not succeed in eliciting an utterance directly from the client. This may be because the male family member with whom the client has come to the clinic insists on intervening.

Extract 11: Interviewer's use of Spanish does not bring him closer to client*Text 29A*V. Nah, you've been married almost twenty years? *¿Veinte años?**Twenty years?*

C.F. ()

V. *¿Casada? Por la ()**Married? For ()*

C.F. That's not twenty, it's nineteen, nineteen eighty.

V. Oh, O.K. Nineteen years. Long time.

C.F. [Yeah, that's, yeah.

V. Long time. Long time. Oh, yeah. Long time (.03) O.K., one child that's, ah, not eighteen, he's eighteen?

C.F. Yes, one child's eighteen.

This interviewer's use of Spanish serves to caution against interpretations that lead to analyses that overgeneralize the use of Spanish as a linguistic technique for claiming common ground. Below in Extract 12 the same interviewer, as he begins to create the affidavit, starts to speak aloud that which he is writing. He then also translates aloud what he wrote in English into Spanish, as if to give the client a verbal cue to proceed in her telling. Here, it may be that this interviewer uses Spanish to control the client's telling by indicating to her that she needs to 'fill in the blank:'

Extract 12: Using Spanish translation as a narrative-fill-in-the-blank elicitation*Text 29A*

V. 'I moved out because of his violence.'

C.F. Yeah.

V. 'The last violence happened' . . . *La última violence ah, fue . . .*
*. . . The last violence ah, was . . .*C.F. *¿Cuándo fue?**When was it?*

C. El día que me salí.

The day I left.

C.F. The same day he jus-, she just moved out.

V. Do you know what day that was?

C.F. (*¿Cuándo fue que te saliste?*)*When was it that you left?*

C. () el dos. El dos o primero.

*() the second. The second or the first.*C.F. *¿De qué? ¿De qué?**Of what? Of what?*

C. De junio, de junio.

Of June, of June.

C.F. Ah, June.

V. June? *¿Julio?**. . . July?*

C.F. No, no, no.

V. *¿Es agosto?**Is it August?*

While in most cases I would argue that Spanish – for non-Latino, barely bilingual interviewers – acts as a linguistic device that can build an advocacy identity, for some interviewers Spanish serves as another verbal mechanism that can be employed to control the way a client gives her account. The interviewer in Extracts 11 and 12, for example, is unlike the majority of the interviewers at the clinic. He is a retired attorney who for the past nine years has spent two days each week volunteering there. It is likely that the regularity of his interaction in the clinic, both with its directors and as a leader among his peers of volunteers, has led to his identifying and aligning himself with the institution in a way that the other volunteers have not had an opportunity to do.

Failing to fulfill the victim's desire to be heard

I now examine the data to determine if one set of interviewers is more, or conversely, less inclined to fulfill the politeness strategy of giving a client what she wants (i.e., allowing a victim to drive the narrative). While it is impossible to know what each client's objectives are, there is considerable evidence that I will discuss below to suggest that these clients share the conversational goal of wanting to talk and to be heard.

First, even after having been informed by interviewers that they have narrated enough violence to secure an order, clients sometimes continue to narrate abuse (see Trinch 1999). Second, many victims never return to actually obtain the order for which they have petitioned the Court. For example, nine of the fifteen pro bono clients examined here did not get a protective order. Third, victims appear to resist the report genre that interviewers routinely try to elicit (see, for an example of this phenomenon, Extract 7 above). One might expect clients to conform to the interviewers' guidelines for speaking if all clients wanted from these interviews were a protective order. Polanyi (1985) argues that the crucial difference between a 'story' and a 'report' is the fact that reports are recipient-elicited, while stories tend to be teller-initiated. I find that reports are not only recipient-elicited, but rather recipient-driven, while stories are teller-driven (Mandelbaum 1987), and that these two phenomena can occur at the same time when the interviewers' and the interviewees' conversational goals diverge.

Psychiatrists and psychologists have long recognized the therapeutic results of story-telling (Felman and Laub 1992). More surprisingly, law and language scholars (Conley and O'Barr 1990) have also noted the importance of the cathartic element involved in being able to tell one's story to a person in a position of authority. Perhaps it is for this reason that NOVA states that providing victims with an opportunity to tell their stories is itself considered to be advocacy (Young 1993).

The question that remains to be answered is whether one group of interviewers is more likely than the other to give clients what they want, namely a forum in which to tell their stories. While I agree with O'Barr and Conley (1988: 366) that there is no 'real' story to be captured if only the right

circumstances existed, undeniably certain situations are more amenable to supporting a teller's feeling of satisfaction than are others.

Bakhtin (1986: 63) states that '[t]he least favorable conditions for reflecting individuality in language obtain in speech genres that require a standard form . . .' I will discuss below how affidavits in the district attorney's office require a standard form. Because the law is a relatively autonomous domain in which lived experience is routinely translated into legally relevant categories,¹⁵ it is not generally a space where people can freely exercise their voice. Martin and Powell (1995) suggest that this type of institutional translation work that re-frames victims as witnesses in order to secure a credible report might result in victims feeling as though they have undergone a 'second assault.'

An examination of a sample of forty-five affidavits in the district attorney's office shows they are formulaic in both compositional style and thematic content (Trinch 1999; Trinch and Berk-Seligson forthcoming). Arguably, the function of this formula is to create a credible-sounding report. An example of an affidavit from that office is included in Appendix 1. The affidavits from the D.A.'s office are written in a narrative skeletal structure that is similar to the linear Labovian (see Labov and Waletzky 1967) model of narrative.¹⁶ That structure begins with an orientation telling the judge who the parties are. The orientation is followed by the most recent and then penultimate incidents of abuse, an overall evaluation of the abuser, and at the end a plea for legal help. The most recent and penultimate incidents of violence make up the heart of the paralegal's affidavit, and each of these incidents is written in a linear mini-narrative complete with its own orientation, followed by a 'first A, then B' sequential clause structure, and normally ending with the very specific resolution about whether the police were called.

The paralegals, directed by both that which is legally relevant and their knowledge of the appropriate textual format for the abuse account, structure the interaction to elicit a *successful* narrative. In so doing, they mould individual narratives into institutionalized accounts. The verbal interaction that takes place within the interview, controlled by paralegals in the D.A.'s office, supports this standardization, and it serves as a type of gatekeeping because the clients are not allowed passage to the next stage until their narratives are sufficiently transformed to meet with the rules of law.

The affidavits drafted by volunteers at the clinic, however, suggest that volunteer-interviewers might not structure the interaction so as to elicit a formulaic account that converts the victim narrative into a witness' account. In the analysis that follows, I compare the two sets of affidavits and show that the same level of standardization of victim-narratives does not occur in the clinic. Table 1 highlights the differences between the two sets of affidavits in terms of their global organization. In the district attorney's office, almost all of the fifteen affidavits incorporate orientation clauses (n=14), mini-narratives of the most recent (n=15) and then the penultimate (n=14) incidents of abuse, evaluation clauses (n=15) and pleas for legal help (n=15). The numbers in the pro bono

Table 1: Comparison of the affidavits' skeletal frames

Feature/ Locale	Orientation clauses	Most recent incident, mini-linear	Penultimate incident, mini-linear	Evaluation	Plea for legal help
D.A.'s office	14 13 formulaic 1 non-formulaic	15	14	15	15
Pro bono law clinic	15 6 formulaic 9 non-formulaic	14	9	9	10

clinic row represent those affidavits that conform to the structure and content of the affidavits produced by the D.A.'s paralegals. However, these show much greater variation in the affidavits' overall organization.

Looking more closely at the internal structure of the affidavits, we see that while all fifteen affidavits written by volunteers incorporate an orientation, nine do so in non-formulaic ways. Formulaic orientations are those that merely introduce the judge to the parties as in the following example:¹⁷

Extract 13: Formulaic orientation from D.A.'s office

Text 5B

((Orientation))

((Abuser's name)) is my husband. We have one child together. We have been married for two years. We separated in ((month, year)).

((Mini-narrative of most recent incident))

On or about ((month, date, year)) ((abuser's name)) came home and said that he was taking some other items he had forgotten since he had moved out already . . .

Written in this way, orientations tell the judge who the parties to the case are, and they achieve the additional illocutionary force (e.g., the execution of a communicative task) of informing the judge that the client meets the state eligibility requirements for an order.¹⁸ In contrast, pro bono orientations often include allegations of abuse and/or characterizations of the abuser's behavior or temperament. A sample affidavit from the clinic is included in Appendix 2, and its orientation is shown in Extract 14 below:

Extract 14: Non-formulaic orientation from pro bono clinic

Text 24B

((Orientation))

The defendant, ((alleged abuser's name)), is my ex-boyfriend with whom I have one child. We have been separated for approximately 5 months since around the month of April 1999. During our relationship of about three years, he has threatened and psychologically abused me.

Here the pro-bono orientation is written in a way that *tells* the judge about the alleged abuser through a description of him and of his behavior. Pro bono orientations, like the one above, often frame alleged abusers as people with explosive tempers and/or as drug and alcohol addicts. Coming before any particular violent incident, these types of characterizing orientations frame the remainder of the document. In the opposite way, the affidavits from the D.A.'s office are written so as to *show* the judge what the alleged abuser is like through mini-narratives of discrete incidents of violence.

There are also significant differences in the way paralegals and volunteers entextualize the body of the narratives. For instance, while twenty-nine of the thirty affidavits mention the most recent abusive incident, only nine of the affidavits in the pro bono law clinic (as opposed to all fifteen in the D.A.'s office) are written so as to include a full mini-narrative of the most recent incident of abuse, which occurs immediately after the orientation. Another salient difference between the two groups of affidavits lies in the fact that less than half of the volunteers' affidavits include a full account of the penultimate incident of abuse immediately following the paragraph about the most recent incident. Conversely, all but one of the district attorney's paralegals took care to include full Labovian narratives of at least two discrete abusive incidents with the most recent incident coming first.

Table 2 and Table 3 provide an analysis that penetrates further into the narrative structures of these two sets of affidavits. Table 2 shows that the paralegals orient the mini-account of the most recent incident with specific dates, and often even a specific time of day. Moreover there is a clear attempt in the writing of the paralegals to show the events represented as if they occurred

Table 2: Comparison of written representation of most recent incident

	Most recent incident	Orientation	Specific date	Specific Time	Linear 'a then b'	Result	Police	Injury	Hospital
D.A.	15 have it	15	15	7	13	10	9	5	0
P.B.	9 have it	9	8	5	8	3	1	1	1

Table 3: Comparison of written representation of penultimate incident

	Pen-ultimate incident	Orientation	Specific date	Specific Time	Linear 'a then b'	Result	Police	Injury	Hospital
D.A.	14 have it	14	14	5	10	11	10	1	0
P.B.	7 have it	7	5	2	5	1	1	0	0

sequentially in the 'first A happened, and then B happened' fashion. In addition to their use of temporal juncture, the paralegals achieve a sense of sequential ordering by including temporal markers such as 'and then,' 'then' and 'and after that.' In only five of the nine mini-narratives of the most recent abuse do volunteers overtly attempt to make the events reported appear to be unequivocally faithful to a strict temporal sequence. Below, representative examples of the two sets of affidavits are given for comparison:

Extract 15: Clinic's loose portrayal of temporal sequencing

Text 16b

On or about ((date)), when I arrived home, the defendant's brother and cousin were at my house. They informed me that the defendant had been drinking and had left to hunt me. When he came home, I was in the bedroom. He came in and took his belt off and started beating me on my back and stomach. His blows knocked me to the floor and he kicked me in the stomach and head several times. I have bruises all over my upper body and both of my legs. He was hitting me with the belt at the same time he was kicking me. He continued to hit me for 30 or 45 minutes. He chased me from room to room hitting me with the belt. I tried to call the police by dialing 911. Both times the defendant took the phone away from me and continued to beat me. He took me to the bedroom and sexually assaulted me twice in the period of about an hour. During this time, he was screaming, yelling and calling me bad names. He refused to allow me to leave . . .

Extract 16: D.A.'s strict portrayal of temporal sequencing

Text 4B

On or about ((date)) at about ((time of day)), ((alleged abuser's name)) was drunk and was in a bad mood. ((Alleged abuser's name)) came from behind and pulled me by the shirt. I **then** fell to the ground and cut my head with the gravel. ((Alleged abuser's name)) **then** dragged me. My children intervened and ((alleged abuser's name)) pushed them away. I sustained a cut to my head and it was necessary for me to seek medical attention. No police report was made. I left ((alleged abuser's name)) **a week later**, because ((alleged abuser's name)) kept threatening to harm me and the children if I did not leave.

The question is not whether one of these interviewers more accurately reflects the temporal order of the events, but rather it is whether one does more than merely suggest temporal sequencing with the juxtaposition of simple past tense clauses. The paralegal's writing emphasizes the temporal sequencing of the events given in the account with several devices. In addition to the temporal adverbial clause, 'a week later,' this paralegal employs the adverb 'then' which indicates that the clauses that follow it occurred 'next in time' or 'immediately afterwards.' Contrasting with this concerted effort to represent sequential order is the affidavit written by the volunteer in Extract 15. There is a mismatch between discourse time and event time (Schiffrin 1987: 262–263) as the result of the beating (i.e., having bruises all over her body) is embedded within what otherwise looks like the complicating action. Also, in this volunteer's write up of the abuse, it is not clear if the beating

lasted 30–45 minutes and then the abuser chased the victim from room to room, or whether the chasing is part of the 30–45 minute-long violent episode. The same argument could be made for the sexual assault, which is also written about as having occurred during a specific time period, yet it is not clear whether that time period is separate and distinct from the time in which the beating and chasing occurred. At the beginning of Extract 15, the interpretation of temporal sequencing is dependent on the assumption that the juxtaposition of simple past tense clauses represents the order of the events as they actually occurred. However, this assumption of temporal sequencing from the middle of the account through to the end is less easily made as both time and events are collapsed and conflated in the same clauses. At the sentence about the bruises, it becomes difficult to determine if the account is organized with a temporal event structure or as just a list of violent events that occurred during the evening of the last incident.

Turning to Table 3, we see the way interviewers represent the penultimate incident of abuse. In the D.A.'s office, an overwhelming majority of the affidavits ($n=14$) includes an account of the second-to-the-last incident that is oriented with a specific date. Most paralegals also package the events of this incident in a linear manner, and they conclude with a reference to police involvement. In the pro bono law clinic, however, only seven volunteers bother to write an account of the penultimate incident. Only five of those seven incorporate a specific date, and only one mentions police involvement.

This comparison of the two sets of affidavits shows that there are differences both between the way these volunteers and paralegals draft the abuse accounts, as well as differences in the ways volunteers themselves write about domestic violence. These differences lead me to question whether the processes involved in making these texts are different in the two interview settings. Paralegals in the D.A.'s office achieve a high degree of uniformity when writing the affidavit because these interviewers structure the interaction in such a way as to elicit a particular narrative form from interviewees (see Trinch 1999). The variability of the affidavits written by volunteers in the clinic suggests that individual victims might be allowed a certain freedom of expression that victims in the D.A.'s office are not afforded. Put another way, the less standardized affidavits in the pro bono law clinic and the highly uniform affidavits in the district attorney's office seem to indicate that this group of volunteers records abuse as clients tell of it, rather than trying to elicit an abuse account that conforms to a standard, speech genre.

However, even though the volunteers' affidavits do indeed show more individuality in form and content than the paralegals', the interview transcripts reveal that the reason for this variation does not lie with the interviewers' willingness to listen to and record clients' accounts the way that clients themselves want to tell them. In fact, the volunteers in the law clinic, like the paralegals in the D.A.'s office, also direct, channel and order victims' accounts of abuse (see Trinch 1999 and Trinch and Berk-Seligson forthcoming). The

volunteers just constrain victims' accounts in more idiosyncratic ways than do the paralegals. For these reasons, I argue that the uniqueness of individual affidavits in the clinic is the result of differences among interviewers, and not the result of differences found among victims or among their personal and personalized accounts of abuse. So, while the affidavits seemed to suggest narrator-individuality and the possibility that volunteer-interviewers are more likely to be recording violence as individual victims tell or uniquely speak of it, the interview data do not indicate that this is the case. At this point, we cannot say that one set of interviewers is more inclined than the other set to allow victims to talk in an unencumbered conversational space that will lead to a more victim-driven representation of domestic abuse. In both settings, narrative trajectories are at best negotiated between clients and interviewers and at worst, interviewers impose them. In this regard, both paid paralegals and volunteers act as gatekeepers. Rather than giving clients a chance to narrate freely and represent abuse according to their own narrative practices, both sets of interviewers elicit from clients what it is that they believe is needed to obtain an order.

DISCUSSION AND CONCLUSIONS

While this study suggests that there are differences between the two groups of interviewers in the ways they construct themselves as advocates or gatekeepers, further analysis would be worthwhile as both the paralegals and the volunteers utilize other positive politeness strategies as well.¹⁹ In addition, it is difficult to determine which strategies are most effective in terms of creating advocacy frames. Before we are able to determine that one group is more advocacy- or less gatekeeping-like, we need to figure out which of these linguistic techniques are most valued by clients and more particularly by Latinas.²⁰

It seems that paralegals in the district attorney's office speak in more formal ways with their clients. Their refraining from using Spanish in English-interviews with bilinguals is perhaps the most important evidence pointing to the formality and official nature of the context. However, the study suggests that the role of 'advocate' is not an ostensible one that institutional representatives take on because their job descriptions or titles require that they 'help' victims of domestic violence.

We might expect that as 'advocacy' becomes institutionalized, the language of those assigned the social role of 'advocate' will tend to become routinized as well. Undoubtedly both social and discursive roles are actively constructed in conversation, but we know that there are linguistic routines that pose as spontaneous conversation when speakers have similar conversations over time (Philips 1992). Thus, certain phrases, while appearing to the observer as a gatekeeping performance (such as the paralegals' 'What is it that you want our office to do for you'), may have unwittingly become part of interviewers' daily routines for speaking with clients.

If it can be stated that the paralegals are more formal and perhaps even more professional than their volunteer counterparts in the law clinic, then we may also conclude that the volunteers interact with victims by using politeness mechanisms in non-professional (note, not 'unprofessional') ways. That is to say, volunteers use politeness in a manner that is perhaps more akin to the way people speak to each other in ordinary conversation in order to overcome the difficulties of making requests and asking and answering about stigmatized topics. The volunteers, arguably less accustomed to these types of conversations than the paralegals, seem to be more inclined to redress possible face threats. For paralegals, hearing these stories is an every day occurrence; in fact, they hear more than several women's stories a day.

Volunteers will never receive a call from another agency's advocate calling into question their judgment regarding a victim's case. Also, given their volunteer status, the pro bono interviewers have no personal track record for having orders accepted or rejected by the assistant district attorney or by the judge. Unlike the paid paralegals, who are accountable to their clients, to the assistant district attorney assigned to the protective order docket, to the district attorney's office in general and to the judge, the volunteers have no real stake in the clinic beyond their own and their clients' *face*. For the paid paralegals, the stakes of inefficiency are much higher. And, if efficiency is measured by the number of cases successfully processed, and if, as I suspect it is for the institution, successful processing means obtaining protective orders for many clients a day, then the paralegals are certainly more efficient at interviewing and drafting affidavits. Each paralegal is capable of interviewing between three and seven women within a three-hour period. In other words, routinization, while perhaps a less-than-human show of advocacy, has its benefits in getting at least one particular job done.

This article has raised several issues in terms of the language of advocacy and gatekeeping in institutional settings where victims of domestic violence seek assistance or intervention to deal with their current or former intimate-partners. While it can be argued that clients share the conversational goal of wanting to tell their stories, I do not find that the affidavits reveal much about the way interviewers provide for such a telling. In other words, even though there are marked differences in the way volunteers and paralegals draft the abuse accounts, we cannot conclude that variability in form and content in the pro bono affidavits is a result of the volunteers' willingness to allow for a teller-driven narrative. Based on the interviews examined here, it seems that both paralegals and volunteers participate in a co-construction of the abuse account as elicitors of a report rather than as listeners to a story. It may be that these interviews serve victims as mini-therapy sessions, and such a conclusion would suggest that the clients' short-term goals are not necessarily the same ones that the institution believes that they are. And thus, in this regard, there is no discernible difference in the relationship between the social and discursive identities of paralegal/volunteer and gatekeeper/advocate.

While few interviewers *actively perform the role of advocate* and none performs a role of gatekeeper by explicitly voicing negative judgments about clients, there are some basic rules of politeness that disappear with the professionalization of advocacy. I have argued that these rules of politeness are at the core of advocacy work as it has been described as *validation* and *empowerment*. And thus, at the micro-level of conversation, the speech of interviewers can be examined in a contextualized manner to understand why victims may not feel supported in institutions. This comparison of different types of interviewers, contextualized in their distinct social environments, sheds light on how institutional demands may lead interviewers to perform more gatekeeping instead of aligning themselves with victims as their advocates. For reasons of efficiency and knowledge of the job, professional advocates, as opposed to volunteers, are unquestionably and undeniably needed by the sociolegal system as well as by the victims they serve. However, training programs for professional advocates might want to include a component on linguistic routines and face work to explain to interviewers the basics of positive and negative politeness and their correlative relationship with the core functions of advocacy: *validation* and *empowerment*.

NOTES

1. I would like to thank the National Science Foundation's Law and Social Science Program (Dissertation improvement grant SBR#-9709938) and the Social Science Research Council's Predoctoral Sexuality Research Fellowship Program for supporting the 13 months of fieldwork that I carried out to collect the protective order interview data.

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2. A protective order is a court injunction issued by a judge for the purpose of keeping an alleged abuser away from the complainant.
3. The term 'Latina' refers to women of Mexican-American, Mexican, Central or Latin American origin who are living in the United States.
4. NOVA, founded in 1975, is a professional organization that holds conferences, publishes information regarding victims' services, and articulates the service

standards for programs that assist victims throughout the United States. According to NOVA, the organization 'is a non-profit membership organization . . . NOVA's work is guided by four purposes: (1) to serve as an advocate for victims of crime and other stark misfortunes so that they are treated with compassion and respect; (2) as needed, to be of direct assistance to victims; (3) to provide training and other services to members of the victim assistance and allied professions; and (4) to be of service to its members' (Young 1993: viii).

5. NOVA offers to advocates a list of communicative techniques that they can use to facilitate their clients' ability to tell their stories. NOVA suggests that advocates facilitate storytelling:
 - (a) by helping the survivor find new or more adequate words to express feelings and reactions. (N.B. Here, NOVA suggests that the service provider might offer words that up-grade the semantic force of lexical items such as 'anger' to forms such as 'fury,' or 'outrage.')
 - (b) by repeating back to survivors actual phrases used by them.
 - (c) by requesting that the victim describe an event.
 - (d) by asking the survivor to 'describe where they were at the time of the crime, who they were with, and what they saw, heard, touched, said, or did.'
 - (e) by eliciting the survivor's descriptions of her reactions and responses.
 - (f) by suggesting that victims talk about 'what has happened since the crime,' including contact with family members, friends, the criminal justice system and so on.
 - (g) by allowing the victim-survivor as much time as possible to talk.
 - (h) by providing the victim with information about the crime and about what will happen next.
 - (i) by not making assumptions, and finally, by not saying the following things:
I understand
It sounds like
I'm glad you can share those feelings
You're lucky that
It'll take some time but you'll get over it
I can imagine how you feel
Don't worry; it's going to be all right
Try to be strong for your children
Calm down and relax (Young 1993: 18–21).
6. I use speech event in the sense of Hymes (1972).
7. A paralegal is a person who has special legal training and is thus able to assist attorneys in their work.
8. Two of my colleagues at the University of Pittsburgh, Sarah Williams and Tatiana Botero, and I transcribed these interviews and corrected the transcriptions. I am responsible for Spanish-language translations.
9. From the district attorney's office: Paralegal #1 conducted interviews 1, 2; Paralegal #2 conducted interviews 3, 4, 7, 13; Paralegal #3 conducted interviews 5, 6, 12, 14, 15; Paralegal #4 conducted interview 8; Paralegal #5 conducted interview 9; Paralegal #6 conducted interview 10; Paralegal #7 conducted interview 11. From the pro bono law clinic: only two interviewers conducted more than one interview. Interviews 24 and 26 were conducted by the same volunteer, and interviews 19 and 22 were conducted by another.
10. Every morning three or four paralegals conducted interviews while their co-workers met their previous clients at the courthouse for scheduled hearings. At the law

- clinic, clients who had a court date scheduled came three weeks later to the same courtroom where their original protective order application interviews took place.
11. Training for new paralegals in the D.A.'s office consists of a short apprenticeship in which the newcomers observe more senior paralegals conduct interviews. Once working on their own, new paralegals can always seek advice from those more senior to them. At the clinic, new volunteer-training sessions are held over the course of a couple weekends where volunteers essentially receive about thirty hours of information.
 12. Reported speech is the linguistic representation of statements, utterances, or dialogue that were presumably made prior to the reporting event but that are incorporated into it with linguistic action verb(ial)s (Verschueren 1999).
 13. His pronoun choice also conveniently allows him to absolve himself of the responsibility of the potentially face-threatening act of asking for money in exchange for his help.
 14. Because a great deal of academic and advocacy literature suggests that rape victims and battered women feel blamed, unaccompanied or as though they have experienced a second assault within the sociolegal system (see Matoesian 1993), I set out to collect interactional data that might reveal what it is about communicating these experiences that makes women feel this way. In a future study it would be interesting to test the psycholinguistic validity of my observations by asking victims and service providers how they perceive these linguistic techniques. But, at the time of data collection, I did not ask the victim-survivors who participated in the study about their feelings, because I did not want to impose on the little time they had – either away from their children or their jobs – to complete the various social welfare and legal tasks they needed to do.
 15. I would like to thank Greg Matoesian for putting it in these terms for me.
 16. For a more detailed analysis of the affidavits from the district attorney's office see Trinch and Berk-Seligson (2001) and Trinch (1999).
 17. Key for transcription conventions has been adapted from Matoesian (1993):

((defendant's name))	words in double brackets are researcher's notes
[right-hand open bracket denotes overlapping
()	empty brackets denote unintelligible sounds
(words)	words inside brackets denote transcriber's doubt
(.05)	numbers inside brackets denote pause time to the nearest second
P.	refers to paralegal
V.	refers to volunteer
C.	refers to client
C.F.	refers to client's family member
I.	refers to interpreter
<i>Translations</i>	italicized words are my translations of the Spanish utterances in the examples
 18. In order for violence to be considered 'family violence' in the community of the D.A.'s office, clients must show that they are related either by blood or through marriage, have a child with or have lived with the alleged abuser. Likewise the law in the pro bono clinic also stipulates that applicants for protective orders must be married couples, co-habitants or parents of mutual children. However it also allows for partners in only dating or engagement relationships to consider the abuse they suffer to be 'family violence.'
 19. The other strategies listed in Brown and Levinson (1987: 102) are: (1) notice,

- attend to H (his interests, wants, needs, goals); (2) intensify interest to H; (3) avoid disagreement; (4) assert or presuppose S's knowledge of and concern for H's wants; (5) offer, promise; (6) be optimistic; (7) assume or assert reciprocity.
20. Brown and Levinson's (1987) model has been criticized by scholars such as Wierzbicka (1985) and Ruzicková (1998) who claim that its core is anglocentric in its avoidance-based orientation. According to these scholars, Brown and Levinson's model favors interaction that seeks to attenuate imposition over emphasizing validation. With this criticism in mind, we would need to ask, for example, if 'giving reasons' – a common strategy used by the volunteers when making requests of or demands on their clients' narratives – significantly reduces the threat that Brown and Levinson suggest is attached to making requests *bald on record*. It might be that the Latina interviewers do not give reasons for ordering their clients to narrate in particular ways because imperatives are not taboo in Hispanic cultures the way that they seem to be in Anglo cultures.

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APPENDIX 1:**Sample affidavit from district attorney's office**

(All names, dates, locations and other potentially identifying characteristics of participants in this study have been changed to protect their anonymity, privacy and confidentiality)

State of AnyState

County of AnyCounty

Before me, the undersigned authority, on this day personally appeared Bea García, who being by me duly sworn on oath stated:

"I am the Applicant in the above and foregoing Application for a Protective Order and the facts and circumstances contained therein are true to the best of my knowledge and belief."

There is a clear and present danger of continuing family violence and of other immediate and irreparable harm if a Temporary Ex Parte Protective Order is not granted, as shown by the following:

((Overall orientation clauses))

Samuel García is my husband of about five years and we have two children together. We separated on ((date)).

((Mini-narrative in linear form (first A happened, then B) #1))

On ((date)) in Utah, Samuel got upset with me for spending forty-five dollars. He poured chips on the bed and put food on the floor and started pushing me around. He continued pushing me around so I pushed him back. Samuel then shoved me into the bathroom by my neck and started shaking and hitting me. I was able to get out of the bathroom when our dog started biting at his ankle. I ran out the door and Samuel came after me and started pushing me. He went back upstairs and someone called 911. When the police arrived, Samuel was arrested. I sustained a bruise on my face and a scratch on my neck. I left for Anytown and do not plan to return to Utah.

((Mini-narrative in linear form (first A happened, then B) #2))

On ((date)), Samuel and I were in the car and we were arguing about his dog. He hit me in my buttocks as I was getting out of the car. I told Samuel he was not going to hit me any more and he said he was. Samuel started punching me in the head and shoulders in front of a neighbor. The police were called and when they arrived Samuel was arrested for assault.

((Overall evaluation of events narrated and of main character))

I am afraid of Samuel and I am fearful that he will come to Anytown and hurt me because he was arrested in Utah. Samuel has family in Anytown and he knows where I live here. I have been too afraid to stay in my home and need legal protection to keep Samuel away from me.

Sworn and subscribed to before me on this ((date)) of April, A.D., ((year)).

_____ ((signature line for client))

Bea García

_____ ((signature line for paralegal))

Notary Public, State of AnyState

APPENDIX 2

Sample affidavit from pro bono law clinic

Exhibit A

Declaration of Sara Moreno

((Non-formulaic orientation with characterization of abuser and his actions))

The defendant, ((Name)), is my ex-boyfriend with whom I have one child. We have been separated for approximately 5 months since around the month of April 1999. During our relationship of about three years, he has threatened and psychologically abused me.

((History of abuse))

The reason that I separated from him was because about 5 months ago, in April 1999, he became physically violent toward me. We were living together at the time. One morning on his way out to work, we started arguing and he became violent. He came toward me and grabbed me by the hair, pushed me to the floor and rubbed my face against it and he made my nose bleed. He did this in front of my children.

During the past ten months that we have been separated, he has written me numerous offensive letters in which he calls me a whore. He has come to harass me at my new apartment and at my job. He has called me on the telephone numerous times to verbally harass me. He has called my apartment manager to say bad things about my character.

((Penultimate incident written about in an underdeveloped kernel narrative))

About a week ago, he came to my new apartment. He was pounding on the door while yelling and threatening me.

((Most recent incident of abuse written about in an underdeveloped kernel narrative))

Two days ago, he verbally threatened to do something to me and my children that “would make me sorry.”

I filed a Criminal Restraining Order about a year ago through ((precinct #)) but the defendant and I reconciled.

((Legal Plea plus more history of abuse))

I want this restraining order because I feel that he will become more violent toward me and I fear for my safety and the safety of my children. He has followed me and harassed me over the past ten months and I want it to stop. I want to start my life over again.

I declare under penalty of perjury that the foregoing is true and correct and that this document was executed on ((date of filing application)).

_____ ((signature line for victim))

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