

BASIC FACTS ON THE DEAF AND THEIR LAWYERS

1. True/False: The average deaf high school graduate in the United States reads at an 8th-grade reading level upon graduation
 2. True/False: Most deaf children are born to deaf parents and are taught American Sign Language by their parents.
 3. True/False: American Sign Language has more in common with Mandarin Chinese than with English.
 4. True/False: About three-quarters of American deaf people are able to read about 60 percent or more of spoken words on the lips.
 5. True/False: Cochlear implants allow a deaf child to become hearing.
 6. Some deaf American children do not wear cochlear implants because:
 - a) they lack health insurance coverage;
 - b) their parents are politically opposed to the decision to implant;
 - c) they don't like how they feel while wearing them after having been implanted; or
 - d) all of the above.
 7. True/False: When using an interpreter, best practice requires the hearing speaker to face the interpreter and enunciate clearly to enhance the accuracy of the interpretation.
 8. True/False: Sim-Com, in which a hearing speaker or interpreter produces both English words and ASL signs contemporaneously, maximizes the number of concepts made accessible or understandable to most American deaf.
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For most lawyers, accommodating a deaf person is no easy matter. Law is based on language and linguistic exchange, and deaf people are not, by and large, fluent in English, let alone legalese. Deaf children raised in non-signing, English-speaking households, have, by age five, an average English language vocabulary of under 500 words, and little understanding of English syntax.¹ Contrast this with the average hearing child of similar age who has a vocabulary bank of 14,000 words, along with a sophisticated syntax and language structure.² These deaf children enter school with a severely limited sense of English, and most never catch up. Among the prelingually deaf and severely hard-of-hearing, the median reading level for seventeen- and eighteen-year-olds is grade four. Thirty percent of deaf students leave school functionally illiterate; i.e. they read at grade level 2.8 or below.³ The result is that, for most prelingually deaf people, English functions as a second language.

For these reasons, communicating with a deaf client via laptop, e-mail, or written notes (as is frequently attempted) often causes genuine confusion on the part of the client and understandable frustration on the part of the lawyer. Nor can a well-meaning lawyer hope to get his words across by enunciating clearly. Contrary to the widespread myth about the utility of

speech-reading for the deaf, it does not provide an effective means of communication except for a few rare individuals. No more than twenty to thirty percent of spoken English is visible on the lips,⁴ and even the most talented deaf speech-readers routinely experience miscommunication. Speech-reading is really only of use when the deaf person knows the context and the conversation is simple.⁵ Even where the client, desperate for help, tries to act as if he understands his lawyer, he very often may not.

Answers

1. False. The average deaf high school graduate in the U.S. reads at a 3rd or 4th grade level.
 2. False. Most deaf children are born to hearing parents. While many parents do make an effort to learn sign language, it is usually not “pure” American Sign Language. The usual case will involve the family using forms of “home signs,” very rapid finger spelling, or be completely oral. The deaf child usually learns most signs from school and/or peers.
 3. True. Mandarin Chinese conveys concepts pictorially, as does American Sign Language.
 4. False. Even the best lip-readers manage to get less than 30% of what is actually being said by lip-reading alone. The missing information is usually filled in by context cues or through prior knowledge of what usually happens in a given situation.
 5. False. The implant does not restore hearing.
 6. All of the above. Interestingly, cochlear implant surgeries are more likely to be covered by many health insurance policies than are hearing aids.
 7. False. The hearing person should face the deaf person in order to communicate that the conversation is between two individuals with the interpreter used only as a vehicle.
 8. False. Many deaf have decreased comprehension when signs and words are used together.
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1. See L. Earl Griswold & Janet Commings, *The Expressive Vocabulary of Preschool Deaf Children*, *Am. Annals Deaf*, Feb. 1974, at 16, 27.
2. Susan Carey, *The Child as Word Learner*, in *Linguistic Theory and Psychological Reality* 264, 264 (Morris Halle et al. eds., 1978).
3. Thomas E. Allen, *Patterns of Academic Achievement Among Hearing Impaired Students: 1974 and 1983*, in *Deaf Children in America* 161, 162-68 (Arthur N. Schildroth & Michael A. Karchmer eds., 1986).
4. See McCay Vernon & Jean F. Andrews, *The Psychology of Deafness: Understanding Deaf and Hard-Of-Hearing People* 100 (1900).
5. *Id.* At 102.