

## ARTICLE

# Examining the Interactional Dynamics of (Non)Accommodation: A Case of Amber Heard's Final Cross-Examination

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## ABSTRACT

Courtroom interaction is often viewed as highly structured and rule-governed, yet research shows that interaction can sometimes be spontaneous, with defendants shifting topics, interrupting, or offering unsolicited comments. This study builds on discourse-based research by integrating Communication Accommodation Theory (CAT) and Conversation Analysis (CA) to investigate the interactional dynamics of (non)accommodation during cross-examination. Focusing on the widely publicized 2022 Depp v. Heard case, the analysis explores how Amber Heard and the attorney oriented to local actions, specifically how (non)accommodative behaviors were recognized, managed, and evaluated. Three key themes structured the analysis: the defendant's escalating use of hostile nonaccommodation practices, the attorney's responses to these practices, and the defendant's shift between accommodation and nonaccommodation during extended exchanges. CA reveals how (non)accommodation is interactionally produced and managed, shaping the trajectory of the exchange. Findings underscore the dynamic and context-sensitive nature of courtroom interactions, where reciprocal nonaccommodative behaviors amplify hostility. The study challenges prior quantitative CAT findings by demonstrating that coercive questioning did not consistently affect the length or quality of responses. It highlights how roles and context

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shape the management and perception of (non)accommodation in adversarial settings. This work advances the application of CAT and CA in legal discourse research and offers insights into how power, alignment, and control are negotiated in courtroom talk. Future research is encouraged to explore other factors influencing (non)accommodation, such as nonverbal behavior and the defendant's perceived social category.

**Keywords:** Communication Accommodation Theory; Question-Answer Interaction; Courtroom Discourse; Conversation Analysis; (Non)Accommodation; Cross-Examination

## 1. Introduction

### 1.1. Background

Courtroom interaction is typically viewed as highly structured and rule-governed, with question-answer exchanges forming the core of legal proceedings<sup>[1-4]</sup>. These exchanges reflect the fixed roles of lawyers and defendants and follow procedural rules shaped by examination modes such as direct and cross-examination<sup>[5, 6]</sup>. Cross-examination in Anglo-American adversarial systems is particularly associated with hostile questioning aimed at challenging the credibility of testimony<sup>[7]</sup>. Lawyers and defendants strategically use language to assert positions, resist claims, and influence outcomes, while judges manage the relevance of topics discussed<sup>[8, 9]</sup>. Questioning in this context serves not only to confirm prior answers but also to challenge and contest responses, a practice described as “questioning in the sense of doubting”<sup>[8]</sup> (p. 6). This environment is marked by coercive and unsympathetic interaction<sup>[10, 11]</sup>, where declarative and tag questions constrain witnesses' responses and assert control<sup>[11-13]</sup>.

However, a sufficient understanding of how the coercive nature of courtroom interaction shapes alignment and power asymmetry in the lived realities of legal proceedings remains lacking. Within the structured yet flexible environment of courtroom discourse, cross-examination serves as a dynamic site for analyzing alignment and resistance, as defendants may exercise agency through interruptions, topic shifts, and unsolicited commentary<sup>[14]</sup>. While these practices highlight how power, credibility, and identity are negotiated in real time, there is limited knowledge of how these dynamics unfold when both unknown defendants and public figures testify under public scrutiny. Examining these interactions can deepen our understanding of how courtroom discourse simultaneously reproduces institutional power and enables

strategic acts of resistance within adversarial settings.

### 1.2. The Current Study

This study investigates how (non)accommodation is interactionally accomplished during cross-examination, using Communication Accommodation Theory (CAT) integrated with Conversation Analysis (CA) to capture the turn-by-turn dynamics of alignment, resistance, and power negotiation within a cross-examination context. Drawing on data from Amber Heard's final cross-examination in the widely publicized Depp v. Heard trial, the analysis explores how the attorney and the defendant manage alignment and resistance under adversarial conditions. This study makes several contributions to forensic linguistics and the application of CAT in legal discourse: First, while CAT has frequently been applied to examine accommodation in everyday and institutional contexts, studies in legal discourse often remain at a broad, quantitative level, focusing on general patterns rather than fine-grained interactional practices<sup>[2]</sup>. This study operationalizes CAT using CA to reveal how accommodation and nonaccommodation are constructed, resisted, and negotiated within the sequential structures of courtroom questioning. Second, CAT literature often conceptualizes accommodation as a cognitive or attitudinal process, lacking an interactional perspective. This study advances our understanding of courtroom discourse by demonstrating that accommodation in cross-examination is not merely an abstract theoretical construct but a set of situated, strategic practices embedded in the sequential flow of adversarial legal talk<sup>[15]</sup>. Third, while coercive questioning strategies in cross-examinations are commonly used to assert control and test credibility, this study shows that coercive and repeated questioning do not consistently secure alignment and may instead escalate resistance and misalignment during testimony, providing insights relevant to legal practice. Finally, this study highlights how

power is dynamically negotiated within courtroom discourse, illustrating how defendants navigate coercive questioning while managing resistance and alignment, and how these dynamics impact perceptions of credibility and control in legal proceedings. The research questions guiding this analysis are:

1. How are (non)accommodation strategies interactionally constructed and enacted in Heard's responses during cross-examination?
2. In what ways does Vasquez recognize, respond to, and potentially escalate nonaccommodative behavior during cross-examination?

## 2. Literature Review

Studies on courtroom communication often focus on how language is used in question-answer sequences during cross-examinations, analyzing institutional talk through discursive perspectives<sup>[8, 16]</sup>. Other research mainly examines question design and how questions reflect and constrain communication. Such research focuses on understanding how questions influence and limit what defendants/witnesses can say, paying close attention to the context and how interactions unfold<sup>[10, 13]</sup>. This section outlines the significance of the theoretical and analytical frameworks guiding the study and situates this qualitative, micro-interactional research within the context of prior work on courtroom discourse, communication accommodation, and sequential interaction.

### 2.1. Communication Accommodation Theory (CAT)

CAT is a key socio-psychological framework for understanding how individuals adjust their communication behaviors, whether in speech, language, or nonverbal cues, in response to others during interaction<sup>[17]</sup>. Widely applied to both interpersonal and intergroup communication<sup>[18]</sup>, CAT emphasizes that such adjustments help manage social distance, enhance comprehension, and negotiate identity and power<sup>[2, 19]</sup>. Accommodation, often described as convergence, involves modifying communicative behavior to align more closely with an interlocutor's style, promoting understanding and rapport. Nonaccommodation occurs when individuals maintain or exaggerate communicative differences, intentionally or unintentionally, leading to increased social

distance and potential misunderstanding. This may involve underaccommodation (insufficient adjustment) or overaccommodation (excessive or inappropriate adjustment)<sup>[19]</sup>.

CAT encompasses not only communicative behavior but also the perceptions and motivations that shape and result from it<sup>[18]</sup>. Individuals' motivation and ability to adjust influence their use of accommodation strategies, and these behaviors, in turn, shape how they are perceived<sup>[19]</sup>. Perceived motives behind nonaccommodation significantly affect its evaluation<sup>[20]</sup>, and accommodation strategies are shaped by context and interactional dynamics as they emerge over time<sup>[21]</sup>.

Recent work<sup>[15]</sup> highlights CAT's evolution from a focus on convergence to a broader framework addressing identity, power, and strategic communication in institutional settings. Accommodation is now seen as an interactional achievement shaped by roles, goals, and sequential organization rather than merely a cognitive or motivational process. This shift aligns with Conversation Analysis (CA), making a combined approach particularly effective for examining turn-by-turn dynamics in structured, high-stakes environments such as courtrooms. While CAT has been widely applied in contexts like healthcare, education, and policing, the courtroom remains underexplored despite being a critical site for negotiating authority, credibility, and resistance. This study responds to calls for applied, qualitative research on accommodation in real time, offering insight into how attorneys and defendants manage alignment and power in adversarial legal interactions<sup>[15]</sup>. **Table 1** provides illustrative examples of accommodating and nonaccommodating behaviors as operationalized in this study, based on how participants adjusted or failed to adjust their communication relative to their interlocutors.

### 2.2. Conversation Analysis (CA)

CA is a qualitative, micro-analytic method for studying the structure and sequential organization of talk-in-interaction. Rooted in ethnomethodology, CA explores how participants construct and interpret social actions through turn-taking, sequence organization, repair, and the management of interactional norms<sup>[22]</sup>. In institutional contexts such as courtroom discourse, CA examines how asymmetries in interactional rights and roles are made visible through practices like questioning, interruption, topic control, and response design<sup>[23]</sup>.

**Table 1.** Examples of accommodating and nonaccommodating strategies.

Strategy Type	Sub-Category	Description	Examples
Accommodation strategies	Convergence	Accentuating verbal and nonverbal similarities	matching tone, pacing, or terminology
Nonaccommodation Strategies	Divergence	Creating contrast to distinguish oneself from an interlocutor by accentuating verbal and nonverbal differences.	Using a markedly different style, tone, vocabulary, or posture.
	Maintenance	lack of adjustment to or from an interlocutor.	

Steven Clayman’s work offers foundational insights into adversarialness and resistance in institutional talk, particularly in question-and-answer sequences. His studies of political press conferences and courtroom interaction show how questioners (e.g., attorneys, journalists) display in adversarial stance through interruptions, challenge formulations, and preference violations, while respondents manage or resist these pressures via evasions, delays, and topic shifts<sup>[24, 25]</sup>. These interactional features closely align with what CAT identifies as nonaccommodative behaviors, especially divergence and maintenance. Although this study did not adopt Clayman’s formal coding schemes, given our focus on accommodation patterns grounded in CAT rather than journalistic questioning or degrees of institutional resistance, his work provides a valuable bridge between CA’s sequential analysis and CAT’s focus on alignment, convergence, and communication management in high-stakes institutional contexts.

### 2.3. CAT, CA, and Legal Discourse

Studies of courtroom communication have largely focused on how cross-examination shapes testimony through pragmatic strategies such as reformulation, repetition, and topic control<sup>[10, 13, 16]</sup>. Likewise, researchers have long recognized the significance of CAT in legal discourse, noting the varied outcomes and reactions to different communication behaviors in courtroom settings<sup>[2, 26, 27]</sup>. Gnisci and Bakeman<sup>[2]</sup> and Gnisci<sup>[27]</sup> integrated CAT with sequential analysis to categorize question–answer sequences and examine how language is socially managed between lawyers and defendants. Their analysis of 47 hostile examinations from the Cusani trial operationalized CAT concepts primarily relied on quantitative coding of convergence and divergence.

While studies of courtroom communications highlight the ways language is used to exert control and manage credibility in court, a key gap in the literature is that few studies have combined CAT with CA to examine courtroom interaction qualitatively, despite clear indications that accommodation strategies are relevant in these settings<sup>[6, 19, 21]</sup>.

CA research in legal contexts remains underdeveloped compared to other domains<sup>[8]</sup>, even though the adversarial nature of cross-examination produces intricate patterns of communicative adjustments within procedural constraints<sup>[7, 16]</sup>. Existing studies have predominantly focused on how question design shapes and constrains testimony<sup>[9, 10, 13, 16]</sup>. Hutchby<sup>[9]</sup>, for example, used CA to explore how language shapes confrontational communication in court. Recently, Anisah and Sari<sup>[16]</sup> used CA to study how a prosecutor’s information- and confirmation-seeking questions during the cross-examination of an Indonesian murder case were crafted to challenge the defendant’s credibility. Analyzing the whole sequence of questions revealed how the prosecutor used specific pragmatic techniques like reformulation and repetition to highlight inconsistencies in the defendant’s testimony.

Although Giles<sup>[15]</sup> and Giles<sup>[17]</sup> advocate for integrating CA with CAT, this approach remains rare in courtroom discourse research. Giles<sup>[17]</sup> argues that CA can reveal how accommodation is constructed, resisted, or negotiated through the interactional details of communication. It highlights how progressively the expectation that talk proceeds in a timely, orderly way is managed or disrupted. As courtroom discourse often involves interruptions, delays, and repeated clarifications that can signal resistance or nonaccommodation<sup>[28]</sup>, a detailed, turn-by-turn analysis can offer valuable insights into how (non)accommodation unfolds in this context<sup>[15]</sup>. While Gallois et al.<sup>[19]</sup> demonstrates the

value of integrating CAT with CA in police–civilian encounters by linking accommodation strategies to participants’ orientations to relevance, research applying this integrated approach to adversarial legal settings remains limited. This is especially true in high-stakes contexts where power, credibility, and identity are at the forefront. Observing how institutional roles and power relations shape accommodation practices offers a unique opportunity to deepen our understanding of cross-examination discourse and courtroom interaction.

This study addresses these gaps by combining CAT and CA, using Amber Heard’s cross-examination as a case study. This approach enables a fine-grained, interactionally grounded understanding of accommodation as a situated, sequential practice embedded within institutional power dynamics rather than an abstract construct. It complements existing research on question design and control<sup>[8, 9]</sup> by demonstrating how (non)accommodation is accomplished and evaluated during adversarial exchanges. This approach anchors the study within broader courtroom discourse research and contributes to a deeper, practice-oriented understanding of legal interaction.

### 3. Methods

#### 3.1. Data Collection

The study draws on video data from Amber Heard’s final cross-examination during the *Depp v. Heard* trial, held on May 17, 2022, in Fairfax County, Virginia, USA. The cross-examination formed part of a highly publicized legal battle between Johnny Depp and Amber Heard, who were married for almost 15 months between 2015 and 2017. The defamation suit stemmed not from Heard’s 2016 restraining order but from her 2018 *Washington Post* op-ed, where she described herself as a public figure representing domestic abuse, an implication Depp argued defamed him. Although Depp was not named in the article, it was widely inferred that he was the subject. The video data was retrieved from publicly available video recordings found in the E! News YouTube Channel (2022)<sup>[29]</sup>. The transcripts used for this study were professionally produced by Speechpad.com from the pool TV feed of the *Depp v. Heard* trial on May 17, 2022, in Fairfax County Court<sup>[30]</sup>.

#### 3.2. Procedures and Data Analysis

We began by familiarizing ourselves with the case details and context, using official trial transcripts sourced from the online website *Reporting Depp v. Heard*. As these transcripts were not official court-certified records and intended for guidance only, we systematically cross-checked and corrected them against the video recordings to ensure accuracy before conducting our detailed analysis. We reviewed the full eight-hour cross-examination, taking descriptive notes on questioning patterns and response behaviors to understand the distribution and nature of questioning strategies. The full cross-examination spans 8 hours, comprising approximately 1588 question–answer turns between attorney Camille Vasquez and Amber Heard. This includes 794 questions posed by Vasquez and 794 responses by Heard, forming 794 sequential question–answer pairs.

For this study, a focused three-hour segment (3 hours and 30 minutes) was analyzed in depth, comprising 678 question–answer sequences (678 questions by Vasquez and 678 answers by Heard, totaling 1,356 lines). From this dataset, 23 representative question–answer sequences were selected for detailed, fine-grained analysis. These extracts were chosen to reflect the range of resistance, alignment, and power negotiation patterns observed across the larger dataset, ensuring they are representative of the data analyzed while allowing for fine-grained Conversation Analysis (CA) aligned with Communication Accommodation Theory (CAT). This process supported our initial thematic analysis, allowing us to identify emerging patterns and categorize the three-hour segment into distinct episodes for detailed examination. Examples of episodes that were categorised by major topics raised in the sequences, such as journals, mirrors, the Australia trip, drugs, the nurse, and the therapist.

We followed Gnisci’s<sup>[27]</sup> CAT framework for coercive and non-coercive questions to categorize the questions (**Table 2**). Coercive questions, such as declarative, tag, and yes/no forms, were common, while non-coercive questions (e.g., Wh-questions or indirect forms) were rare, consistent with Gnisci’s findings on cross-examination.

We also assessed whether coercive questions elicited pertinent answers (accommodative behavior) or elaborated, implicit, or evasive answers (nonaccommodative behavior) (**Table 3**).

**Table 2.** Gnisci's<sup>[27]</sup> CAT framework for coercive and non-coercive questions.

Question Type	Example	Example from Data	Type
Coercive questions (declarative, tag, and yes/no)	(declarative, tag, and yes/no)	"That's the knife you gave to the man who was hitting you, right, Ms. Heard?"	Tag or declarative question that seeks confirmation and limits elaboration
non-coercive questions (Wh-questions and indirect)	(Wh-questions and indirect)	N	N

**Table 3.** Gnisci's<sup>[27]</sup> and Gnisci and Bonaiuto's<sup>[31]</sup> analysis of answers.

Question Type	Question Example	Type of Answer	Type of Behavior	Example from Data
Coercive	(Declarative, tag, and yes/no)	Pertinent answers (confirmation)	Accommodative	"Yes, that's correct"
	Accommodative (Confirmation seeking)	Elaborated, implicit, or evasive nonaccommodative answers and equivocation tactics	Nonaccommodative	"Well, it's more complicated than that..."
Non-coercive	N	Deflection, withholding detail	Nonaccommodative	"I don't remember exactly what happened."

For the selected extracts, we prepared Jeffersonian<sup>[32]</sup> transcriptions by repeatedly reviewing the videos and transcripts to refine our categorization and capture the interactional details necessary for CA. Applying Jefferson's conventions enabled fine-grained analysis of turn-taking, pauses, stress, and overlaps, allowing us to move beyond content-level interpretation to examine the turn-by-turn dynamics of (non)accommodation. See **Appendix A**. To integrate the CAT framework with CA, we examined question-answer sequences on a turn-by-turn basis, focusing on both descriptive and sequential levels of progressivity<sup>[26]</sup>. The descriptive level of our analysis mainly focused on identifying types of questions, answers, and interruptions in light of CAT, while the sequential level is entirely grounded in the CA detailed sequences of question-answer exchange and how (non)accommodation is interactionally accomplished, managed, understood, and evaluated, and how it affects turn-taking and reciprocity. To ensure credibility and transparency, triangulation was conducted between video recordings and official transcripts to verify accuracy, and coding and analytical procedures were systematically documented.

Qualitative analysis revealed that all questions analyzed were coercive and aimed at seeking confirmation. Therefore, our analytical criteria focused on examining how the attorney's question design constrained or enabled elaboration, how the defendant's responses demonstrated resis-

tance, reframing, or alignment, and the role of nonaccommodation in escalating or diffusing adversarial tension during cross-examination. The extracts presented here reflect typical patterns of cross-examination within this dataset, where nonaccommodation emerged as the prevailing strategy. To ground interpretations in data and demonstrate these patterns, illustrative extracts are presented in the findings. In particular, the CA analysis examines the interactional dynamics of (non)accommodation and their consequences across sequences of turns, structured around three main themes:

1. The different nonaccommodation tactics exhibited in the defendant's responses and how these tactics escalate over sequences of talk.
2. The hostile nature of nonaccommodation when recognized and oriented to by the attorney.
3. The defendant's shift from accommodating to nonaccommodating behavior during extended interaction.

## 4. Results

The following sections explicitly address RQ1 by illustrating how Heard enacts (non)accommodation through sequential practices, and RQ2 by analyzing Vasquez's responses and strategies for managing or escalating nonaccommodative behavior. Before presenting the findings, it is im-

portant to clarify that the analysis is structured around three major themes. Subthemes were also used to capture specific patterns of (non)accommodation tactics and to enhance the coherence, clarity, and transparency of the analytical commentary. Key analytic terms used in this analysis are also identified below. They guided the analysis by providing a consistent lens for examining how alignment, power, and resistance are negotiated during cross-examination.

For example, *accommodation* refers to alignment with the attorney's question in content, stance, or delivery, demonstrating convergence within the interaction. In contrast, *nonaccommodation* involves resistance, avoidance, or divergence from the question's presuppositions, reflecting disalignment and often signaling resistance to institutional authority. *Dispreferred responses* are delayed, mitigated, or indirect answers that resist straightforward confirmation or denial, often marked by hesitations, repairs, or expansions<sup>[33]</sup>. Additionally, *lexical conflict* refers to disputes over word choice or framing within the interaction, which can signal resistance and challenge institutional control over the narrative<sup>[34]</sup>.

### Extract 1 (Appendix A)

- |    |         |   |
|----|---------|---|
| 01 | Vasquez | That's the knife you <u>gave</u> to the <u>man</u> who was hitting you, right, Ms. Heard (.)                                |
| 02 | Heard   | (tsk sound) (.hh) I wasn't worried he was gonna <u>stab</u> me with it (.) when I gave it to him (.) That's for certain(hh) |
| 03 | Vasquez | But you gave it to him while he was abusing you (.) <u>Allegedly</u> (.)  |
| 04 | Heard   | I <u>gave</u> it to him that year(h)  |

This sequence of questioning uses declaratives that make confirmation or disconfirmation relevant. While alignment would typically involve a confirming response, Heard counters with an alternative answer that challenges the implied proposition, offering partial alignment while presenting new information<sup>[31, 36]</sup>. This elaborated, dispreferred answer does not impede the progress of the questioning sequence, as it passes the turn to Vasquez. In line 3, Vasquez orients to Heard's answer in line 2 by reformulating her question, shift-

## 4.1. Heard as the (Non)Accommodating Interlocutor

In the following extracts, we illustrate how Heard's nonaccommodation unfolds through counters as dispreferred alternatives, using tactics such as evasion, elaboration, and vague language to avoid straightforward "yes" or "no" answers, thereby maintaining a non accommodating, non-confirming stance. While these tactics complete the sequences, they do not advance the questioning activity<sup>[28]</sup>. Conversely, Vasquez's reformulated questions fail to elicit preferred responses. Yet, she adopts a passive approach, treating Heard's dispreferred answers and misalignment as normal and non-problematic<sup>[35]</sup>, rather than interrupting or pausing as is typical in courtroom questioning<sup>[2]</sup>.

### 4.1.1. Resistance through Reformulation and Vagueness in Response to Confirmation-Seeking Questions

In Extract 1, Vasquez introduces an item (a knife) into the evidence. Earlier in the extract, Vasquez asked Heard to show "the real knife". After showing Heard the knife, Vasquez starts the sequence of questioning.

ing the implied proposition about the knife from "hitting" to the broader "abusing" to provide a more inclusive framing. The use of "allegedly" further strengthens the claim while adhering to institutional norms of legal questioning.

In line 4, Heard repeats part of her previous answer, reformulating it within the vague timeframe "that year." While relatively non-specific and potentially misleading, this functions as a repair of Vasquez's question, which was about whether she gave Mr. Depp the knife, not when. Vasquez

does not ask about when she gave this knife. Vasquez's question is about whether Heard gave Mr. Depp this knife or not. Heard appears to anticipate a focus on conflicting claims and preempts this by reframing the question. Her use of "that year" exemplifies vague language, allowing her to avoid confirming or denying the allegation. Instead, she provides a dispreferred, nonconforming alternative. Thus, Vasquez's

pursuit through reformulation fails to elicit a preferred response.

Next, Vasquez uses a confirmation-seeking tag question<sup>[31]</sup>. Heard does not align her response with this question type; instead, she adopts nonaccommodative strategies by diverging from the questioning and providing long, elaborate answers that resist the embedded proposition.

## Extract 2 (Appendix A)

- 01 Vasquez You weren't scared of him at all were you (.)
- 02 Heard (.hhh) I have a (uh) mixed relationship with Johnny, one in which I'm scared and one in which I love him very much
- 03 Vasquez I'm not talking about your mixed relationship(.) That night in Australia after you cut off his finger with a bottle you weren't scared of him at all were you (.)
- 04 Heard (.) This is a man who tried to kill me(.) Of course, it's scary (.)He's also my husband

In Extract 2, Vasquez employs tag questions in lines 1 and 3, emphasizing "all" in line 1 to highlight a generalization about the allegation under questioning. Heard's delayed response in line 2, marked by an inbreath (.hh) and a hesitation marker (uh), offers an expanded account framed as two alternatives, only one of which aligns with the question ("one in which I'm scared and one in which I love him very much"), suggesting reluctance or resistance to confirm or deny<sup>[36]</sup>. This response may also function as a repair of Vasquez's question. Rather than providing an explicit answer, Heard talks around the issue, completing the sequence without advancing the questioning activity. While her response does not further the activity of questioning, it completes the sequence. In line 3, Vasquez reformulates the question using a declarative followed by a negative tag, adding details about time, place, and sequence to clarify and narrow the range of responses. She further emphasizes key words ("night," "you") and explicitly rejects Heard's framing ("I'm not talking about your mixed relationship"), thereby drawing attention back to the unanswered question. Through reformulation and repetition, Vasquez exercises control over the sequence and topic<sup>[34]</sup>.

Heard's response in line 4 reformulates her earlier answer while introducing a new argument. By stating, "this is a man who tried to kill me," reinforced with "of course," she

shifts focus to Depp's alleged actions, framing fear as a rational response ("it's scary"). However, she softens this stance by adding, "He's also my husband," signaling her mixed feelings. In doing so, Heard avoids directly confirming the proposition about her personal fear, using dispreferred alternatives to resist the question's implied claim. Her response continues to present two conflicting alternatives, leaving the proposition unconfirmed.

### 4.1.2. Persistence of Nonaccommodation despite Question Reformulation

In Extracts 3 and 4, repeated denial from Heard disrupts the progressivity of the interaction. In Extract 3, Vasquez uses a declarative question with interrogative intonation to seek confirmation, but Heard responds with an expanded account rather than confirming. In Extract 4, Vasquez shifts to using tag questions, yet Heard's nonaccommodation continues, providing indirect disagreement through elaborate answers rather than minimal "yes" or "no" responses. This persistence of nonaccommodation highlights her resistance to aligning with the questions despite changes in questioning strategy. In Extract 3, Vasquez questions Heard about an incident where Depp claims she screamed at him after he spilled wine, seeking confirmation.



### Extract 3 (Appendix A)

- 01 Vasquez (0.4) Mr. Depp says you screamed at him  
when he accidentally spilled wine on  
you (.) correct
- 02 Heard (.h) I realize that's what Johnny said=
- 03 Vasquez =Yeah And Mr. Depp tells you that this freaked out  
his son Jack (.)
- 04 Heard (.h) Johnny often used other people  
to back him up in our arguments

Vasquez's question in line 1, emphasizing "screamed," can imply judgment, suggesting the action was exaggerated or inappropriate. Heard's delayed response, marked by an inbreath (.h), reveals three notable points. First, her use of "I realize" may signal uncertainty, surprise, or a shift in understanding. Second, Vasquez formulates her questions using Mr. Depp's words, seeking confirmation from Heard. Third, in line 3, Vasquez treats Heard's prior answer as a confirmation, as indicated by the seamless turn-taking and the connective "and," which continues the argument. The emphasis on "screamed" and "freaked" further directs attention to Heard's actions and their perceived impact.

Again, Heard's response in line 4 is delayed with an inbreath (.h) and offers a new account about Mr. Depp, functioning as an assessment. Instead of providing a simple yes/no response aligned with the question, she gives an elaborate

answer, evasive answer. Her use of the vague term "people" serves as a lexical substitution to resist Vasquez's framing and defend herself covertly. Heard's nonaccommodation is evident through her expanded accounts, vague language, and vocal markers.

Next, Vasquez questions Heard about her apparent lack of concern and the absence of any mention of sexual assault in a recorded conversation with Depp. She also asks Heard to confirm that she accused Depp of "using his kids" in that recording. The questioning aims to highlight inconsistencies in Heard's statements and her choices about what to address or omit during the conversation. Heard's nonaccommodation persists despite Vasquez's shift in questioning style, as seen in lines 1 and 3. Instead of providing minimal yes/no responses, Heard offers indirect disagreement through elaborate answers in lines 2 and 4.

### Extract 4 (Appendix A)

- 01 Vasquez (0.2) You don't seem too concerned about that do you
- 02 Heard (.h) I had a lot of concerns
- 03 Vasquez (0.2) You don't seem (.) you don't mention  
Mr. Depp sexually assaulting you in this recording do you
- 04 Heard That was not the point of that conversation(.)  
If I had gotten into the details of what happened (.) to me with him (.)  
it would've been another fight(.)
- 05 Vasquez You just accused Mr. Depp of "using his kids," right  
[In that recording, Ms. Heard?
- 06 Heard (tsk sound) [(.hh) He would often use other people Yes

Two key points emerge in Extract 4. First, Vasquez strategically alternates between declarative and tag questions designed to elicit confirmation (preferred) or denial (dispreferred), not elaboration. However, Heard responds with counter-statements like “I had a lot of concerns,” covertly signaling disagreement with the embedded claims. Second, both parties use vague language (“that,” “concerns”), contributing to ambiguity and facilitating dispreferred, tangential responses. When Vasquez asks Heard to confirm she did not mention sexual assault in the recording, Heard treats this as an implied allegation and offers justification, explaining it was not the topic and discussing it would have led to conflict. Her emphasis on phrases like “to me” and “fight” underscores her covert disagreement and self-justification.

In line 5, Vasquez builds sequentially on prior turns by asking Heard to confirm that she accused Depp of using his children. Heard delays her response (inbreath, tsk), avoids direct confirmation, and instead reasserts her earlier point, “He would often use other people”, emphasizing “other” to resist Vasquez’s framing while asserting her interpretation. This pattern of disagreement, elaboration, and evasive responses illustrates Heard’s nonaccommodation. Rather than simply confirming or denying the claim, she imposes her narrative and resists alignment. Her overt and covert resistance highlights a nonaccommodative stance, as Vasquez’s pursuit of preferred answers through reformulated questions fails to elicit compliance. Throughout, Heard’s repeated disagreements and elaborations deviate from typical defendant response norms, challenging Vasquez’s framing and the

courtroom’s expectations of alignment<sup>[37, 38]</sup>.

## 4.2. Heard and Vasquez as Both (Non)Accommodating Interlocutors

The following extracts illustrate how both Vasquez and Heard display nonaccommodation, creating a hostile interaction marked by disagreement, interruption, and lexical conflict. Vasquez demonstrates nonaccommodation through confronting strategies (e.g., direct disagreement) and indirect strategies (e.g., interruption), treating Heard’s answers as problematic and nonaccommodative. Her pursuit of preferred answers through reformulated, concise, and often interrupted statements fails to elicit compliance, as Heard consistently provides dispreferred or resistant responses. Both parties express dissatisfaction with each other’s nonaccommodation, disrupting the progress of the talk. Vasquez’s questions are met with counter-responses or elaborations that resist alignment, while Heard’s nonaccommodation tactics, framing her interpretations and redirecting focus, complete the sequences but do not advance the questioning.

### 4.2.1. Lexical Conflict and Topic Shifts as Nonaccommodation Strategies

In Extracts 5 and 6, where Vasquez asks Heard to confirm the content of text messages admitted as evidence, the interaction highlights overt and covert resistance, direct disagreement, and escalating tension. Their nonaccommodation tactics, such as reframing, redirecting, and lexical resistance, emerge sequentially as both seek to assert control and challenge the framing of the exchange.

#### Extract 5 (Appendix A)

01 Vasquez So you write (.) Ms. Heard to Dr. Cowan  
I feel so lo:st (.) I can't ta:lk (.) I don't  
know if I'll ever be able to cha:nge  
(0.2) Right (.)

02 Heard And I said I clearly can't figure this out(.)  
Meaning the relationship (.)

03 Vasquez You didn't say that

04 Heard Yes I did(.)

- 05 Vasquez            You didn't say that Not the relationship (.)  
                              Your text messages clearly I can't  
                              figure this out. I feel so lost right now

In line 1, Vasquez reformulates a previously affirmed yes/no question about a text Heard sent to her doctor, using a declarative question with a final interrogative intonation to signal the importance of certain details and assess Heard's credibility. Despite having already confirmed the question, Heard diverges this time, avoiding explicit confirmation or denial. Instead, in line 2, she responds, "And I said I clearly can't figure this out. Meaning the relationship." Interestingly, part of this response involves reading aloud a text message displayed on the screen. She also introduces new information, specifying that "this" refers to "the relationship," thereby providing her interpretation of the message's meaning. This nonaccommodative move shifts the topic, functioning as a repair of Vasquez's turn<sup>[35]</sup>. By offering her interpretation of the message, Heard shifts control of the narrative and resists Vasquez's framing. This interpretive reframing acts as a nonaccommodation strategy, allowing her to advance her perspective while avoiding direct alignment with the question.

Vasquez disputes this in line 3 with, "You didn't say that," treating Heard's account as evasive and irrelevant. The disagreement escalates in line 4 as Heard insists, "Yes, I did," followed by Vasquez's repeated, direct disagreement in line 5, emphasizing that Heard's reference to "the relationship" is not present in the text message. Vasquez's repeated direct dis-

agreements highlight Heard's dispreferred answer and treat her topic shift to "the relationship" as problematic, which demonstrates nonaccommodation in her turns<sup>[35]</sup>. By redirecting attention back to the text message, Vasquez reasserts control, authority, and institutional role<sup>[37, 38]</sup>, emphasizing that Heard has not answered the question and highlighting a conflicting interpretation of the message.

Vasquez redirects attention to Heard's text message to highlight that Heard has not answered the question. In line 5, she replaces "the relationship" with "your text message," emphasizing the original focus. Vasquez is re-reading the text messages Heard wrote and sent to Dr. Cowan<sup>1</sup> (Heard's therapist). In line 3 and line 5, Vasquez's direct and unequivocal expressions of disagreement, devoid of prefacing or qualification, and repeated challenges<sup>[37, 38]</sup> signal strong disagreement, assert her authority and institutional role, and challenge Heard's credibility. By repeatedly stating, "You didn't say that," Vasquez highlights a conflicting interpretation of the text message and the events while reinforcing institutional norms within the interaction. Heard's evasive answers, in turn, reveal her covert resistance strategy.

In Extract 6, we see how the interaction proceeds between Vasquez and Heard through lexical conflict, evident in Vasquez's and Heard's overt correction of word choice and managed through disagreement and interruption.

### Extract 6 (Appendix A)

- 01 Heard            (.hh) What I was saying to him  
                              [is- clearly I can't figure this out because it's the  
                              Relationship]
- 02 Vasquez        [No- no no Ms. Heard Ms. Heard that's not my question]
- 03 Vasquez        The text (.) Just the text (.)
- 04 Heard            [That's exactly- what I was saying]
- 05 Vasquez        [What- you texted]  
                              Clearly I can't figure this out(.)

<sup>1</sup> Dr. Connell Cowan is Heard's therapist. She began seeing him in October 2014. He is a psychologist who was involved in Heard's trial.

I feel so lost right now (.)

06 Heard That's- exactly what I was saying (.)

07 Vasquez That's- ok

Heard's dispreferred response is marked by a delayed inbreath (.hh) and a reformulation in line 2, using "relationship" to justify her text message and redirecting attention to it as the central topic. Vasquez interrupts with repeated direct disagreement ("No, no, no, Ms. Heard..."), asserting that the question was not about the relationship. This interruption and emphasis on "question" demonstrate overt resistance and accentuate nonaccommodation in Vasquez's turn<sup>[35]</sup>.

In line 3, Vasquez redirects focus to the text message, emphasizing the topic by repeating "the text" and using "just." The multi-sequence interruptions in lines 4–7 show Vasquez treating Heard's prior turn as problematic, interrupting to emphasize that the question concerns the text Heard wrote, not its content. Heard's repeated statement, "That's exactly what I was saying," in lines 4 and 6 suggests an attempt to accommodate while remaining vague, as she omits "relationship" and fails to specify which part of the question she

confirms, indicating partial, unclear alignment. Vasquez's "That's ok" appears accommodating but functions as a nonaccommodative move, dismissing Heard's vague alignment while closing the sequence and maintaining control.

Overall, the two extracts illustrate how lexical repetition, overlap, interruption, disagreement, and topic narrowing are used by Vasquez to manage resistance and maintain institutional authority, while Heard's vague repetition shows a nonaccommodation strategy to avoid deeper commitment or clear alignment.

#### 4.2.2. Interruption and Lexical Struggle as Tools of Power and Resistance

In Extract 7, a confrontational style emerges as both Vasquez and Heard engage in interruptions and lexical struggle<sup>[35]</sup>. Vasquez uses declarative statements, active voice, interruptions, and direct disagreement tokens to redirect the questioning and assert control over the interaction.

#### Extract 7 (Appendix A)

01 Vasquez So it's your testimony under oath you threw  
nothing at Mr. Depp (.) Mr.McGivern is lying (.)

02 Heard I (.) have thrown things at Johnny=

03 Vasquez =No

04 Heard to [be clear

05 Vasquez [no no not- thrown things]

06 Heard but not- [that occasion]

07 Vasquez [That evening]

08 Heard Not that (.) Not on that occasion(.)

Vasquez prefaces with two declarative statements containing different propositions. The first statement prefaces with "so" followed by "it's your testimony." Vasquez references Heard's earlier statement to formulate her declarative question regarding Heard's testimony. The other declarative statement contains a different proposition: "Mr. McGivern

is lying?" This double-proposition question prompts agreement or disagreement. In line 2, Heard's partial admission of throwing "things" reflects a strategy of limited accommodation combined with nonaccommodation. Her use of the vague term "things" serves as a lexical strategy to contest Vasquez's assertion and overtly correct "nothing"<sup>[39]</sup>,

illustrating covert nonaccommodation. Thus, in this context, using “to be clear” strengthens Heard’s nonaccommodation, as it positions her clarification over Vasquez’s framing.

Vasquez’s interruptions and repeated, blunt use of “no” in lines 3 and 5 demonstrate a nonaccommodative tactic to discredit Heard’s testimony and signal total rejection of her response. This unmitigated disagreement serves as an urgent notice for Heard to reconsider her previous allegations. Vasquez’s statement (“not thrown things”) justifies her disagreement and frames Heard’s response as irrelevant and problematic. Heard elaborates in line 4 with “but not that occasion” to defend her position. Vasquez’s use of incomplete statements in lines 3, 5, and 7 further reflects dissatisfaction and marks Heard’s responses as nonaccommodative<sup>[35]</sup>. In lines 6 and 7, a lexical struggle unfolds as Heard uses “occasion” while Vasquez challenges this with “evening,” disputing how the event is labeled. Despite Vasquez’s overt correction, she fails to assert full control over Heard’s framing<sup>[39]</sup>. Heard’s use of “but,” “not,” and “occasion” signals opposition and dissatisfaction, marking her nonaccommodation while also serving to evade the question. The back-and-forth lexical contest and interruptions disrupt the progressivity of the questioning sequence, illustrating how nonaccommodation on both sides contributes to a hostile, stalled interaction.

### 4.3. Heard as an Accommodating and Non-Accommodating Interlocutor

In the final Extract 8, we show how accommodation shifts to nonaccommodation during questioning. Heard accommodates through evaluative responses like “that is correct” instead of “yes,” while also displaying nonaccommodation through direct disagreement. Heard’s emerging confrontational style contrasts with Vasquez’s passive approach, as Vasquez treats nonaccommodation as non-problematic while maintaining control over sequence and topic. Dispreferred answers (e.g., direct disagreement, lexical resistance, and framing challenges) complete the sequence without disrupting the flow of questioning. Unlike previous extracts (5, 6, and 7), Heard’s misalignment here does not require explicit nonaccommodative behaviors such as interruptions.

Previously, Vasquez played a recording of a conversation between Heard and her spouse. She starts asking Heard about that recording. In line 1, Vasquez’s declarative question makes confirmation (i.e., yes) or disconfirmation (i.e., no) relevant. In line 2, Heard produces an evaluative response which includes ‘that is correct’ instead of ‘yes.’ Heard’s answer completes the sequence and activity of questioning.

#### Extract 8 (Appendix A)

- |    |         |  |
|----|---------|--|
| 01 | Vasquez | It’s you and Mr. Depp in that recording right  |
| 02 | Heard   | That’s correct (.)   |
| 03 | Vasquez | And you're discussing what happened in<br>The Bahamas in December of 2015<br>right (.)             |
| 04 | Heard   | <u>No</u> that's not correct (.)<br>We were discussing <u>a part</u> of it (.)                     |
| 05 | Vasquez | You're discussing (.) when you <u>screamed</u><br>at Mr. Depp in front of his children,(.) correct |
| 06 | Heard   | (.h) <u>No</u> We were talking about (.) <u>a part</u> of that argument                            |
| 07 | Vasquez | <u>Including</u> when you <u>screamed</u> at Mr. Depp in front of his <u>children</u>              |
| 08 | Heard   | (.h) That's (.) <u>not</u> (uh) a fair characterization of what happened                           |

Next, Vasquez directs Heard's attention to the Bahamas incident using a declarative question. Heard responds with a direct disagreement prefaced by "no" and a negative evaluation ("that's not correct"). Heard's disconfirmation functions as a nonaccommodative, dispreferred response, reinforced by her partial elaboration and introduction of a new account ("we were discussing a part of it"), which signals misalignment with the question's implied proposition<sup>[31]</sup>. Heard's answer completes the sequence and passes the turn back to Vasquez without impeding progressivity. Vasquez continues with another declarative question that shifts the focus and allows Heard's earlier disconfirmation to pass<sup>[34, 35]</sup>. Emphasizing "screamed," Vasquez strengthens the proposition in her question. Heard counters again with a delayed disconfirmation (inbreath) and direct disagreement ("no"), presenting an alternative account ("we were talking about a part of that argument").

Lexical resistance and framing challenges are also evident in this extract. Heard replaces "discussing" with "talking" and emphasizes "part," enacting lexical perversion<sup>[39]</sup> to resist Vasquez's framing while subtly asserting control over the narrative<sup>[16]</sup>. Vasquez reformulates her question, emphasizing emotionally charged words ("screamed," "children") to regain control, highlight alleged inconsistencies, and pressure alignment. Heard's delayed response (inbreath) signals hesitation and careful positioning before offering a new account, explicitly labeling Vasquez's characterization as "unfair," thus resisting both Vasquez's authority and the question's implied knowledge claim<sup>[38]</sup>. Heard's explicit disagreement, "That's not a fair characterization of what happened", demonstrates nonaccommodation through overt resistance and reframing.

Overall, this exchange demonstrates the dynamic negotiation of power, authority, and framing through strategic (non)accommodation, highlighting how both Vasquez and Heard actively shape the interaction to advance their narrative positions.

## 5. Discussion

This study examined how (non)accommodation strategies are enacted and negotiated during cross-examination, addressing RQ1 by demonstrating that Heard's nonaccommodation strategies included challenging, elaborating, delaying,

reframing, using vague language, and resisting direct confirmation. These practices illustrate how defendants may resist institutional framing and assert agency within the sequential flow of adversarial legal talk. Consistent with prior research, our findings reinforce that cross-examination in the Anglo-American legal system is inherently adversarial, with hostility emerging through a lack of adaptation, unsympathetic tone, absence of compromise, and non-cooperation, creating a coercive atmosphere<sup>[7, 11, 19, 40]</sup>. In line with calls for applied, qualitative research<sup>[15, 19]</sup>, this study demonstrated how accommodation is accomplished as an interactional achievement rather than a purely cognitive process. Accommodation is not a static trait or role-driven behavior but a dynamic, interactional achievement.

Regarding RQ2, the findings showed that Vasquez oriented to the norms of cross-examination, using coercive questions, typically declarative and tag forms to seek confirmation of evidence and test the defendant's credibility<sup>[6]</sup>. Vasquez further recognized and responded to nonaccommodative behavior by employing coercive questioning, repetition, reformulation, direct disagreement, and interruptions to pursue alignment and control testimony. However, her strategies often escalated resistance rather than securing alignment.

Unlike prior quantitative CAT studies suggesting coercive questioning shapes answer length but not quality<sup>[2]</sup>, our CA-informed analysis showed that coercive questions had neither predicted length nor relevance. Heard persistently resisted alignment, offering counter responses without mitigation<sup>[33]</sup> and reinforcing her stance through vocal markers and expanded accounts. Repeated tag questions and reformulations, often used to control interaction and flag key information<sup>[2]</sup>, frequently failed to elicit preferred responses or constrain answer length. Our findings affirm the need to examine how institutional roles and sequential organization jointly shape (non)accommodation<sup>[20, 21]</sup>. Both Vasquez and Heard employed nonaccommodative tactics to negotiate testimony, manage arguments, and assert or resist social distance<sup>[8]</sup>. While Vasquez maintained structural control through questioning, both parties shaped the interaction: Vasquez through pursuit and reformulation, and Heard through resistance, reframing, and evasion. These strategies revealed the complexity of courtroom interaction, as (non)accommodation was enacted in real time through both overt

and covert means.

This study underscores that power, alignment, and control in courtroom discourse are dynamically negotiated rather than imposed. Vasquez's reformulations aimed to reassert control, while her occasional acceptance of dispreferred answers treated resistance as an accountable move<sup>[36]</sup>. Interruptions sometimes escalated interactions without achieving alignment, illustrating that convergence in turn-taking can co-occur with divergence in content. By bridging CAT and CA, this study demonstrates that cross-examination is not a one-sided exercise of power but a dynamic process where attorneys and defendants negotiate control, alignment, and social distance through (non)accommodative strategies.

## 6. Conclusion

The findings of this study extend CAT's application by demonstrating that alignment and resistance in legal contexts are interactionally accomplished, shaped by sequential organization, institutional goals, and power relations. For legal practitioners, these findings underscore the importance of recognizing how questioning styles, interruptions, and reformulations can escalate or de-escalate resistance, impacting examination effectiveness and relational dynamics in court. For defendants, the findings highlight the need to develop effective response strategies that maintain clarity under pressure, manage interruptions, and address framing tactics, helping them preserve credibility and composure during high-stakes testimony.

Future applications of CAT could systematically examine these micro-level patterns to inform training programs for lawyers and judges, enhancing their ability to manage alignment and resistance while maintaining fairness and clarity. CAT-informed insights could also help practitioners understand how communicative choices influence credibility assessments and power dynamics during examination. Further research should explore how nonverbal behaviors, defendants' perceived social categories, and personality traits shape (non)accommodation in courtroom settings. Additionally, frameworks such as Clayman's typologies of adversarial stance could deepen insights into resistance and alignment management across legal and cultural contexts. Integrating automatic signal processing and machine learning techniques (e.g., EEG-based cognitive state detection,

emotion recognition) could complement qualitative insights, expanding the analytical scope of courtroom discourse research.

## Author Contribution

Conceptualization, H.A.S.; methodology, H.A.S., H.A.A., and A.M.A.; validation, H.A.S.; formal analysis, H.A.S., H.A.A., A.M.A., and F.K.A.; investigation, H.A.S.; resources, H.A.S., H.A.A., A.M.A., and F.K.A.; data curation, A.M.A. and F.K.A.; writing—original draft preparation, H.A.S., H.A.A., A.M.A., and F.K.A.; writing—review and editing, H.A.S. and H.A.A.; supervision, H.A.S.; project administration, H.A.S.; funding acquisition, H.A.S. All authors have read and agreed to the published version of the manuscript.

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## Institutional Review Board Statement

This research did not involve direct interaction with human or animal subjects, nor did it involve pathology reports or sensitive personal data. The data analyzed consist of publicly accessible trial recordings and transcripts.

## Informed Consent Statement

This study is based on publicly available data from a high-profile legal case (Depp v. Heard trial). Therefore, no direct participants were recruited, and informed consent was not applicable or required.

## Data Availability Statement

The data supporting the findings of this study are publicly accessible via the following link: <https://www.youtube.com/watch?v=DOM0jRQQNmE>. For further information or inquiries, please contact the corresponding author.

## Conflicts of Interest

The authors declare no conflict of interest.

## Appendix A

Symbol	Meaning
[word]	Overlapping speech
[word]	
(.)	Brief pause
(0.0)	Time pause
Wo:rd	Elongated sound
Word=	Latched talk
=word	
Wor-	Interrupted Word
Word	stressed word
.h .hh .hh	inbreath
h hh hhh	outbreath

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