

**Dr. William G. Eggington,
Forensic Linguistics Experience, November 2023**

Professor Emeritus.
Linguistics Department
Brigham Young University, Provo, Utah, 84604
Chair, Linguistics Department, 2007-2013
Ludwig-Weber-Siebach Humanities Professor, 2013-2018
Professor Emeritus, 2020 - Present

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B.A. English and TESOL, Brigham Young University, Hawaii, 1975 (summa cum laude)
M.A. Linguistics, University of Southern California, 1981
Ph.D. Linguistics, University of Southern California, 1985

Forensic Linguistics Experience Related to This Case

With respect to the apparent nature of this case, I have extensive experience in evaluation the English language proficiency of non-native English speakers. I am trained in the Oral Proficiency Interview (OPI). The OPI is the premier English language testing protocol used by U.S. government and non-government agencies. It encompasses evaluating speaking, listening, writing and reading proficiencies. As such, I am frequently asked by Public Defender Offices and trial attorney firms to determine whether defendants understood their Miranda Waiver and/or the subsequent interrogation. This often involves conducting deep linguistic analyses of interrogation audio, video and written transcripts as well as related documents. I have testified on these matters in court and in depositions. I have also consulted on a number of civil cases focused on determining whether individuals have faked a lower proficiency than demonstrated in other contexts.

In 2022, I accepted a three-year appointment to the Model Utah Jury Instructions Civil Committee, Utah Judicial Council, Salt Lake City, Utah. This appointment requires that I analyze existing and future jury instructions in terms of their comprehensibility by jurors. I believe the analytical procedures involved in this assignment is parallel to the requirements of this case.

Publications Involving Forensic Linguistics:

I have published 6 books and over 50 articles in applied linguistics including the following articles involving forensic linguistics.

“Generic Ab Initio: How Corpus Linguistics Can Shed New Light on Generic

Trademarks” with J. Heilpern, Z. Smith and E. Brown. *Buffalo Law Review*, Vol 7:2, April 2022.

This article shows how corpus linguistics (large computer-searchable data sets of natural language tagged for register and part of speech) can be employed to resolve trademark infringement issues.

“Language and the Law: An Overview of Forensic Linguistics.” In *Proceedings of the Linguistics Society of Korea 2014 Conference*. Linguistics Society of Korea, 2014.

This article provides an overview of forensic linguistics based upon an invited presentation delivered at Seoul National University, South Korea.

“Using Elicited Oral Response Testing in Order to Determine the Need for an Interpreter” (with Troy Cox). In *Harvard Latino Law Review*, Spring 2013

This article focuses on using a valid, reliable, practical and inexpensive language testing method to determine the need for an interpreter for non-native English speakers living in the United States.

“Finding Justice in Translation: Recent American Jurisprudence Affecting Due Process for Linguistic Minorities Together with Practical Solutions” (with Judge Lynn W. Davis, Maxwell Alan Miller, Adam Prestidge). In *Harvard Latino Law Review*. Spring 2011.

This article, co-authored with Judge Lynn W. Davis of the Utah State 4th District Court along with two BYU students, focuses on actual and potential miscarriages of justice due to communication breakdowns and the inadequate provision of interpreters and translators involving non-native English defendants.

“Deception and Fraud.” In *Dimensions of Forensic Linguistics*, M. Teresa Turell and John Gibbons (eds.). Amsterdam: John Benjamins 2008.

This article examined the reliability of linguistic markers of deception and fraud.

Professional Activities Involving Forensic Linguistics

August 2022 – August 2025: Appointment to the Model Utah Jury Instructions Civil Committee, Utah Judicial Council, Salt Lake City, Utah.

2019: “Corpus Linguistics Workshop” (with James Heilpern). A workshop to members and law clerks of the Georgia State Supreme Court, Atlanta, Georgia, March 2019.

2019: “Law and Corpus Linguistics in Brief.” Invited to present at the Annual Language and Law conference, Brigham Young University Law School.

Audience consisted of lawyers, including prosecutors, public defenders, and law enforcement representatives. This was a Continuing Legal Education (CLE event). March 2019.

2019: “Non-native English Speakers and Their Comprehension of Legal English.” Invited to present at the Annual Law and Corpus Linguistics Conference, Brigham Young University Law School, February 2019.

2018: “Language proficiency and citizen’s rights.” Invited to present at the Language and Law Forum, University of Utah, April 2018.

2018: “Fair and equal language access to justice for those not proficient in English.” A Continuing Legal Education (CLE) presentation with Judge Lynn W. Davis (Utah Fourth District Court). Invited to present at the Annual Language and Law conference, Brigham Young University Law School. Audience consisted of lawyers, including prosecutors, public defenders, and law enforcement representatives. March 2018.

Legal Consultancies: (*indicates deposition or trial testimony, 28 instances)

1. 2023: Forensic Consultant for The Jaburg Wilk Law Firm, Phoenix, Arizona in a case involving the identification of the author of a disputed amendment letter to a will.
2. 2023: Forensic Consultant for Dunn Carney LLP, Portland, Oregon in a case involving a disputed clause in a city civil code.
3. 2023: Forensic Consultant for Anderson and Karrenberg P.C. (Salt Lake City) in a case involving alleged corporate fraud where a non-native English speaker is faking a lower English proficiency.
4. *2023: Forensic Consultant for Attorney Mark MacDougal of Akin Gump Strauss, Hower and Feld LLP, Washington D.C. in a case involving the English language proficiency of a foreign government official. Testified at an evidentiary hearing, April 2023.
5. 2023: Forensic Consultant for Attorney Shawn C. Condie of Ogden, Utah in a case involving the interrogation of a non-native English speaker.
6. 2023: Forensic Consultant for Attorney Elise Lockwood of the Salt Lake Legal Defender Association, Utah, in a case involving the interrogation of a non-native English speaker.
7. 2023: Forensic Consultant for Attorney Nancy Black of the Salt Lake Legal Defender Association, Utah, in a case involving the interrogation of a non-native English speaker.
8. 2022: Forensic Consultant for Attorney Ian McFarland of Merchant Gould P.C., Knoxville, TN in a case involving trademark infringement.
9. 2022: Forensic Consultant for Attorney Joh M. Hart of Mountain View, Ca., in a case involving the comprehension of legal proceedings by a non-native English speaker.
10. 2022: Forensic Consultant for Attorney Sophie Bossart, Starr County Regional Public Defender, Rio Grande City, TX in a case involving the interrogation of a non-native English speaker.
11. *2022: Forensic Consultant for Attorney Anne M. Chapman of Mitchell, Stein, Carey, Chapman, PC Phoenix, AZ in a case involving a claim of false advertising presented by the Arizona Attorney General’s Office.
12. 2022: Forensic Consultant for Attorney Sarah Carlquist of the Salt Lake Legal Defense Association on a case the English language proficiency of a non-native English speaker’s ability to understand his police interrogation.
13. 2022: Forensic Consultant for Attorney John E. Cutler of Parsons Behle & Latimer, Idaho Falls, Idaho in a case involving the ambiguity of an insurance contract.
14. *2021: Forensic Consultant for the Attorney Jennifer J. Yun, Trial Attorney, Voting Section, Civil Rights Division, U.S. Department of Justice, Washington, D.C. in a case involving the comprehension of election ballots.
15. 2021: Forensic Consultant for Attorney Briggs Matheson of Parr Brown Gee & Loveless, Salt Lake City, Utah in a case involving a contested term.
16. 2021: Forensic Consultant for Attorney Cristina Mihalceanu of DLA Piper, Toronto, Canada in a case involving alleged trademark infringement.
17. 2021: Forensic Consultant for Attorney Alex Graven of Olsen Barton LLC, Oregon, in a case involving authorial attribution.
18. *2021: Forensic Consultant for Attorney Maysoun Fletcher, Las Vegas in a case involving the English language proficiency of a non-native English speaker’s ability to understand the Miranda Waiver.
19. *2021: Forensic Consultant for Attorney Gina Durham of DLA Piper, San Francisco in a case involving alleged trademark infringement.
20. 2021: Forensic Consultant for Attorney Michael Burns of DLA Piper, Philadelphia in a case involving alleged

trademark infringement.

21. 2021: Forensic Consultant for Attorney Cheylynn Hayman of Parr, Brown, Gee and Loveless, Salt Lake City, Utah in a case involving the wording of a contested contract.
22. 2021: Forensic Consultant for Attorney Robert Denny of the Salt Lake Legal Defender Association, Salt Lake City, Utah, in a case involving the linguistic analysis of a police pretext telephone conversation.
23. 2021: Forensic Consultant for Attorney Randall Brater of Arent Fox LLP, Washington D.C. in a case involving defamatory accusations.
24. 2021: Forensic Consultant for Attorneys Morgan Smith and Danny Awdeh of Finnegan, Henderson, Farabow, Garrett & Dunner, Palo Alto CA and Washington DC in a case involving alleged trademark infringement.
25. 2021: Forensic Consultant for Attorney Laura Johnson and Danny Awdeh of Finnegan, Henderson, Farabow, Garrett & Dunner, Washington DC in a case involving the nature of a possible trademark in an application to the U.S. Patent and Trademark Office.
26. 2020: Forensic Consultant for Attorney Tulu Nelms of the Felony Trial Division, Harris County Public Defender's Office, Texas in a case involving a purported threatening voice mail message.
27. 2020: Forensic Consultant for Attorney Kirk A. Moyer of The Romaker Law Firm, Chicago, IL 60606 in a case involving the English language proficiency of a non-native English speaker claiming worker's compensation.
28. 2020: Forensic Consultant (pro bono) in a case involving the author of a series of text messages. Confidentiality required.
29. 2020: Forensic Consultant for Attorney Trevor Cox of Hunton Andrews Kurth LLP, Richmond, VA. In a case involving the English language proficiency of an inmate in a maximum security prison.
30. 2020: Forensic Consultant for Attorney Anastasiya Grenyuk, Lamwell Law Firm, Kyiv, Ukraine in a case involving the identification of bias in an international court judgement.
31. 2020: Forensic Consultant for the Federal Public Defender's Office, Salt Lake City, Utah in a case involving the English language proficiency of a defendant.
32. 2020: Forensic Consultant for Attorney Megan Costa DeVault, Akerman LLP, Orlando in a case involving the identification of the author of a series of emails and text messages.
33. *2020: Forensic Consultant for Attorney Zalman Kass of Rivero Mestre LLP, Miami, Florida in a case involving the identification of the author of a series of emails.
34. 2020: Forensic Consultant for Attorney Trevor Cox of Hunton Andrews Kurth LLP, Richmond, Virginia in a case involving the English language proficiency of a convicted felon.
35. 2020: Forensic Consultant for Attorney Jim Langdon of Dorsey and Whitney (Minnesota) in a case involving two disputed clauses in a contract.
36. 2020: Forensic Consultant for Attorney Norm Silverman of Austin Texas in a case involving the leading of, and coercive interrogation of, witnesses and suspects in a criminal case.
37. 2019: Forensic Consultant for Attorney Dirk Vandever of The Popham Law Firm, Kansas City, MO in a case involving a disputed clause in an auto-insurance policy.
38. 2019: Forensic Consultant for David L. Clarke, The Clarke Law Firm, Murfreesboro, TN, in a case involving the English proficiency of a non-native English speaker.
39. 2019: Forensic Consultant for Cynthia Orr of Goldstein Goldstein, Hilley and Orr, San Antonio, Texas in a case involving a discourse analysis of a court transcript and the meaning of a specific phrase.
40. 2018: Chief consulting linguist in a Brief of Amici Curiae to the U.S. Supreme Court in *Rimini Street V. Oracle USA, Inc.* In conjunction with Schaerr & Jaffe LLP, Washington, DC. The brief argued for a resolution of a contested legal term using corpus linguistics as the prime research tool.
41. *2018: Forensic Consultant for Maschoff Brennan, Salt Lake City, Utah, in a case involving contested trademarks.
42. 2018: Forensic Consultant for Samson Law Associates, George Town, Cayman Islands in a case involving the reliability and validity of a government English language testing protocol.
43. *2018: Forensic Consultant for Laughlin Legal PC, San Mateo, California in a case involving whether a non-native English speaker understood her pre-nuptial agreement. Ongoing.
44. *2017: Forensic Consultant for Parr Brown Gee & Loveless, Salt Lake City, Utah in a case involving the meaning of a contested term in a contract.
45. *2017: Forensic Consultant for Parr Brown Gee & Loveless, Salt Lake City, Utah in a case involving

determining the author of a movie script.

46. 2017: Forensic Consultant for Alston and Bird, LLP., Atlanta Ga. In a case involving whether a non-native English speaker understood his Miranda Warnings.
47. 2017: Forensic Consultant for Ben Allen, General Counsel, Schellman and Company LLC, Tampa, Florida in a case involving the interpretation of an ambiguous government regulation.
48. 2016: Forensic Consultant for J.J. Kim & Associates, P.C. Garden Grove, California in a case involving determining the author of a series of slanderous emails written by an employee of a Korean-based international shipping company. The case will be tried in a South Korean court.
49. 2016: Forensic Consultant for Attorneys Paul Morgan and Kimberly Hoof (Houston, Texas) in a case involving the ability of a non-native English speaker to comprehend a police interrogation.
50. 2016: Forensic Consultant for Attorney Emma Isakson of Mitchell, Stein and Carey, Phoenix, Arizona in a case involving the ability of a non-native English speaker to comprehend a police interrogation.
51. 2016: Forensic consultant for Attorney Norm Silverman (Austin, Texas) in a case involving the ability of a non-native English speaker to comprehend police interrogations as well as an evaluation to determine whether defendant should be considered as an adult. Settled.
52. *2015: Forensic consultant for Carmen P. Forte, Jr. of Klein, Thorpe and Jenkins, LTD., Chicago in a case involving the ability of a non-native English speaker to understand police questioning without the aid of an interpreter. Ongoing.
53. *2015: Forensic consultant and expert witness for Attorney Norm Silverman (Austin, Texas) in a case involving the ability of a non-native English speaker to understand his Miranda warnings and police questioning with respect to coercive interrogation techniques used by the police. Testimony provided in jury trial. Case resulted in a hung jury.
54. *2015: Expert witness for the Federal Public Defender's Office (Alexandria, Virginia) in a criminal case involving a defendant's English language proficiency. Testimony provided in federal court in an evidentiary hearing and jury trial.
55. *2014: Expert witness for Attorney James F. Halley (Portland Oregon) in a criminal case involving alleged hate crime accusations based on defendant's use of a derogatory term. Court testimony provided. Case resulted in hung jury leading to reduced charges.
56. 2014: Expert witness for Attorney Jon H. Rogers (Salt Lake City, Utah) in two cases involving the scope of a "provided however that" clause in a legal contract.
57. *2013: Expert witness for the Federal Defender's Office (Salt Lake City) in a case involving a defendant's English language proficiency. Testimony provided in evidentiary hearing. Issue resolved in favor of defendant.
58. 2013: Expert witness for Attorney Andrew W. Bodeau of Cahill, Davis & O'Neill, LLP, Los Angeles Ca. in a case involving the meaning of a phrase in a legal document. Case settled.
59. *2013: Expert witness for Attorney Linda Parisi (Sacramento, Ca) in a criminal case involving alleged hate crime accusations based on defendant's use of a derogatory term.
60. *2013: Expert witness for the Federal Defender's Office (Salt Lake City) in a criminal case involving the ability of a non-native English speaker to understand Miranda Rights and police questioning.
61. *2012: Expert witness for Glenn Gimbut, City Attorney, City of San Luis, Az., in a case involving the ability of a non-native English speaker to comprehend complex spoken and written English. (Case found in favor of City Attorney)
62. 2011: Expert witness for V. John Ella of Jackson Lewis LLP, Minneapolis, Minnesota in a case involving trade-mark infringement. (Case settled)
63. 2010: Expert witness for the Federal Defender's Office (Salt Lake City) in a case involving a defendant's English language proficiency (case dismissed).
64. *2010: Expert witness for Edwin S. Wall, P.C (Salt Lake City) in a case challenging the conclusions of a former FBI document examiner who claims a defendant wrote a series of threatening letters. (Services no longer needed due to prosecution's withdrawal of examiner's services based upon results of evidentiary hearing).
65. 2010: Expert witness for Sheiness, Scott, Grossman and Cohn, LLP (Houston, Texas) in a case involving the meaning of a term in a legal contract. (case settled)
66. 2009: Expert witness for Attorney Jon H. Rogers (Salt Lake City, Utah) in a case involving the scope of a "provided, however, that" clause in a legal contract. (case settled)

67. 2009: Expert witness for Druyon Law Offices (Bountiful, Utah) in a case involving identifying the author of a police statement.
68. *2008: Expert witness for the Federal Defender's Office (Salt Lake City) in a criminal case involving the ability of a native American to understand his Miranda Rights.
69. *2008: Expert witness for the Federal Defender's Office (Salt Lake City) in a case involving the English language proficiency of a Korean immigrant charged with a criminal activity.
70. 2008: Expert witness for the Federal Defender's Office (Salt Lake City) in a case challenging the conclusions of a document examiner who claims a defendant wrote a series of threatening letters.
71. 2007: Expert witness for Van Cott, Bagley, Cornwall & McCarthy (Salt Lake City, Utah) in a case involving the referent of an exclusionary clause in a disputed contract between two legal firms.
72. 2007: Forensic document examiner in a case requiring the identification of the author of a series of documents (Strict confidentiality required)
73. 2007: Expert witness for Glenn Ioffredo, Maitland, Fl. in a case involving the interpretation of ambiguous references in a will.
74. 2006: Expert witness for The Sandage Law Firm, P.C., Kansas City, Mo. in a case involving the determination of a crime as a hate crime based upon the defendant's use of an ethnic epithet. (pro bono)
75. 2006: Expert Witness for Craig Cook, Attorney-at-law, (Salt Lake City, Utah) in a case involving a content analysis of a signed, but undated holographic will.
76. 2005: Consulting Expert Witness for Wilmer Cutler Pickering Hale and Dorr (Washington D.C.) in a case involving generic use of a trade name.
77. *2003: Expert witness for the California State Attorney General (Sacramento) in a case involving the readability of parole documentation.
78. 2002: Expert witness for Nielsen and Senior (Salt Lake City, Utah) in a case involving the scope of an exclusionary clause in a mining lease agreement.
79. 2002: Expert witness for Ted Weckel, (Attorney-at-law, Utah) in a case involving the English language proficiency of a Cambodian refugee charged with criminal activity.
80. *2003: Expert Witness for Kaye, Scholer LLP (New York, Los Angeles) in a case involving national and international brand name infringement.
81. *2002: Expert Witness for Kaye, Scholer LLP (New York, Los Angeles) in a case involving national and international brand name infringement.
82. *2002: Expert witness for Robert Lucherini, Attorney-at-law (Las Vegas, Nevada) in a case involving the English language proficiency of a Chinese-Vietnamese immigrant under criminal investigation.
83. *2002: Expert witness for Giauque, Crocket, Bendinger & Peterson (Salt Lake City, Utah) in a case involving Utah's Official English policy. (pro bono)
84. 1997: Expert Witness for Abbott and Walker, Attorneys-at-law (Provo, Utah), in a case involving the meaning of two related words in a "non-compete clause" within a sale-of-business contract.
85. *1992: Expert Witness for Holme, Roberts and Owen, (Salt Lake City, Utah) in a case involving the meaning of a mining contract between the State of Utah and an international mining company.

Professional Affiliations:

- Member, International Association of Forensic Linguistics
- Member, Linguistics Society of America (served as co-chair of the Linguistics in Higher Education Sub-committee, 2011-2012)
- Member, Teachers of English to Speakers of English International Association (former member, Board of Directors, 2003-2006)

Professional Development in Forensic Linguistics:

2019: Participated in a three-day Federal Bureau of Investigation training program in Investigative Statement Analysis conducted by the FBI's Language Services

Section.

2015: Invited to participate in the “Communication of Rights to Suspects Working Group”, an international group of linguists, psychologists, lawyers and interpreters who established guidelines for communicating rights to suspects who speak English as a second/additional language. Our guidelines have been adopted by many international entities.

2012/2015: Participated in two three-day Oral Proficiency Interview training programs conducted by certified ACTFL trainers.