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Language and Courtroom Discourse: A Pragmatic Appraisal of Question Types in the Bamenda Court of First Instance

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Abstract

Purpose: Questions and answers constitute an important characteristic of courtroom discourse. Facts are established from such interactions and judgements passed at the end of sessions. Essentially, questions could be intriguing and deceptive and consequently could lead to unintentional responses that could implicate or further complicate matters for lay litigants. This paper was therefore designed to describe the types and nature of questions in the Bamenda court of First Instance and to find out the extent to which the lay litigants understood the questions. The paper also intended to find out the lay litigants' attitudes towards final judgment and whether they felt that negative outcomes were due to the nature of the questions.

Materials and Methods: Fifteen court sessions were observed and 10 randomly selected lay litigants were interviewed on the outcome of the proceedings. The questions and responses were noted. The Critical Discourse Analysis lens served, as the theoretical frame for the analysis of data for the paper.

Findings: The findings revealed that direct and indirect questions are used in the court. Such direct questions as wh-questions, tag-questions, yes-no questions and choice questions were used for different purposes and in some cases they were misunderstood by lay litigants who gave confusing responses that rather created more problems for them.

Keywords: *Courtroom Discourse, Court of First Instance, Pragmatic Appraisal, Legal Discourse*

1.0 INTRODUCTION

The last four decades have witnessed a growth, mostly in America and Europe, in efforts to make the language of the law accessible to lay persons (Conley & O'Barr, 2005; Danet, 1980). Many modern societies have embraced language changes in the legal system backed by research findings in linguistics which have shown that management of language use in dispute processing can make the dispute resolution process fair. This stems from a realisation that language is a powerful tool for social control and power (Fairclough, 1989), evidence of which can be seen in the structure and function of courtroom discourse (Atoh 2021) The study of language use in the legal process has given rise to a new linguistic field namely Forensic Linguistics whose goals include investigating and dealing with linguistic disadvantages in the legal setup. It was hoped that the findings of this study could help formulate measures that may improve the use of language in the English court system in Cameroon and thus help make the process of litigation level and fair to all parties.

The inaccessibility of courtroom language to lay litigants could suggest the dire need for a broad-based national awareness plan. While lay litigants were unable to understand especially the questions during court proceedings. The implication here is that there is little awareness of courtroom language and procedures. It could be helpful if a programme for sensitizing and building the capacity of non-professional participants in the justice system is instituted. Such a programme could aim at educating lay litigants on the various legal procedures and ways of language use that are unique to the court setting. This could be a way of mitigating the language based challenges that have been shown to face lay litigants, and this could make the litigation process fairer.

Questioning are unavoidable in court proceedings. They usually characterise the direct and cross examination phases of trials. During these moments, legal prosecutors or legal representations scrutinise the opponents' weak points and testimonies and try to expose the inaccuracies or improbabilities in order to persuade the jury not to take the witness' testimony into account. Goldberg (1982:pp 271-272) refers to the cross examination moment as "the ultimate confrontational theater" in which the prosecutors try to show a "demonstration of bias, the admission of omissions, and the failure of detail" on the part of the witness' testimony. It is a moment in which, through the use of questions and answers, the prosecutors seek to make the witness look untrustworthy and thus destroy his/her highly persuasive account of events. In fact, this sessions could be considered battles of persuasion from the legal representations.

Observably, during cross examination, different types of questions are used. Goldberg (1982: p276) remarks that "the questions that gets the 'yes' or 'no' response is a declaration, but in a form that requires the witness to agree or disagree. (...) Although the lawyer is not privileged to speak unless he is asking a question to the witness, the question is in form only". Producing only polar answers seems to be rather unfair to the witness as nothing is black and white. However, this is the purpose of the cross-examination and any explanations can be provided on re-direct examination. Any other answer would allow the witness to tell their story again and in a persuasive fashion; thus it would be unfair to the counsels as they stage of persuasion would be infiltrated by the opponent's witness relating to the jury and maybe gaining their acceptance. The types of questions and their frequencies in a particular session also pose a problem of comprehension to lay litigants. This paper therefore seeks to find out the types of questions that are used during some trial phases in the Bamenda court of First Instance and to find out the extent to which they were understood by lay litigants.

Language and Law

Law and language are not only inter-disciplinarily related, but they form a connection by their nature. It may be argued that language is the essence, and to some extent the precondition, of any reflection upon the theory and practice of law. This is not meant to imply that the relation between the language and law is in any means hierarchical, but to highlight the fundamental role language plays in the very existence of law.

The expression "Law and Language" is sometimes used to refer to studies focusing on the interrelation (and to some extent the interdependence) between the two spheres. Following Galdia (2009:pp 63-64), the expression "Language and Law" is preferred here, given the assumption that language may be seen as a constitutive element, or an essential requirement, of the law. In other words, it may be argued that there would be no law without language, as the role of language as a pre-condition for the existence of law could not be substituted by any other means (Galdia 2009: p 64). As Fletcher remarks, "[t]he idea of law without language is about as plausible as the idea of baseball without balls and bats" (Fletcher 2003:p 85). A discussion of the intrinsic nature of law would go beyond the scope of this paper, but it is conceptually worth pointing out that attempts to analyse law as a phenomenon independent from language are very limited.

More specifically, Goodrich remarks the fact that "both legal theory and legal practice are, and have always been, heavily dependent upon the tools of rhetorical and linguistic analysis" (Goodrich 1984:p 173). From a historical point of view, the modes of self representation of legal language may be said to be predominantly exegetical and philological (Goodrich 1984: p187) and therefore intuitively linked to, and indeed inalienable from, linguistic methods and theories.

Developments in the study of legal language have also generated crucial reflections upon its fundamental social role, starting from the considerations related to the pervasiveness of law in each society. The investigation of the influence of law on our lives cannot be dismissed as a mere intellectual experiment. As Galdia (2009:p 55),remarks "[i]n everyone‘s biography the presence of law is sensible at least in some extent". Obviously, the impact it might have on each individual is considerably different, but, in the light of the high level of regulation and institutionalisation of modern society, law is inevitably present (although it may be argued that it is not omnipresent) in everybody‘s life (Galdia 2009: p56).

Studies in the area of legal language have grown exponentially in recent years and the importance of analysing and reaching a deeper understanding of legal language crudely resides in the fact that "the law is such an important and influential institution", and "it is packed with language problems" (Gibbons 2006: p285).

Venturing into an identification of the origin of this field of study may be seen as an unattainable and unproductive mission. Indeed, it has often been argued that if by the study of legal language we mean a reflection upon the connection between law and language, we are confronted with an edifying past dating back to time immemorial (cf. Galdia 2009). The term legal linguistics (Mattila 2006, Galdia 2009) is often used to broadly define the area and is in line with the notion of "linguistique juridique", which goes back to Geny (1921). The aim of legal linguistics as a discipline is generally considered to be the examination of "the development, characteristics, and usage of language" (Mattila 2006:p 11) in legal contexts, assuming that "the language of the law is examined, in the frame of legal linguistics, in the light of observations made by linguistics" (Mattila 2006: p11). The approach to the study of legal discourse adopted here focuses primarily

on discourse dynamics in a specific legal context. Consequently, this paper falls within a framework which may be defined as legal discourse analytical studies.

The study of discourse, and particularly of legal discourse, has progressively shifted from its analysis as an abstract system to a more "integrative" (Mertz 1994:p 436) approach which presupposes the creative function that language has in the construction of social dynamics and epistemologies (see inter alia Gumperz 1982, Silverstein 1993). It may certainly be argued that language plays a crucial role in the creation of social and societal reality and identity, as well as in the development of different professional and vocational cultures (Gunnarsson 1995: p111). In this respect, legal language is no exception and may actually be seen as one of the most evident crystallisations of such dynamics, in that legal language is a constitutive element of a continuous process of shaping and reshaping of realities, identities and cultures.

Going beyond the discussion of the (apparent) dichotomy between a reflectionist and an instrumentalist approach to discourse, this paper presupposes that an attempt to investigate "the linguistic channeling and structuring of social life" seems particularly relevant in the domain of the law, if we intend it as "a key locus of institutionalised linguistic channeling of social power" (Mertz 1994:p 436). More specifically, it would be appropriate to talk about a dual process, which includes two intertwined and interdependent phenomena: on the one hand "the legal institutional regimentation and sedimentation of language" and on the other hand "the linguistic regimentation and sedimentation of legal institutions" (Mertz 1994:p 447), which do not arise sui generis, but shape (and are shaped by) a specific social context.

The reason underlying the application of some form of linguistic analysis to the legal field has often been related to "the desire to challenge the hermetic security both of substantive jurisprudence and of its meta-language, legal theory" (Goodrich 1987: p132). In this respect, one of the driving forces of these studies often derives from the desire or need to unveil the complexities of legal language and make a breach into a world which is often considered to be inaccessible and incomprehensible. However, studies in the sphere of legal discourse have gradually tended to assume a wider perspective; they generally do not originate from a purely challenging ambition towards jurisprudence or legal theory, but rather aim to explore a wider range of dynamics related to legal discourse. The current paper picks up an aspect of legal language which is question patterns to find out the way they are used in the Bamenda court of first instance and the extent to which they are understood by lay litigants.

Research Problem

A trial in a court of law is largely a linguistic activity in which antagonistic sides employ discourse and pragmatic strategies that are meant to develop a particular version of "facts" and challenge the one advanced by the adverse party. Language is, therefore, a means of achieving control in an attempt to build the case theory each party to a dispute wishes to advance. For the officers of the court, who have had some training in law and language, such control could be easy to achieve through the use of a variety of language resources. However, in some instances in Cameroonian courtrooms, the language of the court is not accessible to participants and this may affect justice. This is because some participants may be lacking in both legal training and knowledge of language and pragmatic resources employed in formal disputing. Consequently, they are likely to encounter language based problems that could place them at a disadvantage by hindering their full participation and personal gratification in a trial. It is important to identify the specific language

based challenges faced by lay participants in litigation with a view to describing them and suggesting possible ways of dealing with them. Though there are some studies that have focused on courtroom discourse in Cameroon, our literature review has not come up with a study specifically describes language use in the courtroom and how it affects court rulings. This is the gap that this study set out to fill

Theoretical Underpinning

This paper anchors on the Critical Discourse Analytic approach to data analysis. CDA is a multidisciplinary approach to language that strives to highlight the nature of social power and dominance by substantiating the intricate relationships between text, talk, social cognition, power, society and culture (Van Dijk, 1995: p. 253). This theory permits us to critically analyse linguistic and sociolinguistic features of language use and this in this study, we use it to deconstruct the nature and implications of the different questions used in the Bamenda Court of First Instance.

2.0 MATERIALS AND METHODS

The data for this paper came from the observation of 15 court sessions in the Bamenda Court of First Instance. In each session, the types of questions that featured were noted, their frequencies and nature were also noted. Some lay litigants' responses to specific questions were also noted. All the responses were not documented because we were not allowed to use a taper-recorder. Though a phone was used, it could not totally grasp all the conversations considering the distance of the device to the informants. 10 randomly selected lay litigants, all of whom had actively participated in different court cases, were asked to interpret specific questions. Their responses were also noted and used to facilitate the analysis of question choices and rationale for usages.

A total of 60 hours of observation and digital recording of courtroom trial proceedings in which the accused were represented by legal counsel and those in which the accused were unrepresented in a 50 to 50 percent ratio, 30 hours in each situation. Further, it was observed that linguistic studies do not require large samples as small samples are able to provide data that is representative of the wider reality (Cheshire, 1982; Mesthrie, Swann, Deumart, & Leap, 2000; Trudgill, 1974). The use of large samples in this study was deemed liable to bringing about redundancy and data handling problems. Thus, 30 hours of data collection were considered adequate to enough to answer the research questions of the study. Besides, the linguistic data, the litigants were also sampled. In all, 63 litigants at the Bamenda Court of First Instance were purposively sampled for this study. They were made up of 3 magistrates, 30 lawyers, 15 accusers and 15 accused. Participation in the study was based on the informants' willingness and readiness to grant an interview on the conduct of court section and their attitudes towards them.

3.0 FINDINGS

An analysis of the observed corpus and the the responses of the participants resulted in the findings presented and discussed below.

Question Types Used in Direct and Cross Examination Levels in the Bamenda Court of First Instance

The focus was first to find out the relative frequencies of various question types as they were used by different examiners in the direct and cross examination phases of observed trials. Figure One

shows the frequencies and percentages of question types used by prosecutors during examination-in-chief in trials without a defence counsel; meaning the defendants defended himself. These are the trials in the second category where defendants could not afford a lawyer or simply did not want any lawyer to defend them. The following figure shows the frequency of question types in trials where there were no defense counsels.

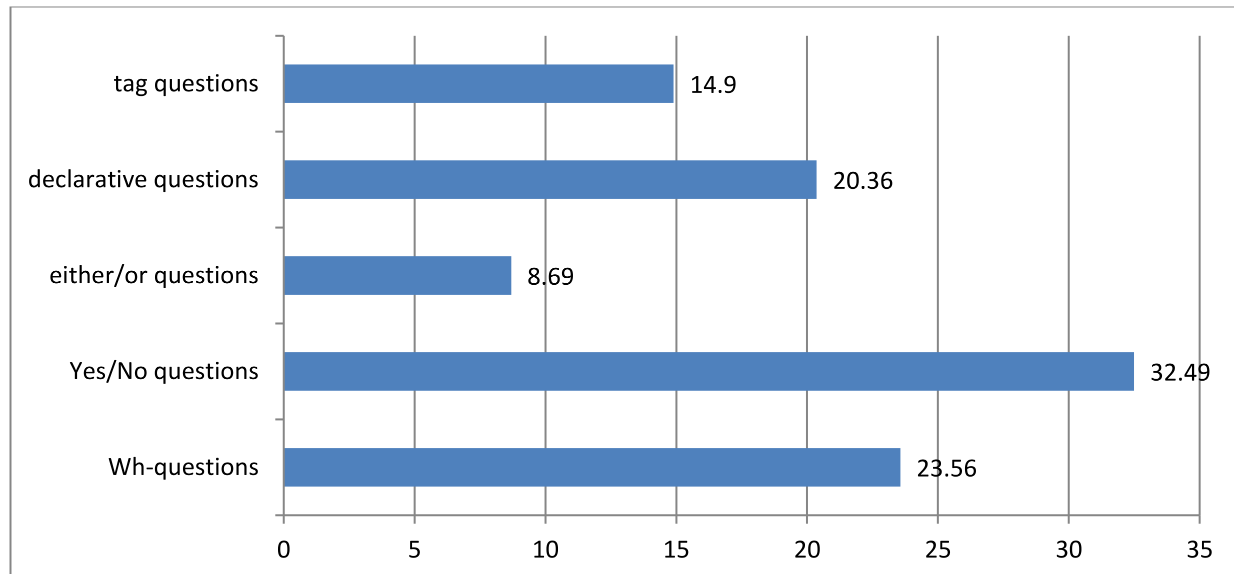

Figure 1: Questions in Trials Where There Were No Defense Counsels

From the above figure, we noticed that there were five different question type asked by the prosecutors in the 15 hours recording. There were 437 occurrences of questions (wh-questions, yes/no questions, either/or questions, declarative questions, and tag questions) in the 15 hours trials where ins counsel were not represented. While yes/no questions were the most recurrent with 142(32.49%) occurrences, followed by wh-questions with 103 (23.56%) occurrences, and declarative questions 89 (20.36%); tag questions (65(14.9%)) and either/or (38(8.69%)) were the least recurrent in the sections. Though there were other questions asked, they were simply subtypes of the above questions as would be seen in the later part of this paper.

In trials where the defendant was represented by counsel, there were two sets of trials. Those in which the direct examination was conducted by counsel (for civil cases) and others, direct examination was done by the prosecutor (for criminal cases). The following figure shows the distribution of question types used by prosecutors during examination with defence counsels.

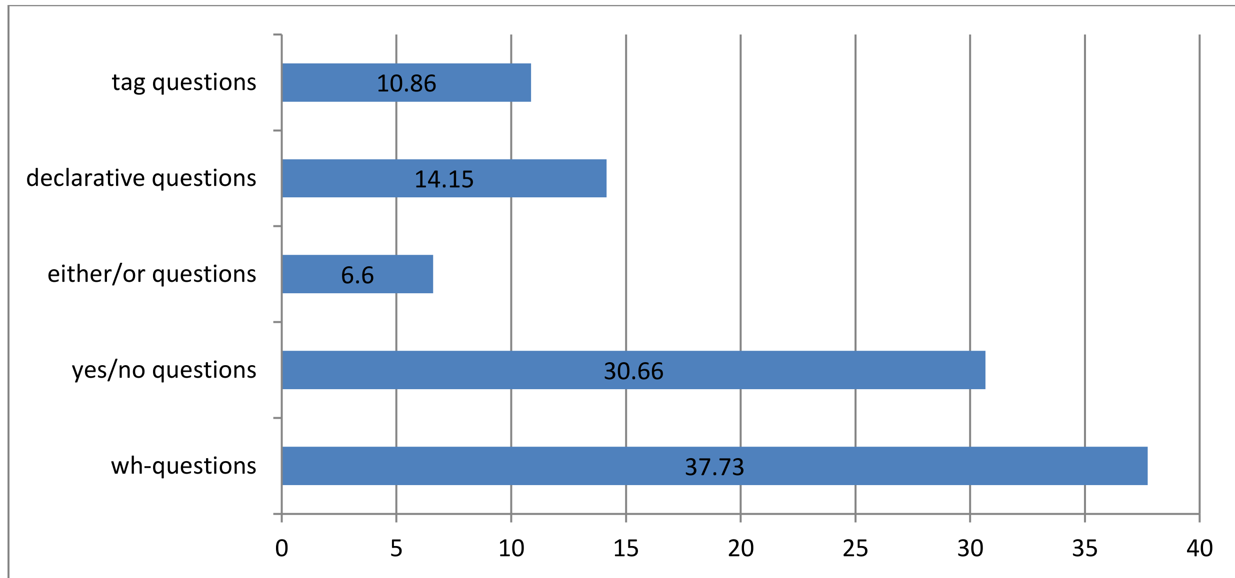

Figure 2: Distribution of Question Type in Trials with Defence Counsel

From the statistics on Figure Two above, wh-questions were the most recurrent in the trials with defence counsels. It occurred 80(37.73%) times in the 15 hours trials. This was followed by yes/no questions which occurred 65(30.66%). Declarative questions (30(14.15%)), tag questions (23(10.86)) and either/or (14 6.60%)) were comparatively less recurrent. In fact, wh-questions and yes/no questions constituted 68.39% of the questions asked by prosecutors. Since wh- and tag questions were the most recurrent, it is necessary to further discuss their usages in direct examination.

Using Wh-Questions

Various subtypes of wh-questions were observed in use in the direct examination phases of the sampled trials. First were routine wh-questions which dealt with preliminaries of establishing the name, residence and occupation of witnesses, and in the data they were, predictably, found to feature at the start of direct examination in all trials as presented in textual example 1 (T.E.1[1]).

T. E. 1

Inform the court of your name.

A. My name is Paul[2].

B. Who?

A. Repeat the names

B. Paul, your honour

A. And Mr. Paul where do you live?

B. I live at Foncha Street Bamenda

[1] Textual Example One

[2]Paul was not the name used in this text. For ethical reasons, we withheld the identities of litigants

A. What work do you do?

B. I am a carpenter

As example T.E.1 shows, the routine wh- questions are sometimes combined with imperative sentences that require the witness to provide their name, occupation and place of residence. The choice of form is sometimes connected to the type of witness. For example, lay witnesses are subjected to the routine wh- questions plus imperative combinations as in T.E.1. above, or just the routine wh-questions as in the T.E.2 below.

A. Who are you?

B. I am called *Paul*

A. From where?

B. From Ngie

A. Where do you live?

B. Here in Bamenda.

A. Which work do you do?

B. I work as a night-watch-man

A. Whose premises do you guard?

B. John's[3]

A. What do you guard?

B. I guard a bar.

Expert witnesses such as police officers, doctors and document examiners were subjected to the routine wh- questions plus imperatives at the start of their testimony or, more frequently, to just an imperative "introduce yourself". In some cases, it was observed that such witnesses took the stand and went through the process of swearing themselves and introducing themselves with no direction from the prosecutor or court clerk. This could stem from the fact that such witnesses are familiar with court procedures having participated many times in trials because of the nature of their work. Consider example T.E. 3. that follows

T.E.3

A. Introduce yourself

B. I swear by the almighty God that the evidence I shall give before this court is truth, the whole truth, and nothing but the truth, so help me God. My name is *Paul*. I am a police officer working in the GMI Police Unit. I have done this work for ten years and I have a Masters Degree in Law from the University of Yaounde II before joining the police force.

[3] Like Paul, the name John was only inserted here for ethical reason. They are not the real names mentioned in the text.

The imperative that introduced the above example (T.E.3.) takes the place of the routine wh-questions and the witness responds to it by swearing himself, stating his name, profession, qualifications, experience and current work station.

Non-Sentence Questions are grouped under wh- Questions in the study; a decision based on the fact that quite a number of the Non-Sentence Questions consist of a single wh- word (where? who?) or are framed in a way that implies a wh-word has been ellipted but is understood. For example, 'Then?' in a given context can be interpreted to mean 'Then what did you do?'; 'He went?' to mean 'Where did he go?' Admittedly, there could be non-sentence questions that may not be so readily paired with a wh- interrogative word meaning. The non-sentence questions seem to give the witness leeway to make an interpretation of what the questioner expects based on the preceding exchange. The following examples, T.E.4., from the data illustrate this.

T.E.4

A. And the lady employee?

B. Ma Grace[4]?

A. Then?

B. There was John and I complained

A. You went?

B. I went to the Judicial Police and complained.

The example above shows that witnesses are able to correctly infer the information a given non-sentence question requires from them given its context of use. In the example T.E.4., the witness responds with where the lady employee lives and in the second what she did. The question in example is interpreted by the witness to be about names of given parties and the later non-sentence question is interpreted to be asking where the witness went. Such interpretations stem from the fact that even though the non-sentence questions are not complete sentences in the structural sense, they still 'carry presuppositions, which allow the witness to make relevant assumptions' that allow them to provide relevant responses.

In some cases, it was realised that some witnesses' interpretations was aided by certain markers in the question as seen in T.E.5 below.

T.E.5

A. Ok. You greeted them. Then?

B. Then I sat there and started to look at that woman and that was when _____________ came to buy Top.

In the above example, the statement preceding the non-sentence question is a discourse marker that indicates that the prosecutor wants to move from the already established fact that greetings were exchanged to something else and the witness obliges by providing the next bit of the crime narrative.

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[4] Inserted for ethical reason. Not in the text.

Turning to the open wh- questions, it is important to note that, open wh- questions constitute more than half of the questions asked in all the court section we observed. The Open wh- questions are taken to be the least coercive because they give the witness an opportunity to formulate their response. Open wh-questions were observed being used in direct examination to elicit new information from witnesses and the responses by the witnesses largely aid in the reconstruction of the crime narrative for the court record. The following example captures this fact by showing all the open wh-questions that feature in the direct examination of a single trial.

T.E.6.

- can you tell the court what happened in relation to the matter before this court?

- **Who** is Mr ___________ to you?

- Yes, then **what** happened?

- **How** did you know __________ and ___________? **Were** they your friends?

- Yes, then **what** happened **when** you joined them?

- **What** does that mean?

- Ok. **What** did you do?

- Yes

- **Who** hit you?

- **What** happened later?

- **What** do you want to tell the court about the piece of land?

The first contribution by the prosecutor in the above textual example is a request with an embedded wh-trigger, and it acts as an invitation for the witness to give testimony in her own words. This invitation is also extended by the word "yes" which achieves the discourse function of encouraging the witness to go on. All the other contributions by the prosecutor are open wh-questions which elicit narrative responses from the witness, responses which later questions do not seek to contradict. All these are markers of the friendly nature of examination and the leeway given to witnesses to present their testimony in their own words. In other words, these type of questions in courtroom jargon are called lead questios.

Tag Questions in Direct Examination

Notably, tag the question is one of the most forceful types of questions observed in the Bamenda court of first instance. Tag Questions derive their force from their structure where the user makes a statement containing the proposition he or she wants to advance and then follows it with a question which places a demand on the listener to confirm (by affirming or negating) the proposition advanced in the statement. Therefore, the tag attached at the end of the declarative statement is 'a request for the confirmation of the declarative' (Loftus, 1980, p. 261). Moeketsi (1999) further underscores the fact that "the syntactic structure of tag questions, therefore, stresses the power the examiner has to elicit evidence from a witness' (p. 54). The examples that follow demonstrate this fact. The following example shows how a lawyer uses a confirmatory negative tag question in direct examination.

T.E.7

L[5]: where do you live?

W[6]: Bamenda.

L: where in Bamenda? Bamenda is a big town.

W: Mbengwi road. Before the first bridg, around the large farms. I stay in the farms.

L: you own land, live and farm at Mbengwi road, isn't that so?

W: Yes.

The above example is from the start of direct examination signaled by the routine questions about where the witness resides. The witness responds by naming his district of residence, and, in the next question, the lawyer asks him to narrow down to a more specific location. The witness now names a farming area around Mbengwi road. This is followed by a statement by the counsel asserting that the witness owns farms and lives on a piece of land at Mbengwi road. It is to this declarative assertion that the tag 'isn't that so' came up, and the witness' response is an affirmation of all the information the lawyer has packaged in the preceding statement. It is important to avoid making a hasty conclusion that all tag questions are necessarily controlling. In the above example, despite the tag structure, the question is not serving any forceful purpose as the question form inquires but does not challenge though still, it is hard to escape the fact that the witness is restricted to a Yes/No response. Tag questions are often used in courtrooms for the purpose of affirmation and confirmation, which at times may put the client or witness off balance during cross-examination, If the answers to the tag questions are not maintained.

An analysis of tag questions in cross examination led to the conclusion that in this phase of trial such questions were mainly used to control witnesses. The following are some examples that show how tag questions achieved the function of witness control in cross examination. Example T.E.8 below is drawn from cross examination in a civil suit in which an electricity distribution company has been sued to compensate a boy who had sustained serious burns from some high voltage power lines.

T.E.8

A: After that accident personnel from ENEO came there, isn't that so?

B: What did they do? When Now they came- you knew that had to do with electricity. I don't know what they did.

A: But you saw them inspecting those poles?

B: They came, some of them went up those poles. I don't know what they did. I was busy with the child.

A: And even there before personnel from ENEO used to come there?

B: The evening hours of that day. Not on the day of the accident.

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[5] Lawyer

[6] Witness

A: Before you used to see them come for routine inspection, isn't that true?

B: they usually come, I see their vehicles.

A: How often do they come? They usually come. They come after how long?

From the lines of questioning in T.E.8, it would seem that the counsel's line of defence is to attempt to shift blame from the company by showing its personnel not only responded promptly to the particular accident that is the subject of litigation but also the said personnel made regular maintenance checks on the power lines, so the company cannot be said to have been negligent. In the first tag question, counsel asserts that the personnel from the power company came to the site of the accident and uses the tag 'isn't that so?' to get the witness to confirm this assertion. But what could be more damaging to the plaintiff's case is the second tag question in the exchange. It contains the proposition that personnel from the power utility company regularly came to conduct routine inspections on the power lines, a proposition that originates from the defence counsel but the witness is asked to confirm through the tag 'isn't that true?' The affirmative response by the witness can thus be taken to be a confirmation of the said proposition, something that the examining counsel emphasizes by repeating the witness's response before formulating the next question.

In the same case, (T.E.9 below) the defence counsel seeks to show weakness in the witness's claim that the power lines or the poles supporting them were 'bending' and this is what led to the accident. Through Tag Questions, the lawyer seeks to show a contrast between the witness's claim and the reality on the ground for the time the power lines had been in that place.

T.E.9

A: So I want you to know the child caused the accident because of playing with electricity wires, touching them with an aluminum pipe. And even you are responsible because you have said you were not supervising him and you have never warned him of the dangers of playing with electricity wires. Is that not true?

B: No he was not playing

A: Has anyone else been burnt by those wires there?

B: There are many people they have burnt since.

A: Can you name for us one who got burnt in your farm?

B: Not in my farm but

A: So in your farm those wires you are saying have bent have never burnt anyone, isn't that so? There in your farm.

B: Yes.

A: And you have said they have been there for a long time. Like how many years?

B: since the 90s. They were put in the 90s.

A: So over twenty years the wires have been there on the farm and they have not burnt anyone, isn't that so?

The exchange in example T.E.12 starts with a series of statements by the counsel that seem to serve the function of implicating blame on the witness for the accident because he was not

supervising his son (the plaintiff) as he was changing irrigation pipes in the farm and for not having warned the son on the dangers of 'playing' with electricity. As such, the plaintiff, the counsel argues, caused the accident by touching the electricity wires using an aluminum pipe. The repeated use of the expression 'playing with electricity wires' is significant. This is because throughout the cross examination, the lawyer uses the pragmatic strategy of vocabulary landscaping by repeatedly using various expressions in the discourse that imply the plaintiff was playing with the electricity wires. A possible reason for this could be an attempt to construct a defence by shifting blame for the accident from the ENEO Company to the plaintiff. The Tag Question 'Is that not true?' seeks to get the witness to confirm all the assertions the counsel has made and also the version of the facts the counsel had been building in the whole case. Further, the assertion by the witness that many people have suffered similar injuries is discredited using tag questions that constrain the witness response to affirming assertions in the preceding statement. The witness is forced to admit that no other person has sustained injuries from the wires passing through his farm despite the fact that the wires have been there for over twenty years. This contrasts with the witness's earlier assertion that the said wires were bending and hence posed a danger to all.

Summary of Findings

In this study, five questions were considered: wh-questions, yes/no questions, either/or questions, declarative and tag questions. With regard to questions used in direct examination the study established that the least coercive wh- question were the most frequently occurring. Their frequency of use by prosecutors in trial with pro se litigants was 261. Almost similar patterns were noted in trials that had a defence counsel. In such trials, police prosecutors used 137 of Wh-questions while counsel as direct examiners used 106 of the Wh- questions.

Further, the study established that in terms of frequency of occurrence, the most coercive question type namely the tag questions were the least used. Such questions did not feature in examination-in-chief by police prosecutors in trial with a defence counsel, and for counsel as direct examiners tag questions occurred four times. Still, in the data set of trials with a defence counsel, yes/no questions had a frequency of 74 for state prosecutors and 62 for counsel. declarative questions had a frequency of 40 for state prosecutors and 65 for counsel.

Sociolinguistic Implication

The court is an important part of every society and therefore the language used in the courtroom should be accessible to everyone who goes there seeking justice. While questions are unavoidable in court sections, there should be room for alternatives. In other words, when counsels or the presiding magistrates realize that based on the choice and framing of the question, and the response, a lay litigant might not have understood the question, such a question could be framed in different ways to enhance comprehension.

4.0 CONCLUSION AND RECOMMENDATIONS

The court is an important part of every society and therefore the language used in the courtroom should be accessible to everyone who goes there seeking justice. While questions are unavoidable in court sections, there should be room for alternatives. In other words, when counsels or the presiding magistrates realise that based on the choice and framing of the question, and the response, a lay litigant might not have understood the question, such a question could be framed in a different ways to enhance comprehension. This is quite important because the role of the court

in the society is not just to pronounce justice based on evidences provided but and perhaps more importantly to pronounce justice based on the discovery of the truth and the enactment of justice. The possibility of restating questions and statements in general to lay litigants, could give participants a sense of justice and not only build their trusts in the institution, but also assure them of the sensitivity of the judiciary to truth and justice.

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