



International Association of Forensic Linguists Code of Practice

The following principles of ethical conduct are intended to guide those members of the International Association of Forensic Linguists who engage in forensic linguistic research and legal consulting and testimony.¹ Noting that ours is by definition an international and cross-jurisdictional Code of Practice, we recognize that the local duties placed upon experts and the varied legal contexts in which they work may create obligations over and above those expressed in this guidance; other aspects of this Code may simply be irrelevant to some systems of justice. Local groups within the IAFL may wish to reflect the variety of legal systems throughout the world by publishing principles of local guidance in consultation with the Executive Committee of the IAFL.

I. Integrity

- A. Mindful of their obligations to furnish the justice system with valid, reliable, accurate, and unbiased linguistic information and analyses, consultants must recognize that their duty is to provide evidence that will assist the trier of fact in achieving a just result—a duty that overrides any obligation owed to the retaining lawyers, litigants, or other clients who have engaged them. Experienced consultants may wish in their written reports to state these understandings explicitly. It is acknowledged that in some jurisdictions such a statement is a requirement and its form will be prescribed by the appropriate authority.²
- B. Linguists who are engaged in forensic linguistic consulting will not enter into any arrangements in which compensation is dependent on the outcome of the case.

¹ The IAFL Code of Practice is adapted from the “Code of Ethics for Linguists in Forensic Linguistics Consulting” of the Linguistic Society of America.

² Where a jurisdiction does not prescribe a statement of compliance such a statement might read as follows:

“This report is based on my professional knowledge and expertise, and on my research using established and accepted linguistic knowledge and methodology. The data and sources that I considered in forming the professional opinions expressed here are referenced where relevant throughout the report. If sworn as a witness, I could testify competently to the matters stated herein. I understand that my duty in providing written reports and giving evidence is to assist the justice system—and that this duty overrides any obligation to the party by whom I am engaged or the person who has paid or is liable to pay me. I confirm that I have complied and will continue to comply with my duty. I am being compensated in this case at an hourly rate of [\$/€/£/¥000.00]. My compensation is not contingent in any way on the outcome of this case.”

- C. In appropriate cases, consulting linguists may provide their services at reduced- fee rates or pro bono, not only for the sake of the possible advancement of scholarship and knowledge but also as a duty to society. The ethical obligations taken on in a pro bono case are identical to those in which a linguist is paid.
- D. Testimony and reports must be based on the linguist's professional knowledge and expertise, and on research that uses established and accepted linguistic knowledge and methodology.
- E. Consultants will not add to, delete from, or otherwise alter their reports at the request or suggestion of the retaining lawyers, litigants, or other clients if to do so would materially affect the accuracy or reliability of their analyses or conclusions. If material within a report must be deleted because it is legally privileged or inadmissible, consultants should carefully consider whether such deletions materially affect the validity of their analyses or conclusions and will inform retaining lawyers, litigants, and other clients if the amended report would be misleading or inaccurate in the fact-finding process.

II. Objectivity and Professional Competency

- A. Consultants undertaking forensic linguistic analyses will state in their reports the tasks that they have been engaged to perform and the methods they have followed and provide relevant details of any equipment and computer programs used. Data upon which analyses are made will be indicated clearly and completely.
- B. In making their analyses, consultants will take due account of—and act diligently in accordance with—the accepted technical and professional knowledge and methods available at the time and their appropriateness to the purposes of the inquiry and the data under examination.
- C. In reporting on cases where the level of certainty of an opinion or conclusion is relevant, consultants will make clear their level of certainty and give an indication of where their conclusion lies in relation to the range of judgments, if any.
- D. Consultants will maintain awareness of the limits of forensic linguistic analysis and of their own knowledge and competencies when agreeing to carry out work, making certain that they possess and maintain the specific professional knowledge and skills at the level required to ensure that their linguistic analysis is performed at the highest level of competency. Recognizing that consultants typically have knowledge of only a portion of the evidence in a legal matter and are not professionally competent to interpret the law, consultants must diligently guard against forming conclusions that are unconsciously driven to support conclusions of legal fact.
- E. IAFL is purely a scholarly professional organization, not in any way a licensing body; being accepted for membership in IAFL must not be offered to the public or legal profession as in itself approving the qualifications of any member in any aspect of forensic linguistic consulting and testimony.
- F. Consultants should also be mindful that their forensic work may be of utility and importance to other linguists; in this respect, consultants are encouraged to share their results through active participation in the

meetings and publications of appropriate professional organizations and related societies.

III. Confidentiality and Conflict of Interest

- A. Consultants will not disclose confidential information acquired as a result of consulting relationships—or negotiations leading towards the establishment of consulting relationships—without proper and specific authority, unless there is a legal obligation to do so. Confidentiality must be maintained even in a social or academic setting—both during the active stages of the case and thereafter, unless confidentiality is waived by the party to whom the duty is owed or the information that the linguist discloses is a matter of public record.
- B. In any publications or conference presentations that make use of material or analysis generated by forensic linguistic consulting work, or of material that bears directly on the matters at issue in the work undertaken, linguists will reveal the fact and nature of the consulting origins of the generated material. When making academic use of material generated by forensic linguistic consulting work, the consultant will continue to observe the duty of confidentiality by obtaining, whenever feasible, a waiver from the party to whom that duty is owed. When a waiver is not feasible or is refused, the consultant should consider whether anonymizing the factual presentation of the material will adequately protect confidentiality. When confidentiality cannot be protected and is not waived, the consultant must forgo academic use of such material. Where materials have been presented in open court, they may be reasonably judged to be in the public domain; however, even in such cases, care must be taken to avoid harm or distress to those affected by legal proceedings.
- C. So as to avoid any appearance of impropriety, during the active stages of a case, consultants should avoid contacts (to the extent practical) with an opposing party, their expert witnesses, or legal team outside the formal litigation process.
- D. Consultants cannot accept an engagement with a party that would result in a conflict of interest between that party and another party on whose behalf the expert is currently a consultant. Before accepting an engagement that could present such a conflict, the consultant will reveal the nature of past, current, and proposed consulting engagements to the attorneys representing both parties so that the attorneys may determine whether a conflict of interest exists or potentially could arise.