



Literature Review

Language plays a central role in how legal proceedings are experienced, interpreted, and judged. A growing body of research highlights how linguistic patterns, including code-switching, can affect perceptions of credibility, authority, and guilt in courtroom settings. While most studies on code-switching have focused on educational or sociocultural contexts, recent work has begun to explore its implications within legal discourse.

Scholars like Gumperz (1982) and Auer (1998) laid the groundwork for understanding code-switching as a social act, often used to manage identity, signal group membership, or navigate power dynamics. In legal settings, these shifts can carry even more weight. According to Eades (2010), language choices made by witnesses and defendants can influence how they're evaluated by juries, judges, and attorneys, especially when those choices deviate from what is considered "standard" courtroom language.

In the U.S., where the courtroom norm tends to favor formal Standard American English, bilingual or bidialectal speakers may shift between English varieties or languages, often unconsciously, as a way to navigate stress, cultural alignment, or authority figures. Research by Pavlenko (2009) suggests that when defendants speak in non-dominant varieties, they are more likely to be perceived as less credible, even if their content is accurate. This bias can have serious consequences on trial outcomes, especially for Black and Latinx speakers who use African American Vernacular English (AAVE) or Spanglish in high-stakes moments.



Some scholars have examined how attorneys and judges code-switch as a rhetorical tool. Filippi (2017) notes that prosecutors may intentionally adopt informal or regionally marked language to connect with juries, while simultaneously holding defendants to stricter linguistic expectations. This imbalance creates a power dynamic in which linguistic flexibility is rewarded only when used by those in institutional roles.

Despite these insights, few empirical studies have directly observed courtroom exchanges where code-switching occurs in real time. Most findings are drawn from interviews, audio transcripts, or mock trial simulations. This gap highlights the need for fieldwork that captures how code-switching operates live in courtroom settings and how listeners, including juries, interpret those shifts.

Together, these studies reveal that courtroom communication is far from neutral. The way people speak (and the way those speech patterns are received) is shaped by power, identity, and unspoken cultural norms. Understanding how code-switching contributes to bias in legal settings is essential for promoting fairness and addressing structural inequality in the justice system.