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Narrating in protective order interviews: A source of interactional trouble

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ABSTRACT

This study examines the types of interactional trouble that arise from narrative variation in institutional interviews. Specifically, we examine protective order interviews in which Latina women tell of domestic violence to paralegal interviewers charged with the duty of helping them obtain a protective order. Victims' narratives are shown to take different shapes, and paralegals respond to them in different pragmalinguistic ways, depending on how they diverge from institutional needs. The factors found most heavily to influence narrative outcomes are contextual ones, related to participant social roles, the type of communicative activity interlocutors perceive themselves to be engaged in, and their interactional goals. An additional finding is that when expectations of what constitutes appropriate speech behavior differ, the interlocutor holding greater institutional power will try to constrain the speech of the other, despite the fact that both appear to share an extralinguistic goal, in this case obtaining a protective order. (Narrative, interview, sociolegal, story, account, report, linear, generic, kernel, turn, gatekeeper)*

INTRODUCTION

Sociolinguistics has come a long way in its now widespread recognition that the study of language in legal contexts is a worthy endeavor, and that speaking in one way versus another in a legal setting can be consequential for both speaker and hearer. Perhaps nowhere is this more evident than in the courtroom. Studies focusing on the speech of lawyers in court, and the power that such speech can have

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over both witnesses and jurors, have flourished over the past two decades (O'Barr & Conley 1976, Atkinson & Drew 1979, Lind & O'Barr 1979, Danet & Bogoch 1980, O'Barr 1982, Woodbury 1984). The speech of judges, as well, has been shown to be important in determining how well defendants and witnesses understand the proceedings in which they are key actors (Sales, Elwork & Alfini 1977; Philips 1984, 1998), and even legal actors whose speech traditionally has been presumed not to be problematic have been shown to leave an unexpected impact on others present in the courtroom (e.g., court interpreters; Berk-Seligson 1990). Finally, the way in which witnesses testify has been seen as affecting those assessing their credibility, be they jurors (Conley et al. 1978, Erickson et al. 1978, O'Barr 1982) or judges (Wodak 1980, 1985).

More recently, however, studies of language and law have been focusing on language usage in more informal legal settings, not just in the courtroom. Notable are Atkinson's (1992) study of interaction between arbitrator and defendant or plaintiff in English small claims courts; Conley and O'Barr's (1990) investigation of styles of narrating in American small claims courts; Maynard's (1984, 1990) work on the linguistic characterization of plea bargaining; and Merry's (1990) study of the discourse used by working-class Americans in small claims, juvenile, and lower criminal courts.

This study follows the lead of these scholars, looking at speech in one more informal legal setting: the protective order application interview conducted in the Domestic Violence Section of a district attorney's office.[1] We will show to be problematic the divergent ideas of what constitutes "appropriate" speech behavior (in the sense of Hymes 1972) on the part of the interviewee, from the interviewer's viewpoint. That is, the interviewer has one goal – to elicit a report – while the interviewee has another, to tell a story. The interviewees in question are all women, all belonging to one US ethnic minority group, Latinos.[2]

The following analysis of 40 protective order interviews reveals that the advocacy work done by interviewers in a district attorney's office consists mostly of guiding victim-survivors' tellings of abuse toward a legally and linguistically adequate account of domestic abuse capable of resulting in a protective order. In short, interviewers, through metalinguistic and pragmalinguistic cues, manage victims' narratives in order to produce an affidavit capable of persuading a judge to issue a protective order. In doing so, the interviewing paralegal plays a crucial yet intermediary role in the legal system. Her presence and her repair work allow the primary participants in this communicative interaction – the petitioner (in this case, the victim-survivor) and the judge, who is vested with the power to make legal sanctions – the opportunity to play the roles in which they are probably most comfortable.

This study builds on the analyses of law and language scholars who have examined narratives of conflict (Briggs 1988a, 1988b; Brenneis 1988; Greatbatch & Dingwall 1989; Haviland 1988; Hirsch 1998). However, this investigation of narrative departs from them in one significant way: Although our object of

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study includes narratives of conflict and violence, the type of conflict that we illuminate occurs not between disputants but rather between interviewer and interviewee as the two negotiate the linguistic modality that will ultimately serve as the final, legal articulation of the experience of abuse. Thus, whereas Conley and O'Barr 1990 examine litigants' narratives to determine their legal adequacy in small claims courts, we examine Latina women's narratives of abuse for their linguistic adequacy in the speech setting of a protective order application.[3]

According to O'Barr and Conley (1988:346), IDEOLOGY is a "system of beliefs by which people interpret and impart meaning to events." They go on to define "legal ideology as a system of beliefs about the nature and purpose of law. These beliefs guide those who hold them in constructing meaning in the legal environment." In many respects, our findings corroborate what Conley and O'Barr 1990 find in their linguistic anthropology of small claims courts; however, our analysis attempts to uncover the way in which judicial interaction with lay litigants is mediated by legal intermediaries. Such intermediaries, we will show, possess language ideologies that provide them with interpretive frameworks through which meaning is imparted to different types of narratives.

Woolard (1998:3) considers "language ideologies" to be "representations, whether explicit or implicit, that construe the intersection of language and human beings in a social world" and finds that "ideologies of language are not about language alone. Rather they envision and enact ties of language to identity, to aesthetics, to morality, and to epistemology."

In this study, we focus our analysis on the compositional structure of domestic violence accounts. The analysis shows that Latina women represent abuse and violence with an array of narrative resources. For one thing, the compositional structure of their narratives is much more varied than the structure allowed for by a strict Labovian narrative. Yet, as we show, the legal system has a definite preference for linearly ordered, Labovian-type narratives, which – unlike the varied compositional structure of Latina women's "stories" – are amenable to "reports" of abuse. Most of the Latina women in the study attempted to tell "stories" of abuse, while those who interviewed them tried to elicit "reports" of abuse.

The analysis presented here consists of three parts. First, we look at the linguistic structure of domestic violence narratives as Latina women tell them. Then we examine the affidavits that paralegals draft on the women's behalf, noting striking differences between them.[4] Although the differences may reflect the interview participants' different LEGAL ideologies, our main concern is with the different LINGUISTIC ideologies that they hold regarding how incidents should be recounted.

We juxtapose this analysis to Conley and O'Barr's (1990) analysis of small claims litigants' speech in informal courts, where people are more likely to be able to "have a day in court," in that their tellings are less constrained by rules of evidentiary procedure that guide the witness's accounts in more formal courts. However, as Conley and O'Barr suggest, "the removal of formal constraints on

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witness narratives might create its own set of problems even as it ameliorated, at least on a superficial level, some of the dissatisfaction that was so evident in formal courts" (1990:107). These researchers argue that informal courts might pose new problems for lay litigants, because while some judges take the time to help litigants construct more rules-oriented accounts, other judges are less inclined to transform relational accounts into a format that better lends itself to adjudication.

If, as Conley and O'Barr (1990:58) suggest, judges characterize lay litigants' relational accounts as "imprecise," "rambling," and tangential, we must ask how accounts of domestic violence as told by Latinas would be heard by judges if these narrators did not have the benefit of paralegals to package their accounts in the narrative form preferred by the system. The systematic transformations that we find taking place with regard to the different compositional structures of these narratives of abuse suggest that legal administrators not only come to prefer certain narrative forms, they virtually require them. We must also ask what value, if any, the legal system places on these accounts before the paralegals transform them. To begin to answer these questions, we start with one that is perhaps more fundamental still: What function does the paralegal serve in that division of the criminal justice system that deals with protective order applicants, and how does she carry out this function linguistically?

THEORETICAL BACKGROUND

For the present analysis, we draw on such theoretical frameworks as the ethnography of speaking (Hymes 1972) and Conversation Analysis (in the manner of Sacks, Schegloff & Jefferson 1974) and those who have applied such analysis to language in legal settings (e.g., Atkinson & Drew 1979; Atkinson & Heritage 1984; Maynard 1984, 1990; Matoesian 1993). However, equally as important here is interactional sociolinguistics, an approach fully delineated by Schiffrin 1994,[5] which builds on the work of Gumperz 1982 and Goffman 1974, and can be found prominently in such works as Duranti & Goodwin 1992. The basic thrust of this analytical approach is the notion that to engage in speaking is to be involved in an interactive phenomenon.

Equally crucial to the framework of interactional sociolinguistics are the notions of NEGOTIATION OF MEANING and FRAME. The meaning of a speaker's utterance cannot be construed entirely, or even largely, from the sum total of its semantic components. Meaning is gleaned by an interlocutor from a myriad of factors, only one of which relates to the semantic sense components of the words uttered. Meaning is derived from the sociocultural setting of the speech event, from the role relationships among the interlocutors, from speaker's intention and hearer's interpretation, and from the goals of the particular interaction, to name only a few sources. Interlocutors, therefore, must work together to produce shared meanings.

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The notion of INTERPRETIVE FRAME in discourse comes from Bateson 1955, Goffman 1974, and Tannen 1979. Frames are interpretive devices that allow interlocutors to recognize that a given speech activity is a particular instance of a more general category. Interpretive frames, in turn, are constructed out of CONTEXTUALIZATION CUES, "constellations of surface features of message form . . . the means by which speakers signal and listeners interpret what the activity is, how semantic content is to be understood and HOW each sentence relates to what precedes or follows" (Gumperz 1982:131). A contextualization cue, according to Gumperz, is any feature of linguistic form that contributes to the signaling of contextual presuppositions, including such realizations as prosodic phenomena, lexical and syntactic choice when options are available, formal expressions, and opening, closing, and sequencing strategies. Thus, "All rise for the Honorable John Smith" is a contextualization cue indicating to co-present parties that what will follow is some sort of in-court judicial proceeding, and that this proceeding is about to begin officially. Similarly, as we will show, a district attorney paralegal's request to a protective order applicant that is phrased in the form "Tell me what happened last Saturday night" is a signal to the applicant that what is being asked of her is a narrative, and anyone else familiar with the work of such an office would interpret the request in the same way.[6] Given the setting, the roles of the interlocutors, the interactional goals of the two, and our presupposition that the person who is being interviewed considers herself to have been the target of domestic violence, most observers would infer that what will follow is a narrative by the interviewee.

Narratives, viewed from the perspective of linguists, are "oral versions of personal experience," and they are typically thought of as "one method of recapitulating past experience by matching a verbal sequence of clauses to the sequence of events which actually occurred" (Labov & Waletzky 1967:20). This notion of narrative, coming from an analysis now considered by discourse analysts to be seminal, is both structural and functional. Structural, too, is Labov and Waletzky's conceptualization of narratives as typically comprising three fundamental components: an ORIENTATION, a COMPLICATION (a series of events that represents the complication action of what is being told), and an EVALUATION, either of the events or of the persons involved in those events. Labov and Waletzky are quick to point out that not all narratives have all three components (e.g., sometimes the orientation is omitted), and narratives are not necessarily constructed in the archetypical order (for example, evaluative elements can appear anywhere in a narrative, especially in the complication). Such a structural approach to narrative analysis is shared by other linguists who stand out in the field of discourse analysis, notably Polanyi 1985. In this article, however, we will show that narrative variation goes beyond the types acknowledged by Labov and Waletzky, for whom variable form focuses on the inclusion or omission of particular narrative components. Although we do find narratives in the data that lack certain narrative elements and others that merely depart from the archetypical

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order, at the same time we find narrative types that differ fundamentally from the ones characterized by Labov and Waletzky: HABITUAL or GENERIC NARRATIVES, as described by Polanyi 1985, and EPISODIC or KERNEL NARRATIVES, the type identified by Kalcik 1975. Both are described in the sections below.

Linguists are not the only ones to conceptualize narratives in a structural manner. Sociologists interested in the ways that people recount their experiences with the law have used the criteria of temporal ordering of events and reference to past events and characters as defining characteristics of narratives (Ewick & Silbey 1995:200). However, structural criteria are not sufficient for the nonlinguist. Ewick and Silbey, for example, include an additional defining feature of narratives: "The events and characters must be related to one another and to some overarching structure, often in the context of an opposition or struggle" (1995:200). Furthermore, consistent with fundamental notions coming from the ethnography of speaking and interactional sociolinguistics is the idea that "stories are interactive rather than individual productions," and so, "social norms specify rules of participation. These rules not only assign the roles of storyteller and audience, they also define when and by whom a narrative may be interrupted, interrogated, or elaborated upon" (Ewick & Silbey 1995:208). The present study, in addition to demonstrating that structural variation can be a source of interactional trouble, will provide evidence in support of the validity of such nonstructural defining criteria to account for narrative outcome.

The use of the term "narrative" varies even among those who conduct research in the area of language and the law. As an adjective, it has been used by O'Barr 1982 to refer to a style of testimony characterized by full, elaborated answers to attorneys' questions, in contrast to "fragmented" answers, which are brief and unelaborated. As a noun, "narrative" has been used by Conley and O'Barr to refer to "a relatively uninterrupted telling," whereas the term "account" is used by them "to describe the totality of the telling of a particular witness's version of the events at issue, even though it may occur as an interrupted rather than a coherent sequence within a trial" (1990:197).

The term "story" is often used in juxtaposition to "narrative." Conley and O'Barr (1990:197) say that they use "story" in addition to "narrative" and "account," but in a nontechnical sense. For a discourse analyst such as Polanyi (1985:12), the notion of "story" has a technical definition: It is a specific past time narrative with a point. As Polanyi explains, "STORIES are told to make a point, to transmit a message – often some sort of moral evaluation or implied critical judgment – about the world the teller shares with other people" (1985:12).

For a sociologist such as Douglas Maynard, whose research interest has been in the area of language and the law – specifically, the discourse of plea-bargaining – "Stories are ways of 'packaging' or presenting the facts of one's own or another's experience (cf. Sacks 1978:259)" (Maynard 1990:67). Grounding his notion of "story" in the theoretical framework of conversation analysis, Maynard explains:

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> Stories, in conversation, are distinguishable because they take up more than one utterance of talk; usual turn taking is suspended while the story is told (Ryave 1978:131; Sacks 1970; Sacks 1975: Lecture 2). Furthermore, a story is articulated with ongoing talk. At its beginning, it must be introduced into conversation, and, at its ending, it must be exited in such a way as to reengage or fit with other topical talk (Jefferson, 1978). Within the story itself, teller and recipient may trade turns, comments, glances, and other cues that make the storytelling a collaborative production (Jefferson 1978; Ryave 1978; Sacks 1978). (1990:67–68)

In our analysis of domestic violence narratives, we use the term "narrative" to mean what Conley and O'Barr 1990 refer to when they use "account," and we employ the term "narrative turn," a construct at the level of conversation analysis, to refer to what they call a "narrative" – that is, a relatively uninterrupted turn at talk.[7] In protective order interviews, however, these narrative turns can be either periods of relatively uninterrupted speaking, or periods marked by interruptions. In either event, the complete narrative of abuse (the equivalent of Conley and O'Barr's "account") generally emerges over a succession of narrative turns. Furthermore, Maynard's concept of "stories" as "ways of 'packaging' or presenting the facts of one's own or another's experience" conforms precisely to our vision of domestic violence "narratives." We also agree with Maynard – as would other conversation analysts – that storytelling (or, for us, "narrating") is a collaborative activity. However, in the context of protective order application interviews, even though turn-taking is generally not suspended while the story of domestic violence is being told (in contrast to the way stories are related in ordinary conversation), domestic violence stories are not articulated with ongoing talk, since they are the very point of the narrator's presence at the speech event. To tell her story is the reason why the woman has come to this legal institution in the first place, and her interlocutor knows this.

Furthermore, as we will show, whereas applicants for a protective order come to sociolegal institutions to tell their story, what is needed by those whose job is to listen to them is a report, not a story. Polanyi's distinction between the two is a valuable one for this analysis. She explains (Polanyi 1985:12–13) that, while a story and a report may be identical in terms of information regarding events and states of things, the two differ dramatically in their impact on the listener.[8] Below, we discuss how this distinction is useful in accounting for variation in the structural approaches that victims and their interlocutors use to narrate abuse; however, we find that with respect to function, the definition of "story" proposed by Polanyi is too context-specific to cover the types of narratives told at protective order interviews. We argue that the types of narratives told by victims are structurally similar to the stories delineated by Polanyi, but their function within the setting of the protective order application interview is not equivalent to that used by speakers in the course of telling a story in ordinary conversation. We see

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storytelling, as defined by Polanyi, as being the type of narrative that is often called "anecdotal evidence" when it is used to support a scholarly argument. In other words, the stories described by Polanyi often are used by narrators to support an otherwise unsubstantiated hypothesis or an opinion of theirs. Nevertheless, the distinction between "story" and "report" remains useful as a point of departure for analyzing domestic violence narratives, because it captures the notion that the interlocutors at a protective order application interview have different ideas about how the abuse the victim may have suffered should be recounted. With Polanyi's distinction between "story" and "report," we begin to understand how the two are structurally and functionally different:

> A report, unlike a story, is most typically elicited by the recipient or comes in response to circumstances which require an accounting of what went on. The context of reporting supplies a framework in which the relevance of the states and events reported can be ascertained. In fact, the recipient may even assign relevance to very specific pieces of information whose importance escapes the narrator. (For example, in reports told by witnesses to the police.) The burden of assigning differential weighting to the various narrated propositions thus falls to the receiver of the report. (Polanyi 1985:13)

Our examination of protective order application interviews provides some evidence that the importance or relevance of specific pieces of information escapes the attention of protective order applicants who, on their own accord, generally do not provide all of the relevant information required by the report. However, there is no reason to believe that the converse is not also true – that the recipient or elicitor of a report, in this case the paralegal, may be equally unaware of the relevance or importance of all of the narrator's details (see Trinch 2001a). In this article, we focus on how the protective order paralegal assumes the responsibility for eliciting the narrative and, in the process, assigns differential weighting to the elements narrated.

A final theoretical construct that has direct bearing on our analysis is that of ADVOCACY INTERVIEW. Whereas the point of the interaction between protective order paralegal and domestic violence victim is the construction of a narrative, that narrative is embedded in one overarching speech event: an interview. Interviews themselves have their own defining characteristics. As Labov and Fanshel 1972 explain, in the course of an interview, one interlocutor, A, extracts information from another, B, about the latter's biography. The role of B is to interpret his/her biography. Fiksdal (1990:14), in her "microanalysis of cross-cultural gatekeeping interviews," considers the interview to be "a contractual agreement in which there is an explicitly or implicitly stated purpose to gather information limiting the content of the questions as well as the rights and obligations of the participants."

The interview as a speech event must be viewed as problematic in its own right. Briggs's (1986:25) work on the role of the interview in social science re-

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search demonstrates that the interviewer is not simply a medium through which the respondent's attitudes and beliefs are expressed, but rather, "The interviewer stands as a co-participant in the construction of a discourse." "The greater the distance between the cultural and communicative norms of researchers and consultants, the more likely it becomes that this hiatus will generate interpersonal tension and misinterpretation in interviews," finds Briggs (1986:27); Erickson and Shultz 1982 have found this to be true of counselor gatekeeping interviews as well. For this reason, Briggs notes, scholars such as Grimshaw 1969 and Cicourel 1964, 1974, 1982, 1986 argue that "interviewing must be seen as a research subject in its own right and not simply a useful tool."

Although research interviews and gatekeeping interviews may differ with respect to the role that is to be played by the interviewer, interviews as speech events per se will be considered here to be problematic in themselves. Our finding is similar to that of Erickson and Shultz 1982, whose research focus was the college counseling interview:

> There is a basic tension inherent in the school counselor's role as a gatekeeper in the academic program-planning interview. On the one hand, the counselor is to be an objectively rational and impartial decision maker, a judge or actuary tending the gates of mobility within the institution. On the other hand the counselor is to be the sponsor and advocate of the student's interests. (Erickson & Shultz 1982:18–19)

We do not view the role of the protective order paralegal as strictly that of either a GATEKEEPER or an ADVOCATE. Her job is to help domestic violence victims obtain judicial orders, but in several senses the paralegal actually is a gatekeeper: Her duties include establishing the applicant's case and moving it up through the proper judicial channels, but only after arranging the evidence in a linguistically appropriate way.[9]

There are various notions of "advocacy" and/or "advocacy work" (see Mills 1999, Shepard 1999, Trinch 2001b, Young 1993). With respect to protective order applications, some consider "advocacy work" to amount to little more than helping victims navigate through bureaucratic mazes. For others, advocacy would focus on transforming not the victims or their narratives, but the system, so that it is more amenable to handling cases of this type. According to the National Organization of Victim's Assistance (NOVA), advocacy work consists of validating victims' concerns and feelings and empowering victims with information to help them make decisions for themselves (see Young 1993).

Paralegals' linguistic efforts do, however, help clients put their stories into a format that fits the needs of an existing system. Thus, it is important to note that, in contrast to the practice of those judges who dismiss lay litigants when their disputes are ill-framed (i.e., by social relationships rather than by legal rules) and do not take the time to aid such litigants in establishing their disputes, paralegals in a D.A.'s office clearly work, at least on some level, to help the people who

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come to them for assistance. Although these interviews undoubtedly provide a therapeutic space for battered women, we will see by examining the linguistic behavior of the paralegals that, for the most part, this function is not the interviewer's main priority.

It is for this reason that we focus on the linguistic work that paralegals do both to determine whether clients are worthy of a protective order and, if they find sufficient evidence to establish that they are. As we will see, unlike prosecutors who are kept from prosecuting rape cases by "downstream orientations" even though there is no doubt that a rape occurred (Frohmann 1991, 1997),[10] it appears rare that clients who recount incidents of violence and abuse are denied a protective order. We believe it is highly likely that one reason for this is the repair work that paralegals do to make their clients' narratives amenable to the legal system's needs and desires.

METHODOLOGY

The data analyzed in this article consist of 40 tape-recorded and transcribed protective order application interviews collected over a two-month period in the Domestic Violence Section of a district attorney's office, in a large city in the United States with a sizable Latino constituency.[11] We examine the verbal interaction between Latina survivors and the paralegals employed by the district attorney's office to assist them in the protective order application process. The following description of the protective order and the process by which applicants obtain it is based on ethnographic field observations and interviews with attorneys and paralegals.

OBTAINING A PROTECTIVE ORDER: AN ETHNOGRAPHIC OVERVIEW

In the city where these data were collected, protective orders are issued by either a county or a district judge to prohibit abusive family members or cohabitants from committing a range of acts against a complaining party. The issuance of a protective order is not a retributive court proceeding, but rather a preventive measure intended to protect survivors from potential further abuse, harassment, or threats. Although issuance is a civil court procedure, repeated violations of an order can become a criminal offense. The first two violations may result in criminal misdemeanor charges, while the third violation can result in a felony charge. The final protective order and the sworn affidavit can be entered into evidence in either a criminal or civil matter, as in divorce proceedings or child custody matters. In a criminal case, the prosecution may use the protective order to show a pattern of abuse, so as to demonstrate that the offense was not just a one-time event. The prosecution can also use a protective order and the corresponding sworn affidavit against an uncooperative witness – that is, against the protective order applicant herself, if she recants her story in a criminal case. Protective order

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paralegals report that they sometimes are asked to take the stand in such cases to testify against their former clients when the latter recant. In civil cases, judges determining child custody are required by law to consider any evidence of abuse – for example, physical force used by one parent against the other; thus, a protective order may be presented in civil court to argue against joint child custody.

Ethnographic observations in various agencies assisting battered women, as well as intake logs at the district attorney's office, reveal that family violence survivors are referred for protective orders from a variety of social work, advocacy, and law enforcement agencies. Some clients are sent to the district attorney's office for protective orders by shelter workers or private attorneys, but the majority of applicants are referred by city police officers who receive domestic dispute calls while on patrol. Research conducted by a family violence task force for this city shows that for 1996, city police officers responded to some 23,000 domestic dispute calls and another 7,000 family violence calls.

According to annual statistics kept by this district attorney's office protective order paralegals interview an average of 300 applicants each month. For 1996, the district attorney's office reports having interviewed 3,909 protective order applicants. A total of 1,907 of those applicants (49%) were recommended for protective orders. Like many state family codes (e.g., those of Arizona, Florida, Ohio, New York, and Texas), the family code governing the state from which the data for this project were collected restricts eligibility for application to persons who are related to – either by blood or through marriage – have a child with, or have lived with the person against whom they are requesting the court injunction. Other state codes, such as those of California and Colorado, allow applicants who have had only dating or engagement relationships with the alleged abuser to apply for a protective order. In other words, in some states a person who has had any type of intimate relationship (even boyfriend/girlfriend) with the alleged abuser may apply for a protective order. In addition, states such as the one from which these data come offer similar definitions of "family violence" as it relates to adult victims. An examination of several state family codes (Arizona, Florida, Ohio, New York, and Texas) reveals consensus on the notion that family violence is considered to constitute acts that have resulted in physical injury, assault, or sexual assault, or that place the victim in imminent fear of physical injury, assault, or sexual assault. The application process and subsequent representation in court at hearings are free of charge to protective order applicants. On any given day, between 10 and 25 clients are interviewed by four of the seven protective order paralegals who work in this district attorney's office. Typically, interviews last between 20 and 35 minutes. However, clients often must wait at least an hour before they are seen.

Protective order paralegals, based on their interviews with survivors, determine the eligibility of applicants for a protective order, on the basis of requirements stipulated in the family code regarding the relationship of the survivor to the alleged abuser and by the types and frequency of violence alleged by the

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survivor. Generally, paralegals attempt to elicit reports of recent physical violence, death threats, or even threats to commit bodily injury.

Interviews in which applicants allege only harassment, or report either unspecific threats of violence or threats to take the couple's children, most often result in paralegals' offering to send a warning letter to the alleged abuser stating that a complaint has been made against him or her, and that if a particular behavior continues, criminal charges may be filed. Paralegals may also send warning letters on behalf of survivors who report physical violence or death threats by alleged abusers, but who have only a dating or engagement relationship to them, because the family code of this state restricts such applicants from getting a protective order. If the district attorney's office is prosecuting the alleged abuser on a criminal charge for an assault perpetrated against the survivor, the paralegal can request that the attorneys trying the case ask the court for a "no contact order." No contact orders can be sought for any victim, regardless of his or her relationship to the assailant. Paralegals strongly suggest to survivors that they file charges; often, they nearly insist that survivors at least file a police report specifying their complaints.

When paralegals determine that the applicant is eligible for a protective order, they draft an affidavit, or sworn statement, on behalf of the client and submit it to an assistant district attorney (A.D.A.) for review, with a recommendation on what action should be taken. The A.D.A., based on her evaluation of the affidavit, either accepts or rejects the recommendation. When the recommendation is to request of the court that a temporary protective order be issued, and the A.D.A. supports the recommendation, she submits the affidavit to the court for temporary ex parte orders.[12] Two weeks after temporary ex parte orders are issued by a judge, paralegals and the A.D.A. will accompany a group of between ten and thirty clients to court, where respondents (i.e., alleged abusers) are given an opportunity either to agree to or contest the orders. If a respondent has been properly notified by the sheriff 's office and appears in court to contest the order, the case will go to a hearing where a judge will determine whether a final order should be granted. In most cases, however, applicants get their orders by default because respondents, after proper notification of their scheduled court appearance, either do not show up or simply agree to the order in the halls of the courthouse. Because of the heavy caseload on the A.D.A.'s protective order docket each day, she and her paralegals prefer that the orders be signed in the halls. They tell respondents that by signing the order, they are not admitting to having done anything wrong, but rather that they are merely agreeing to stay away from the petitioner for a period of one year.

The supervisor of the protective order paralegals in this district attorney's office estimates that between 20% and 25% of these cases are heard by a judge. The assistant district attorney who was assigned the protective order docket while the data for this project were being collected said that, during her six-month tenure as the protective order attorney, she tried about 45 cases before a judge. Given that so few applicants get a day in court to tell their stories, the protective

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order paralegals are the only legal professionals to whom most survivors talk about these cases. It is for this reason that their interviews of victims are worth examining: It can be argued that paralegals are gatekeepers, delegated the responsibility for making recommendations on protective order applications (cf. the case presented in Lazarus-Black 2001). Moreoever, in the vast majority of cases, their recommendations are carried out by the court.

RESEARCH PARTICIPANTS

The data analyzed here are drawn from 40 transcribed interviews of Latina survivors of family violence by district attorney paralegals, who are also women and, for the most part, Latinas themselves; one interviewer is an African American woman. All applicants in the sample came to the district attorney's office to file for protective orders against former or current intimate partners. These 40 applicants range in age from 18 to 59; however, more than 35 of them cluster in the age range 18–45 (18–25 age range, N = 14; 26–35 age range, N = 14; 36–45 age range, N = 9; 46–55 age range, N = 2; 56–65 age range, N = 1). The seven paralegals are between 28 and 40 years of age.

Clients were asked how many years of schooling they had had the opportunity to complete, and their answers varied considerably. Nineteen reported that they had not finished high school, although five of them had obtained their General Equivalency Diploma (G.E.D.) Four women reported a maximum of five or six years of schooling; six, a maximum of seven to nine years; and nine, a maximum of ten to eleven years. Eight women held a high school degree, three had received technical or professional training beyond high school, four were in college, and one was attending a junior college. As for the paralegals, all but one held a college degree, and two of them were working toward a master's degree. Survivors and paralegals in this research site tend to be U.S.-born and to describe themselves as English-Spanish bilinguals whose language usage is marked by codeswitching (the alternating use of two languages within the same communicative exchange; see Alvarez 1991, Gumperz & Hernandez-Chavez 1975, Poplack 1982, Valdes 1982). Both survivors and interviewers, however, showed an overwhelming preference for speaking in only one language rather than switching between the two in the setting of the district attorney's office. Thirty of the forty interviews transcribed are in English and nine are in Spanish; there is only one instance of a victim speaking at the interview in the Spanish/English codeswitching variety. The city where the data were collected can be characterized as a long-standing or multi-generation US-born, predominantly Mexican-American, Hispanic community.

STRUCTURE OF THE PROTECTIVE ORDER INTERVIEW

The protective order application interview is a rigidly structured speech event in which the paralegal and the victim collaboratively construct a story of abuse to make it fit the criteria required by a protective order affidavit. Even though the

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production of the affidavit is undoubtedly achieved through a collaborative effort, the data provide much evidence to suggest that it is the interviewer who sets the verbal agenda for the interaction. Perhaps the most obvious technique employed by interviewers to establish the appropriate narrative form for these abuse accounts is their use of metalanguage. Mey (1993:269) defines metalanguage as "a language that comments on, examines, [and] criticizes . . . what happens on the level of language itself." In these interviews, the metalanguage used by interviewers is both directive, inasmuch as it serves to tell women how to talk, and indexical, because it suggests that these women will "talk in a certain way" – one that is not sanctioned in this sphere of communication – if they are not told how they ought to narrate. In other words, by telling women how they ought to narrate, paralegals indicate that they know that without proper guidance, these victim-survivors will not narrate correctly. The metalanguage in itself offers evidence that paralegals want victims to narrate in more report-like narratives than they would otherwise, without direction. Thus, interviewers open their interaction with victims in a way that both shows them how they should behave and also reveals the interviewers' belief that without such explicit direction, the victims are not likely to give them what they want or need to hear.

Interviews generally begin with the paralegal's explanation of how the conversation should flow. Paralegals typically say, "I am going to ask you a few questions about yourself and your husband (ex-boyfriend, etc.). Then when I'm done, I will give you a chance to tell me about what has been going on." During this initial question and answer period, the paralegal asks the applicant questions to which she wants one-word or phrasal answers. These questions revolve around addresses, phone numbers, the alleged abuser's drug and alcohol consumption habits, whether the alleged abuser owns a gun or a knife, and the nature and length of their relationship and separation. As we will see, it is from these questions that the first part of the affidavit, what we refer to as the "overall orientation," is constructed.

Once the preliminary questions have been asked and answered, and the answers entered into a database in the paralegal's computer, the survivor is given a longer, although still somewhat constrained, turn as the paralegal asks the survivor to talk about "what has been happening lately," or about the "last abusive incident." Once the paralegal deems that the MOST RECENT INCIDENT of abuse has been adequately narrated, she then elicits from the victim-survivor one or two prior abusive incidents. When the paralegal determines that the client has narrated enough evidence of abuse, she proceeds to the third part of the interview, in which she informs the client of the action that will be taken in her case.

The distinction made by Polanyi 1985 between "stories" and "reports" is precisely the nub of the problem that paralegals and clients confront during the protective order interview. The data suggest that the interviewers' conversational goals tend to diverge from those of their clients – specifically, that interviewers need to obtain reports from survivors, while survivors expect to be able to tell

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their stories. More particularly, interviewers need a report on the basis of which they can compose an affidavit, whereas clients feel the need to narrate freely and without constraints. These divergent conversational goals often correspond to variation in narrative structure and thus become a source of interactional trouble. In the interview setting, such trouble requires extra interactional work, and this work takes the form of collaboration and negotiation.

Based on observation of the verbal behavior of interviewers and an analysis of the structural components found to be common to 45 affidavits, we argue that the interviewers' need to hear a report from survivors is evidenced by their attempts to make the latter (i) narrate two or three linear accounts of recent abusive incidents, (ii) provide a brief history of past abuse, and (iii) express a current sense of fear that another violent incident is impending. It should be noted that the 40 interviews and 45 affidavits are not compared with one another for the purpose of bringing to light discrepancies between them.[13] In fact, not all of the 40 interviews examined have accompanying affidavits. The corpus of affidavits was analyzed with an eye toward finding common patterns. The interviews were then examined to determine how paralegals attempt to make the narrative forms used by clients conform to the kind typically written in affidavits. The verbal behavior of the interviewers will be discussed and will be shown to constrain, confine, direct, and channel the women's speech. First, however, we will examine the structure of the affidavits to better understand the interviewers' motivation for reorganizing the speech of the applicants: to make their stories conform to the requirements of the affidavit. This process is one of collaboration and negotiation through verbal interaction.

THE AFFIDAVITS

The affidavits written by protective order paralegals are formulaic in terms of both thematic content and organizational structure. With minor exceptions, the narrative structure of the affidavit parallels the structure of narratives outlined in Labov & Waletzky 1967. All the affidavits examined are written in a first-person linear account, akin to what Labov and Waletzky describe as "normal" to narrative structure. Each affidavit has a skeletal narrative outline or frame that begins with an orientation and ends with a resolution. The orienting frame serves the dual function of informing the reader, in this case a judge, of who the parties are, and of providing him or her evidence that the petitioner meets the criteria for a protective order under the state's family code. Paralegals are able to construct this information from the preliminary questions that they ask before the applicants are given a narrative turn. The orienting frame shown in Text 1 is an example of how affidavits typically begin.

Text 1. Overall orienting frame of affidavits.[14]

"Tom Smith is my ex-boyfriend. We lived together for one year. We have no children together. We separated the first week of September, 1998."

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The overall orientation of an affidavit is followed by the complicating action, generally consisting of two or three recent abusive incidents, each elaborated in a mini-linear account of the events that took place. Specific incidents of abuse begin with an orientation that generally refers to the date and/or time of day when the incident took place. In the middle, we find the complicating action of the violent incident written with simple past tense verbs, which appear in a "first *a* then *b*" temporal sequence, reflecting the order in which the events occurred. Most of these mini-narratives conclude with a segment indicating the outcome of the events narrated (e.g., that the police were called, that the abuser was arrested, that injuries were sustained). Text 2 illustrates the organizational structure of the mini-accounts of isolated incidents of abuse commonly found in affidavits.

Text 2. Typical structure of mini-accounts of abuse.

Orientation: On or about September 5, 1998,
Complicating action: Mike jumped in the car, took the car keys, started driving and hitting me with his hand on my face. Mike kept saying he was going to kill me and himself. Mike had a knife in his hand and was cutting himself with it. Mike then took me to a motel and kept me there against my will. Mike sat on me and began to hit me in the face again. Mike kept me there until 9:00 a.m. on September 6, 1998. The next morning Mike and I left the motel.
Resolution: I dropped him off at his mother's house and drove myself to the hospital.

The affidavits end with an overall "evaluation," which, according to Labov & Waletzky, serves to establish the point of view of the narrator – in this case, the petitioner – and may function as a "credibility seeker," making the petitioner appear in the best possible light, indicating the relative importance of the events narrated, and helping the listener/reader distinguish between the complicating action and the resolution. An example of a typical overall evaluation in an affidavit is "I am afraid Mike will continue to assault me and carry out his threats to kill me."

These affidavits diverge from the Labovian model of the normal narrative in that the telling is meant to have a perlocutionary effect on the receiver, in this case a judge who will consider granting an injunction against the perpetrator of violence so that the alleged abuse can be brought to an end. The resolutions of protective order affidavits, then, rather than being the outcome of a series of events narrated, are really a plea for legal help. Typical resolutions are "I need legal protection" and "It is for this reason that I am seeking legal protection." Although personal narrating and interviewing styles account for some variation in how the victims tell their stories, we will show that the interviewer's goal of hearing about abuse in report form is her primary motivation for reorganizing the protective order applicant's speech. Text 3 represents a composite of a typical affidavit.

Text 3: Composite of typical affidavit, formulaic structure and content[15]

Overall Orientation: Mike Rodriguez is my ex-boyfriend of about six years. We have known each other for ten years. We have two children together. We have been separated for two months.
Orientation: On or about May 31, 2000, at about 3:30 a.m.,
Complicating action: Mike came to my house, I told him to leave, but he insisted on staying. Mike began accusing me of sleeping around. Mike began to push me around and then he started to choke

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me. He then covered my mouth so I would not scream. I bit Mike's hand so he would set me free. Mike then went to the kitchen and got a knife. He slit his wrists in front of me.
Resolution: I called the police and an ambulance. Mike was treated and then arrested. I sustained bruises on my neck where Mike tried to strangle me.
Orientation: On or about March 17, 1998,
Complicating action: Mike jumped in the car, took the car keys, started driving and hitting me in the face. Mike kept saying he was going to kill himself and me. Mike had a knife in his hand and was cutting himself with it. Mike then took me to a motel and kept me there all night. Mike sat on me and began to hit me in the face again. Mike kept me there until the next day.
Resolution: The next morning while Mike was still sleeping, I got in the car and drove to my mother's house. I called the police and made a report.
Overall evaluation: In the past, Mike has thrown things at me numerous times. He has made several threats to kill himself and me in the past. I am afraid of Mike and I am fearful that he will carry out his threats to kill me.
Overall resolution: It is for this reason that I need legal protection.

PROTECTIVE ORDER APPLICANT NARRATIVES

Protective order applicants tell their accounts of violence in a manner that differs quite markedly from the way the tale of abuse appears in an affidavit. Their stories unfold over the course of several, interrupted and/or noncontiguous narrative turns. The women fill their narrative turns with three distinct narrative patterns: (i) linear, temporally sequenced narratives; (ii) generic present and past narratives; and (iii) kernel narratives. Each of these is explained below.

Linear, temporally sequenced narratives

One narrative pattern found in the data parallels the narrative model described as "normal" by Labov & Waletzky (1967:12). These narratives most closely resemble the narrative structure required by the affidavit. Interviewers elicit such narratives by inviting survivors to narrate the last abusive incident in which they have been involved, asking questions or making requests such as "I want you to tell me what he did the last time he did something to you." These questions open a narrative turn for the survivors; at the same time, they serve to organize what the women will say so that it corresponds to the order in which it ought to appear on the written affidavit. An example of a linear narrative begins in line 6 of ex. 1

(1) A linear narrative[16]

1	Paralegal:	So, a knife and kitchen utensils
2	Client:	[Mhmh
3	Paralegal:	[as far as threatening you?
4	Client:	Yes.
5	Paralegal:	Has he ever threatened you with a gun or anything?
6	Client:	Well he did a long time ago. But it was in the middle of the night. So we was,
7		the um the room was kind of dark so I couldn't see the ah, but I felt some
8		thing wet, something cold, like ah heavy, something heavy an' that's when
9		he told me that he had put the gun on my head, but he had no bullets. ((client laughs)) (.03) I guess. ((client laughs)) (.02)
10	Paralegal:	How long have you been married to him?

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Structurally, the narrative in ex. 1 is a linear one because it includes orientation clauses indicating when the event occurred, a temporally sequenced complicating action, and an evaluation. Functionally, this linear narrative operates as a story and not as a report, for several reasons. First, the narrative is not recipient-elicited. The paralegal is not asking for narratives but rather is asking yes/no questions to which she wants one-word or short phrasal responses. Evidence for this claim is found in line 10, where the paralegal asks, *How long have you been married to him?* With this question, the paralegal ignores the victim's narrative and continues with her schedule of preliminary questions. This linear narrative also figures into our view of storytelling because it lacks certain bits of specific information, as we explain below.

Orientation clauses, according to Labov & Waletzky 1967 are not obligatory components of narratives but are required by interviewers. The survivor in ex. 1, like most others in this corpus, includes an orientation clause in her narrative. The orientations that survivors provide, however, are generally not of the type needed by interviewers. In ex. 1, the orientation "He did it a long time ago," while sufficient for the purposes of orienting a story, is lacking from the perspective of a report. Its inadequacy stems from its lack of sufficient detail regarding the time of the event. The data from the corpus as a whole show that the initial interruptions by the paralegal of a victim's narrative turns are often motivated by what the paralegal perceives as an inadequate orientation to the key event. We find that, although stories may be told with an orientation that refers to general time periods like "last week" or "the other day," reports of the type elicited for protective order affidavits require an orientation that includes specific times and dates as well as the proper names of participants present at the event described. Exx. 2 and 3 illustrate this point:

(2) Negotiation of an adequate orientation clause

1	Paralegal:	(.14) And on Tuesday, what happened on Tuesday ( ).
2	Client:	Well, on Tuesday, he didn't, he didn't put a hand on me, he just told me, 'cause I
3		wouldn't give him his um, work clothes
4	Paralegal:	Mhmh
5	Client:	I told him, you know, "Go and, you go ahead and get it yourself"
6	Paralegal:	Mhmh
7	Client:	And he said, "No, you go bring it." And I said, "No you go bring it." And
8		he goes, "If you don't bring it, I'm gonna cut off your tongue tonight (.) when I get home." And
9	Paralegal:	[What time
10	Client:	[and
11		that's why I left the house.
12	Paralegal:	What, what time did that incident occur?
13	Client:	At ten in the morning.

In ex. 2, the paralegal motivates the initial orientation to the event with her question *And on Tuesday, what happened on Tuesday?* The client incorporates the orientation provided by the interviewer in her telling so as to situate the event she

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narrates in a time-frame. However, before the paralegal allows the client to continue providing information and the complicating action, she interrupts (line 9) to obtain a more precise orientation of the event – in this particular case, a specific hour of the day.

The paralegal in ex. 3 also interrupts the victim when she begins to narrate the complicating action of the event. In this case, the victim had come with a police report and thus was able to begin by mentioning the specific date of the event that she starts to narrate. Yet she does not include the time, and so she is interrupted by the paralegal.

(3) Interrupting the victim's telling in order to provide a time-of-day orientation

1	Paralegal:	O.K. ((types .07)). O.K. I want to start with the most recent incident where
2		he's done something to you, if you'll tell me
3	Client:	[This was just this
4	Paralegal:	[when that was?
5	Client:	this Saturday, May tenth.
6	Paralegal:	May tenth?
7	Client:	Mhmh. Saturday.
8	Paralegal:	Saturday, (looking at calendar), mhmh, yeah, it was the tenth.
9	Client:	O.K., I um, got home late with my older son, a 19-year old son …
10	Paralegal:	Approximately what time was that?
11	Client:	I don't know, eh, I don't know if it was eleven or what.
12	Paralegal:	O.K., I'll put approximately eleven at night. O.K. Go ahead.

Exx. 2 and 3 show how paralegals round out a woman's orientation to the events she narrates by interrupting her to obtain more specific times and dates. In ex. 3, we see that an uncertain time is better than no time at all: The paralegal tells the victim that she will include the word "approximately" in the orientation. If physical violence has occurred recently and if the victim comes to the protective order application interview with a police report, she is more likely to provide times and dates for the orientation. Not surprisingly, if the incident happened in the more distant past, the clients are less likely to include such specifics. In both exx. 2 and 3, the paralegals prevent the victims from moving the narrative from one component to the next until they are satisfied with the way a particular narrative component ought to sound or look.

Paralegals also interrupt the flow of a victim's linear narrative to be able to include in the orientation clause the proper names of people to whom the victims tend to refer in generic kinship terms, such as "my sister-in-law" or "my son." In addition, the telling of the complicating action of a linear narrative is frequently interrupted by paralegals when they need a blow-by-blow description of what happened. To record the events in the exact order in which they occurred, paralegals often slow down the victim's speech so that the information contained in the narrative can be entered into the computer as it is being provided.

Paralegals use questions both to halt the victim's narrative and to move the victim from one part of the story to the next. This is commonly done to construct the resolution, which for the purposes of the affidavit must include very specific types of results – that the abuser was arrested, that the police were called, and that

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injuries were sustained. In ex. 4, the applicant begins the resolution to the events surrounding an assault allegedly perpetrated by her ex-husband. The survivor says that her ex-husband forced himself into her house, pushed her onto the floor, and threatened to tell her new husband that she had both invited him in and had made sexual advances toward him. The paralegal interrupts with a question to help the applicant focus on information needed for the resolution section of the affidavit.

(4) Negotiation of the information needed for the resolution

1	Client:	… and I called the policeman, and he was very understanding and, he told
2		me, "from now on, you have to have somebody be there with you, don't,
3		even if he insists on dropping your son off, then, if he's gonna drop him off,
4		then call the police and tell them, 'I just need somebody to stand here,
5	Paralegal:	[mhm
6	Client:	[and watch.' "And he said that would be no
7		problem. Um, but uh
8	Paralegal:	[Did you have any bruises?

From ex. 4, we can see that from the perspective of a report, the issue of whether the police were called is important. However, what the police said when they arrived at the scene of incident and how much empathy they expressed for the victim, although perhaps interesting for a story, are not relevant to a report of this type. In ex. 5, a paralegal from a different case uses questions to move the victim's telling along toward the resolution. Once again, it is through questions employed by the paralegal that the resolution of the report obtains its thematic content – in this case, the issue of whether the police were called, and if so, whether the abuser was arrested. The alleged abuser discussed in the narrative in ex. 5 is an ex-husband who had been waiting outside the applicant's house when she and her friend arrived. At this point in the interview, the victim has just reported that her ex-husband threatened her friend and her with a crowbar, and that then she herself had grabbed a garden hoe to prevent him from using it as a weapon against her.

(5) Collaboratively creating the resolution for a report

1	Paralegal:	[He tried to hit you?
2	Client:	Right, 'cause he would bring it down on me, and then my friend would try to
3		come around, and try to grab him, and he would swing it down this way. And
4		I had the hoe like this, I would hold it up, and I would duck down, 'cause he wanted to hit me with it.
5	Paralegal:	Mm, 'kay. So who called the police?
6	Client:	Um, I had called them once, and the neighbors across the street called them
7		three times. 'Cause the neighbors across the street were saying, they also
8		came out 'cause they, he was gonna hit me with it. So the guys across the
9		street came out also and, and pretty much told him, you know, "Stop!" You know, "Wait!"
10	Paralegal:	So when the police got there, what happened?

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Here the client uses reported speech to delay the action of her narrative and to create suspense in the telling. This tactic is common among narrators who tell stories (Labov & Waletzky 1967, Polanyi 1985). It is unwelcome in reports, however, and so the paralegal twice tries to get the victim to continue to the resolution: first in line 5 with *Mm,'kay. So who called the police?* and again in line 10 with *So when the police got there, what happened?* The client cooperates, using such mechanisms as the phrase *you know* (line 9) to mark the forthcoming speech as a narrative performance (see Schiffrin 1987 for a detailed analysis of the discourse functions of *y'know*).

The data presented in exx. 1–5 illustrate how paralegals work to turn linearly structured stories into reports. We have shown that victims' linear-type narratives of abuse are developed over a series of narrative turns in which the interviewer is actively engaged in producing the narrative product through both questions and interruptions. Our analysis of the work done by paralegals is strikingly parallel to the analysis conducted by Greatbatch & Dingwall 1989. Just as mediators in divorce disputes "guide the interaction" between disputants according to their own, as opposed to the disputants', notions of desirable and undesirable outcomes (Greatbatch & Dingwall 1989:681), so too do the paralegals direct these narrators toward the linguistically and legally preferred narrative packaging. Greatbatch & Dingwall name the divorce mediator's influence "selective facilitation," and although they use this term to refer to how the linguistic behavior of the mediator privileges a specific outcome among competing possibilities, it is also useful in characterizing the work done by paralegals. The paralegals really do not make narrating domestic violence easier for victim-survivors; rather, their job is primarily to make the stories victim-survivors tell intelligible to those who will need to understand them.

Linear narratives are not the only kind of narratives used by victims to tell their stories of abuse. In this dataset, we find that the same victims who employ linear narratives also use two other narrative patterns.

Generic-time narratives

In the second category of stories, the abuse is discussed in generalized or habitual terms, as the narrators report events in what Polanyi 1985 calls GENERIC PAST TIME and GENERIC PRESENT TIME narratives. Citing Joos 1968, Polanyi defines generic past time narratives as those "structured around indefinite past time events encoded in event clauses with generic modals such as *would* or *used to*" (1985:11). Generic past time stories are rare in the data; perhaps most women refrained from narrating in the generic past because their immediate motivation for seeking a protective order had to do with the alleged abuser's recent behavior. There is some evidence that the paralegals also place constraints on the women's ability to talk about "what used to happen." Ex. 6, extracted from an interview conducted in Spanish, illustrates how interviewers define the time frame within which vic-

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tims should focus on abusive incidents. Immediately after the preliminary questions, the paralegal, as if anticipating that the client might focus on the past, attempts to prevent her from doing so with her elicitation device.

(6) Narrative elicitation device used to restrict client from narrating distant past

Paralegal: O.K., um, O.K., what I'm going, O.K., what I am going to do first is ask you to explain to me what is happening between you two, aft, aft, ah, after you got your divorce. O.K.? And then later, if you want, well, then you can talk to me about what happened during the marriage, during the time you were together. O.K.? But first, I need all that has happened after you were divorced. O.K.? Has he hit you after your divorce? ((Translated from Spanish into English)).

In ex. 7 from the same interview, the victim attempts to include her ex-husband's habitual behavior in the past. As before, the interviewer (line 9) attempts to define the time frame within which the client is to confine her response.

(7) Interviewer defines time frame within which incidents may be narrated

Paralegal: O.K., there is, there is, this was yesterday, right?
Client: [Yes.
Paralegal: [When he came to your sister's house?
Client: And last night he came again.
Paralegal: And, when he went to your sister's house, did he, O.K. Aside from the threat to take you out of the house, did he make any other threat? Um, like, (pause) not a death threat, but did he threaten you, saying that he was going to hit you, or that he was going to do something?
Client: Well, before he used to do it. He had ( )
Paralegal: [O.K., I am still not talking about before,
Client: Oh, O.K.
Paralegal: [Yesterday, did he only go to tell you he was going to kick you out of the house? ((Translated from Spanish into English)).

Only a few examples of generic past-time narratives are found in the data. Much more common in the corpus are GENERIC PRESENT TIME NARRATIVES, which are used by applicants to talk about an alleged abuser's actions as if they happen all the time. Polanyi defines generic present time narratives as "Always, at this exact moment in the proceedings, Event X takes place" (1985:11). These narratives include clauses marked with the habitual present or imperfect verbal tenses, and they tend to be qualified by adverbs like "always" and "never." In the case of women seeking protective orders, the scope of their narratives broadens from an isolated incident to encompass a habitual pattern of abusive behavior. Although O'Barr & Conley 1990 do not single out generic past and present time clauses as possible narrative types, they do refer to them in their data. They argue that legal administrators reject these types of utterances because "the law of evidence expresses a strong preference for concrete descriptive testimony"; they go on, "The law usually does not permit a witness to prove what happened on one occasion by reference to other, similar occasions" (1990:105).

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The generic narratives are particularly suited to the section near the end of the affidavit that is designated for a brief history of abuse. They are problematic, however, for interviewers who are still gathering the facts to include in a mini-narrative account of a specific incident. Interviewers will ignore such utterances by the victims and instead will ask them questions that serve to redirect or re-channel the women's narrative back to the incident that the interviewers want them to talk about. Ex. 8 is representative of generic present time protective order application narratives.

(8) Generic present time narrative

Paralegal: And during the argument, ah, you, you said he was, what was the threats that he was making?
Client: It's all verbal, it's like um, "You better do what I say or else," you know, it's always, ah, "You need to listen to me," "You need to do what I say," it's stuff like that, you know. It's always, ah, it always has to be his way, you know, it, it, it's his way or no way at all.
Paralegal: Mmhm
Client: And and and it's always, "Well you better listen to me, woman" or or, "or else," you know. That's his favorite word. And you know, and we, start like that and if I even say anything, then my kids get all scared, and you know. And they will start saying like, "Mom, Dad, stop!" Because he won't stop. He'll keep going. So I always have to be the one to stop.
Paralegal: O.K.
Client: And, and, you know, and to him, "*Ya*," you know[17]
Paralegal: Mmhm
Client: "you have to do what I say, I'm the man, I, you listen to me." (.) And that's the way it's been, you know. And, for the, these past few months, you know, it, I knew it was hitting, (.) bad, because uh, we were always arguing and he was drinking too much, he had too many friends over even when they were working, they would stay up all night long, and you know, we were trying to get sleep, we have to get up in the morning. People coming in and out, and I would complain about all that and he would, he would always tell me, "Well, it's none of your business. You don't worry, you just stay back there and don't worry about what's happening over here."
Paralegal: [O.K.
Client: [You know
Paralegal: [And as far as, um, during the argument, was he yelling at you? Do you remember?
Client: [Oh he yells at me in front of the ga, the guys, and he tells me all this stuff like when the employees are there, or if I happen to go in the front because um, there's a lot of noise going on like the saw, or whatever or when they were doing things and it's late at night, and you know, the people in that neighborhood, they're all older people, right?
Paralegal: [Mmhm
Client: And, and
Paralegal: [But, a, as far as this incident in May though, was he yelling at you when you said that he was threatening you,
Client: [Yeah, he
Paralegal: [if you didn't listen to him?
Client: Yeah, he yelled at me, and he calls me ugly things, but I mean that's something he always does.

Ex. 8 shows how some survivors of domestic violence, when asked a specific question about a particular incident, often lead into the incident with habitual

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clauses, indicating to the listener that the event about which they are speaking is not a one-time occurrence. In most instances, the paralegals ignore the generic narratives and their content and redirect the victims' narratives, just as the paralegal in ex. 8 attempts to do in lines 1, 23–24, and 31–32.

What ex. 8 shows, in addition, is that the victim brings to the dialogue a rich array of resources, and that these resources enhance the performative power of her stories. In particular, she makes frequent use of (i) the present tense rather than the past; (ii) the modals *will* and *would* to indicate habitual activity; (iii) the adverb *always*; (iv) the discourse marker *you know*; and (v) metalanguage. These devices are employed to recount the ways in which her husband regularly used to abuse her. The use of the present can be seen in line 3 (*It's all verbal, it's like um*) and recurs throughout the turn in phrases beginning with *it's*. *It's* is sometimes followed by *always*, although this adverb indicating habitual activity is sometimes preceded by a subject pronoun (line 10, *so I always have to be the one to stop*; line 16, *we were always arguing*). The use of *will* for habitual activity can be seen twice in line 10 (*And they will start saying, Mom, Dad, stop!, He'll keep going*). Functioning similarly, *would* appears in lines 18 and 19 (*they would stay up all night long, and I would complain about all that and he would, he would always tell me. . .*). The discourse marker *y'know* and its more formal variant *you know* proliferate throughout the victim's narration, occurring 13 times in this brief extract. Schiffrin's (1987:281–2) exhaustive treatment of *y'know* concludes that the function of this discourse marker in narrative is to enlist the hearer not just as a recipient of information but as an audience to the storytelling. Referring to the location of this marker within the story frame (for internal evaluation) and outside it (as external evaluation), Schiffrin explains that "The function of *y'know* in these locations is to draw the hearer's attention to material which is important for reaching an understanding of why the story is being told" (1987:281–2). The victim narrating in ex. 8 makes use of both forward and backward placement of *y'know* (e.g., line 12), both of which "lead a hearer to attend to speaker's information, and thus, open an interactive focus on a proposition P" (Schiffrin 1987:287). The proposition in this narrative is that the victim's husband used to regularly mistreat her, in numerous ways.

One of the most striking features of the narrative style of the client in ex. 8 is her use of metalanguage. Even her opening sequence (line 2), *It's all* VERBAL, is a metacommentary on the ways in which her husband used to threaten her. In lines 7–8, the threat *or else is his favorite* WORD. In line 10, she quotes the way in which her children *will start* SAYING *like, "Mom, Dad, stop!"* In line 25, in answering the paralegal's question as to whether he was *yelling* at her during a particular argument, she answers in the habitual present, using the metatalk introduced by the paralegal: *Oh he* YELLS *at me in front of the ga, the guys*, adding *he* TELLS *me all this stuff*, another use of metacommentary. Her closing to this segment of narrative (line 35) also employs metacommentary on his yelling at her during one incident: He regularly CALLS *me ugly things*. Finally, there is the use of the marker *I mean*

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(line 35), which serves to modify the narrator's conception of her husband's habitual verbal denigration of her.

In ex. 9, another paralegal attempts to make a victim narrate the specific events of a particular incident. Her technique for refocusing the victim consists of a combination of a statement in which she agrees to include a reference to the habitual harassment, and a request for more specific details of the events of the day in question.

(9) Narrowing the narrative focus to a specific incident

1	Paralegal:	O.K., tell me what happened.
2	Client:	Umm, he came over, let me see. (.02) I had to call the police 'cause he was
3		supposed to come pick up my boy. And I wanted the police to be there when
4		he came over for his, for his visitation, right? For that weekend, 'cause he
5		was always coming over giving me problems. As far as um talking to ver-
6		bally, eh, um, talking to me, and he's not supposed to come on to my prop-
		erty, I told him I don't want him anywhere, you know, on the property.
7	Paralegal:	So you called the police
8	Client:	[Mmhm
9	Paralegal:	because . . . ?
10	Client:	[because prior to that he has
11	Paralegal:	[because normally (.) problems,
12	Client:	[Yeah, there's always problems when he
13		comes near where
14	Paralegal:	O.K.
15	Client:	There's always problems when he's, he comes over to pick up his son for
		visitation.
16	Paralegal:	Verbal problems or physical, or both?
17	Client:	Just verbal, actually.
18	Paralegal:	O.K.
19	Client:	Yeah.
20	Paralegal:	(I'm gonna just type that). ((types .05)) O.K., and then what else happened
		that day?
21	Client:	Um, that was it. He just, like, they would come in, and he'd just back up all
22		the way into the driveway, which he didn't have to, and then he, he took
		off.

The questions asked by paralegals serve to define the scope of a particular telling, namely that it focus on a specific incident. Both ex. 8 and ex. 9 illustrate the finding that victims eventually tend to comply with the paralegals' requests to center the telling on the event in question. For example, in these two extracts, the victims finally offer more definitive answers in the simple past or preterite tense: in line 35 of ex. 8, the victim gives the response, *Yeah, he* YELLED *at me . . .* , and in line 21 of ex. 9, the victim's response indicates that she has already included all of the significant narrative events with her answer, *Um, that was it.* Interestingly, however, both victims continue to insist on their generic versions even after they provide the second part of the adjacency pair of specific-question/specific-answer, as they immediately readjust the scope of their response to include utterances that point to habitual abuse.

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Kernel narratives

The women's narrative turns are, in addition, characterized by a third pattern of talking about abuse. This narrative type follows the pattern of Kalcik's (1975) KERNEL STORY. Kalcik says:

> Most often a kernel story is a brief reference to the subject, the central action, or an important piece of dialogue from a longer story. In this form one might say it is a kind of potential story, especially if the details are not known to the audience. It might be clearer to call this brief reference the KERNEL and what develops from it the KERNEL story, keeping in mind, however, that many of these kernels do not develop beyond the first stage into kernel stories. (1975:7)

Domestic violence survivors who organize their narrative turns along the lines of kernels are, in effect, recounting episodes. Rather than making use of a temporal sequence (as is done to form a linear narrative), or of generic tenses that describe habitual behavior (as in generic time narratives), the victims introduce a story into the conversation by mentioning its outcome or its most important action. Kernels, as Kalcik points out, "lack a specific length, structure, climax or point" (1975:7). Kernels found among the protective order application narratives generally do not incorporate orientations, do not include a full complicating action, and often are given without resolutions. For the most part, it is up to the paralegal to lead a woman through a verbal construction of the story by accessing the kernel that the victim has introduced. When women produce kernel stories relating abuse, they place the burden of determining their conversational worthiness on the paralegal. In ex. 10, the applicant's kernel refers to the most recent abusive incident. This victim's kernel is developed into a full-fledged story by the paralegal, who takes the trouble to unpackage it (Jefferson 1985). With a series of questions, the interviewer leads the victim through a verbal reconstruction of the event in order to get a succinct and viable report for the affidavit.

(10) Kernel narrative verbally reconstructed by paralegal

1	Client:	He wants me to get him fired from his job so he can go ahead and do what
2		he's what he's always wanted to do.
3	Paralegal:	What does
4	Client:	[(To get rid of) me.
5	Paralegal:	Has he told you that?
6	Client:	Uh huh.
7	Paralegal:	Well when did he tell you this?
8	Client:	He's, he, he told me just yesterday.
9	Paralegal:	Yesterday?
10	Client:	That he was going to beat me up, and that he uh, he wants me to get him
11		fired from his job so that he can do, now he can do what he's always wanted to do.
12	Paralegal:	And did he tell you what that was?
13	Client:	Just
14	Paralegal:	[To get rid of you?

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15	Client:	Yeah. To, just to (.02) be able to get to me and do what he's always wanted to do.
16	Paralegal:	O.K.
17	Client:	(It's hard to remember). You get tired after a while and it's just like, what
18		ever happens, you know, happens.
19		(.04)

In ex. 11, beginning in line 2, a kernel narrative – also about a threat made by the alleged abuser – is embedded in a larger generic present time narrative. Notice how the interviewer, in line 5, asks the victim for a date to orient the threat:

(11) Kernel narrative embedded in generic present time narrative

1	Client:	. . . So I have to work, now that I have my niece living there, she helps me
2		out taking care of the kids so I can work, but he tells me he's gonna go, if
3		he finds out where I'm at, he's gonna go there and he's gonna get me from
4		my hair, he's gonna drag me, and he's gonna make a big scene.
5	Paralegal:	[When did he make that threat to you?
7	Client:	Um, about a week ago. When I told him I wanted to go work, and he told
8		me that that's what he was gonna do to me. And he's always threatening me
9		that he's gonna kill me if he finds out that I have someone else. And he's
10		got a, he's, usually always got a gun with him. You know, he's, I've seen it. And he's pulled out the knives on me several times.
11	Paralegal:	O.K., O.K., uh hold on just a second. ((starts typing .10)) O.K., when was
12		the last time he's pulled a, a weapon on you?
13	Client:	The last time he pulled it out on me was about a year ago.
14	Paralegal:	O.K., was it a knife or was it a gun?
15	Client:	[It was a knife. It was a knife.
16	Paralegal:	O.K.
17	Client:	But the gun, he's had it several times and he's never pointed it at me, right?
18		But he's always you know carrying it, and he'll tell me, "Well just, you
19		know the day that it does happen, I think the first bullet is gonna come out
20		of here, and it's gonna, you know, on you." He tells me that that's the reason he carries it with him, or that's the reason he has it.
21	Paralegal:	O.K.

Although the victim provides the paralegal with an orientation to the threat, it is not long after doing so that she widens her lens from its focus on the specific incident to include death threats cast in a generic time narrative as habitual behavior. The paralegal reacts to the victim's upgrade of violence by abandoning her initial attempt verbally to unpack the kernel about the alleged abuser's threat of "making a scene." Upon hearing of death threats, the paralegal elicits from the victim information that will provide an orientation clause for her generic narrative about having been threatened with a weapon. In the end, though, neither of these kernels becomes a fully developed linear narrative. In fact, the paralegal surrenders her attempts to reconstruct them and informs the victim that she will not be able to recommend her for a protective order unless she can provide more specific incidents, because the most recent and only specific incident narrated includes a tale of the victim physically "fighting back" against the alleged abuser. The paralegal tells the victim that this is not a good incident to include because

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the victim does not make it sound as though she were JUST defending herself or JUST trying to get away.

The data in exx. 6–11 provide evidence that protective order applicants are unaware of and/or uncertain about what types of information will be relevant for the paralegal. On the one hand, the survivors' generic narratives are too general, too broad, insufficiently specific, and perhaps too all-encompassing to be included "as is" on the affidavit. On the other hand, the kernels are too narrow and lacking in structure to carry a salient or even a convincing message.[18] A victim's employment of kernels may be considered to be direct evidence of her uncertainty about what types of events the paralegal wants to hear. It may be that victims use kernels as a type of conversational probe, an exploratory action, to search for common ground on which they may co-construct their narrative of abuse with their interlocutors.

Along with Ewick & Silbey 1995 and Conley & O'Barr 1990, we find that people tell of their experiences in legal settings by employing a combination of narrative strategies. It is uncommon for women narrating their stories of domestic violence in protective order application interviews to use only linear narratives. Instead, the data indicate that survivors prefer some combination of the three narrative patterns described above. Although survivors of domestic violence are capable of producing linear-type narratives, they clearly exhibit the need to discuss the abuse they have experienced by incorporating other narrative forms as well.

An examination of the interviews and the affidavits suggests that paralegals ideally would like to be able to elicit reports from victims that consist of two or three isolated incidents of abuse. These mini-accounts of isolated incidents are to be cast with a fully detailed orientation as to the events, their dates and times of occurrence, a linear, "first *a* then *b*" complicating action, and a resolution describing one of the three, or some combination of the three, preferred endings (that the police were called, that the abuser was arrested, and that injuries were sustained). However, when survivors are given a turn to narrate abuse, they use a variety of narrative patterns that diverge from the requirements of this sociolegal institution. Such divergence causes interactional problems that require constant negotiation and collaboration so that the goals of the participants may be met.

CONCLUSIONS

This article has explored two related avenues of investigation. On the one hand, it has brought to light the importance of narrative structure in one particular setting, the protective order application interview. At the same time, it has informed us of the pivotal sociolinguistic role of the interviewer – in this case, the district attorney paralegal – in giving voice to interlocutors whose interactional behavior may be characterized as a plea for help of a legal nature. In her role as intermediary between the domestic violence victim and the court, the paralegal

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acts to reshape, if not repair, the narratives of domestic violence victims, so that they conform to the requirements of an affidavit that must be submitted to a judge if a protective order is to be issued. In effect, then, by converting kernel-type and generic-type narratives into linear ones, and by improving on inadequate linear ones, the paralegals help construct successful affidavits. In speech act terms, they work at ensuring that the felicity conditions of an affidavit are met. Because protective order affidavits are formulaic in structure and in thematic content, only linear or "normal" narratives succeed in satisfying the needs of the court.

The finding that protective order paralegals help victims put their stories of domestic violence into a frame that is most likely to persuade a judge of their validity and of the need of these women for legal protection is strikingly juxtaposed to the findings of Conley & O'Barr 1990 regarding litigant narratives in small claims court. There, litigants relate their stories directly to a judge, without the benefit of prior preparation by attorneys. Those who give "rule-oriented" accounts (that is, accounts that address specific legal rules and principles), as opposed to "relationally-oriented" accounts (those oriented toward social relationships and social status), are found to be more successful in getting judges to listen favorably to their stories, especially when the judges themselves are rule-oriented rather than relationally oriented (Conley & O'Barr 1990:58–59). As Conley and O'Barr explain in describing the impact of relational accounts on judges, "Predictably, the courts tend to treat such accounts as filled with irrelevancies and inappropriate information, and relational litigants are frequently evaluated as imprecise, rambling, and straying from the central issues" (1990:58). They conclude that "it is no surprise that the agenda of relational speakers is often at variance with the agenda of the law" (1990:173).

Domestic violence victims, too, often do not narrate their stories in a fashion that would satisfy the needs of the law. By narrating in kernel or generic fashion, victims do not provide evidence that is sufficient for the court, and even linear accounts often fall short of the mark. However, domestic violence victims who avail themselves of the services of a district attorney's Domestic Violence Section have the benefit of an intermediary between themselves and the court: the paralegal. These paralegals in effect convert narratives that are insufficient or inadequate, from the court's perspective, into ones that will be convincing to a judicial authority.

When the paralegals hear a kernel narrative, they probe for additional, relevant details. When they are given generic style narratives, paralegals repair them by asking victims questions that force them to focus on specific incidents of violence (the last and the penultimate ones), thereby providing the necessary dates and times. In effect, protective order paralegals aim to prevent what they perceive to be sure-fire narrative failures from being handed to a judge. This is not to say that the role of the paralegal is beneficial solely to protective order applicants. This intermediary who intercepts the recounting of inadequately structured narratives is helping the court as well. By doing the work of co-constructing these narratives

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and turning them into adequate affidavits, the paralegal saves the judge the time and trouble she or he otherwise would have to spend in listening to such narratives. Thus, the paralegal not only makes a determination on the client's case; she also does the linguistic work necessary to help the client establish her case. In effect, the legal system has placed the burden of obtaining the relevant facts on a person who is far lower down in the judicial hierarchy than is the judge, freeing the judge from this burden. This arrangement, then, may be motivated as much by judicial economy, or expediency, as it is by a desire on the part of the system to allow domestic violence victims a space in which to tell their stories. And even when given that space, in the protective order interview, victims are controlled and constrained by the rigid structure of that interview, and so the telling, in reality, is not unencumbered.[19]

Despite the constraints that are placed on the protective order applicant at the interview, she does derive the benefit of the assistance of the paralegal, and that benefit is the reshaping of the story into what is from a judicial standpoint an improved version. The reason why paralegals are able to produce protective order affidavits that obtain a high degree of judicial approval is that they have been trained to do so – both through a mentoring process by more senior paralegals, and also through time in the job. These paralegals gain their decision-making authority through their years of experience in interviewing protective order applicants.

The benefit of the protective order interview to the domestic violence victim lies not only in improving her chances of obtaining a protective order, but may also lie in providing her with legal preparation for future judicial hearings at which she might need to testify. Thus, if the abuser decides to appear in court to contest the issuance of a protective order, the victim herself must be present to answer the questions of the judge. By having gone through the protective order interview, victims to varying degrees will have learned what constitutes relevant evidence and what does not. By co-constructing their narratives with paralegal interviewers, victims potentially can learn to tell their story in a manner that will be more effective the second time around. At a minimum, they learn that the courts require specificity in regard to such facts as the dates and times of abusive incidents. The protective order interview, which represents just one link in the chain of tellings that a domestic violence narrative will undergo, in a sense is a "dry run" for a telling that will take place later in a more formal judicial setting.

From a discourse analytical point of view, the protective order interview demonstrates that domestic violence narratives told in sociolegal settings are joint productions, constructions produced collaboratively between victim and paralegal. The greater the degree to which the victim's narrative diverges from the needs of the paralegal, the more the paralegal has to work to build a narrative that has the potential to succeed in the courts, and concomitantly, the more the victim has to work to satisfy the needs of the paralegal. The protective order affidavit, therefore, is the product of a joint effort on the part of narrator and interviewer.

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Their combined effort serves to meet the felicity condition requirements of a document, which if successfully drawn up will result in another document that has the force of law: the protective order.

NOTES

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[1] A protective order is a court injunction issued by a judge that is meant to keep an allegedly abusive family member or current or former intimate partner away from a complaining party.

[2] The terms "Latino" and "Hispanic" will be used interchangeably throughout this article to refer to people of either Mexican or Mexican-American descent, although we recognize that in the US the terms encompass groups of many other Latin American national origins (e.g., Puerto Rican, Cuban, Dominican, Guatemalan). We are aware of the polemic inherent in defining category labels for these groups of people. We use "Latino" and "Hispanic" because most of the research participants in this study self-identified as such. Mexican-American women in the study tended to use "Hispanic" as a self-identifier. We use "Latino" interchangeably with "Hispanic" because, as Skerry (1993:16) points out, this generic usage follows in the tradition of the National Council of La Raza, a Washington-based lobby group representing the interests of Mexican-Americans. For details on ethnic labels, see Oboler 1995.

[3] Although we recognize that there are likely to be linguistic differences between Latina women's accounts of abuse and the accounts of women from other ethnolinguistic backgrounds, our focus here is not on comparing the differences in norms and ways of narrating violence that exist between ethnic groups. Our primary concern is to illuminate institutional versus lay narrative preferences for the inscription of domestic violence. The issues we raise with respect to language ideologies regarding narrative structure are likely to be common to women who narrate intimate-partner violence in general. A comparative approach (say, US Latina and US Anglo women's accounts) could broach the question of important differences in norms and in ways of speaking, but that is beyond the scope of this essay. We believe that providing an ethnography of Latina women's experience within the legal system is an important aim in itself.

[4] We do not know the degree to which the applicants are aware of the production of the affidavit. Those who have been through the protective order application process before will be aware that there is an affidavit to sign at the end of the interview. Those who have not may have varying degrees of knowledge of its existence, since they may have learned about the affidavit from other women who have had comparable experiences, including ones who are waiting their turn to meet with a paralegal, or they may know nothing at all about this component of the application process.

[5] Schiffrin defines interactional sociolinguistics in the following manner:

> Interactional sociolinguistics views discourse as a social interaction in which the emergent construction and negotiation of meaning is facilitated by the use of language. Although the interactional approach is basically a functional approach to language, its focus on function is balanced in important ways. The work of Goffman forces structural attention to the contexts in which language is used: situations, occasions, encounters, participation frameworks, and so on, have forms and meanings that are partially created and/or sustained by language. Similarly, language is patterned in ways that reflect those contexts of use. Put another way, language and context co-constitute one another: language contextualizes and is contextualized, such that language does not just function "in" context, language also forms and provides context. One particular context is social interaction. (1994:134)

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[6] We will use the terms "client," "victim," and "victim-survivor" to refer to people who apply for protective orders against alleged abusers because professionals who work in this field refer to them in this way. The term "applicant" will also be used interchangeably with the professional jargon just mentioned because in the context of these interviews, the clients are in the process of applying for a protective order.

[7] Tannen (1984) uses the term "narrative turn" in her analysis of how narratives unfold in conversation. While she does not provide an explicit definition of the concept, her use of the term seems to be identical to ours, and so we adopt it here.

[8] Conversational storytelling differs from stories told in official settings where reports are the object of elicitation. Conversationally, storytelling is often used by speakers to drive their point home. For example, in trying to convince friends and family that cities are safer to live in than what the popular mythology that circulates about them might lead one to think, a conversational participant could offer a story about an acquaintance who has not eaten a pastrami sandwich for eleven years because the only establishment that sells them in the city where she lives is downtown. The teller makes her point – that people hold irrational and even stereotypical fears about big cities – by mentioning that her acquaintance once said that she never frequents downtown establishments because it is too difficult to park there, and she is afraid that someone will break into her car if it is left unattended on the street. One can see how this story about the acquaintance who believes such things about the city, even though she has not been there for years, would serve the narrator's conversational purposes, her point being that urban centers are losing their vitality not necessarily because they are so dangerous, but because people who never go there think they are.

This is not to say, however, that victims of domestic abuse never offer interviewers a "story," in Polanyi's sense, to make a particular point. In ex. i, taken from one of the interviews, the victim's story functions exactly in the way that Polanyi would predict. It should be noted that the client uses a story to make the point that calling the police when something goes wrong is not an automatic reaction for her, because not all policemen are sympathetic to her cause.

(i)

Client:	And see, I'm, I'm so hesitant to call the police, because, I mean, there's times when I've had understanding police, and there's times where I've had, I had one incident where he pushed me, and I hit him, and he called the cops on me. And the guy said that he was gonna, he was gonna make the police report seem like I was the worst mother, or something like that, in the world, the police said. Because I had hit him.
Paralegal:	Yeah, you get all kinds of different
Client:	they're not all the same. You know? And so, you know, after that, I mean, I was hysterical. . . .

[9] Although the paralegals in the district attorney's office are designated by that office as "paralegal advocates," we choose not to use the term "advocate" and simply refer to such persons as "paralegals." See Trinch 2001b for a discussion of this distinction.

[10] Frohmann (1997:535) uses the term "downstream orientations" to refer to prosecutorial considerations that anticipate how juries and defense attorneys will interpret and respond to a case (cf. Emerson and Paley 1992).

[11] The data were collected for a larger research project that seeks to provide a comprehensive ethnography of the chain of narrations made by Latina survivors in a variety of institutional settings. For a description of the larger project see Trinch (1999, chapter IV), where ethnographic information on the nine other institutions from which narratives of domestic violence were collected is provided.

[12] *Barron's Law Dictionary* (1984:170) defines an *ex parte* judicial proceeding as "one brought for the benefit of one party only, without notice to or challenge by an adverse party." Unlike the final protective order issued after a set court date, violations of a temporary *ex parte* order carry no criminal sanctions. Violators may, however, be held in contempt of court.

[13] Individual changes that occur as a result of transforming the victims' stories into institutional reports and thereby become a source of narrative discrepancy in those stories are discussed in Trinch 1999.

[14] All names, places and dates, and any other identifying characteristics have been changed to guarantee the anonymity of the research participants and to protect their privacy.

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[15] This affidavit was composed by piecing together the various component parts of several different actually occurring affidavits. This was done in order to protect the confidentiality and privacy of the clients who had agreed to participate in the study. The fact that the components are so easily interchangeable is evidence of the formulaic nature of the affidavits written in this district attorney's office.

[16] The transcription conventions used here have been adapted from those found in Matoesian (1993:53–6). They are as follows:

[A single lefthand bracket indicates an overlap.
.00 Timed intervals indicate pause-lengths to nearest second.
( ) Single empty parentheses indicate that audio material is inaudible.
(with words) Single parentheses that enclose words indicate transcriber's doubt.
((with words)) Double parentheses enclosing words denote the description of a sound such as ((laughter)).
(.) A period enclosed by parentheses indicates a brief pause of less than a second.

[17] *Ya* is a codeswitch into Spanish, in this case meaning "that's it" or "and that's the way it is."

[18] See Linde 1993 for an analysis of the interlocutor's assessment of narrator credibility when non-obligatory narrative components do not appear.

[19] As Trinch 1999 points out, the discursive interception of the victim's story by the paralegal may be problematic for a variety of reasons. One major result of such interceptions is that they lead to discrepant versions of a story that will have to be retold in other sociolegal proceedings.

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