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DIFFICULTIES AND LIMITATIONS OF MACHINE TRANSLATION

Guillermo Cabanellas de las Cuevas

If machines have replaced humans in countless activities — serving sodas, driving airplanes, teaching children — why can't they also produce translations? A dictionary, after all, appears to be perfectly apt for automation. Feed words in one language into a computer, apply the right software and — presto — a translation machine would be at your fingertips. Machines would do the work and human beings would carry on with other aspects of their lives. No more endless nights for translators, struggling with repetitive legal texts or obscure technical documents. With computerized and electronic dictionaries already on the market, machine translation would only imply extending the mechanics of these dictionaries to more complex texts, right?

Before this dream (or nightmare?) becomes a reality, a few difficulties would have to be overcome. First, the ambiguity problem. A quick look at any bilingual dictionary shows that many words in any given language have more than one equivalent in another language. For example, the Spanish word *vela* — famous for its ambiguity — means a candle, a sail, the act of taking care (*él vela por sus hijos*), and is equivalent to the expression “see her” (*vela tendida en la hierba*), and so on. A human being would solve these ambiguities by looking to the context in which the word is used. Then it would be clear that the expression *se apagó la vela* refers to a candle, and *se alzó la vela* to a sail. Solving such contextual problems would require software decidedly

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HAWAII'S INTERPRETERS TAKE ACTION TWENTY YEARS AND NO PAY RAISE

M. Alohalani Boido and Patricia J. Harpstrite

With many of Hawaii's experienced interpreters no longer able to afford to work in the state courts, Hawaii may face a shortage of qualified interpreters in the future. The Hawaii judiciary, which has not raised the minimum court interpreter pay for two decades, received a hand-delivered petition in September signed by 64 freelance interpreters.

Hawaii's courts are all state courts, organized into four circuits. Each circuit has district (misdemeanor), family, and circuit (felony) courts. Each type of court within each circuit has its own interpreter assignment procedures. Rates are \$50/half-day for hearings and trials, and \$40/half-day for all other court proceedings.

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MESSAGE FROM THE CHAIR

The transition of NAJIT's headquarters to Seattle, Washington has on the whole gone smoothly. The board and the executive director appreciate all our members' patience as the new team gets down to work. Everyone has commented on how understanding the membership has been as we work through some of the adjustment kinks.

The Northwest Regional Conference (NRC) held in Portland, Oregon this past September far exceeded everyone's expectations. Conference organizer María Cristina Castro, together with a team of able and dedicated volunteers, put together a spectacular group of presenters who challenged and engaged participants in lively and thought-provoking discussions. The presenters were Marina Braun, our own Holly Mikkelson, Aleé Robbins, Loie Feuerle and Johann Paoletti-Schelp, all of whom truly did a fine job. A special thanks to Portland State University and Dr. Sandra Rosengrant, chair of Department of Foreign Languages, for co-hosting this first of many western regional conferences. In her welcoming speech, Dr. Rosengrant highlighted the importance of our work and the need to raise public awareness about the profession of court interpreting. Likewise I'd like to thank Marvin Kaiser, the dean of the College of Liberal Arts and Sciences at PSU, for graciously co-hosting the conference reception. Among the 83 attendees were people from California, Nebraska, New Mexico, North Dakota, Oregon, Texas, and Washington. My apologies if I've left anyone out!

As stated during our last annual meeting in Phoenix, the board is committed to increasing the use and activities of NAJIT's standing and ad hoc committees. To date the following committee chairs have been appointed, and they are busy staffing their committees: Albert Bork, Nominations Committee; Joyce García, Elections Committee; Cristina Helmerichs, 2003 Annual Conference Committee; Alex Rainof, Advocacy Committee; Margaret Redd, 2004 Eastern Regional Conference Committee; Sandro Tomasi, 2003 Eastern Regional Conference Committee. I urge all members who are interested in serving on these or any other committees to please contact me, the chair of the committee you wish to serve on, or the executive director.

The 2003 Eastern Regional Conference is set for February 2003, and will take place once again in the New York metropolitan area. I am delighted that Sandro Tomasi has agreed to organize this event. More details will be available on the web and in your e-mail.

I hope you will all join us at the next annual conference, to take place over the Memorial Day weekend at the Sheraton Music City Hotel in Nashville. (Learn more about the venue in the executive director's column, this issue.) The Conference Committee and I are already hard at work: Judith Kenigson Kristy to assure we have the local touch; Richard Quiggins, who will be soliciting sponsorships; and Sandro Tomasi, who will be helping with presentations. Please don't hesitate to contact any one of us with your suggestions and ideas.

Cristina Helmerichs D.
Chair, NAJIT Board of Directors

NAJIT occasionally makes its member information available to organizations or persons offering information, products, or services of potential interest to members. Each decision is carefully reviewed and authorization is given with discretion. If you do not wish to have your contact information given out for this purpose, please let headquarters know and we will adjust our records accordingly.

THE COURT INTERPRETER AS EXPERT WITNESS

Sara García-Rangel

What Is an Expert Witness?

An expert witness is an individual with special knowledge, skill, experience, training or education who can assist the trier of fact in understanding evidence or determining a fact in issue.

An expert takes an oath, like any other witness, and has to be qualified as such; once qualified, an expert may testify in the form of an opinion if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case.¹

Although expert witnesses are allowed wide latitude to offer opinion, their testimony is subject to challenge.

Interpreters as Expert Witnesses

Interpreters have to be qualified as expert witnesses to interpret in court proceedings. They take an oath or affirmation “to make a true translation” of the oral discourse as provided by Rule 604 of the Federal Rules of Evidence. The court interpreter’s oath requires that the interpreter “justly, truly, fairly and impartially” act as an interpreter in the case before the court. These duties include the interpretation of everything said in the courtroom during court proceedings and, if interpreting for a witness, they include the interpretation of the oath to the witness, the questions of the Court and counsel, and the answers thereto.²

On occasion, a court interpreter may also be called as a witness to testify regarding matters about which the interpreter has special knowledge or expertise. For example, if an interpreter has prepared transcripts and translations of tape or videotape recordings, he or she may be called to testify about the translation process. An interpreter may also be called to testify on other matters related to special knowledge and skills the interpreter may have acquired in professional work.³ When testifying as an expert witness, the court interpreter is sworn as a witness, then examined to be qualified as an expert, and then is asked relevant questions about the evidence, or is asked to give an opinion based on knowledge and experience.

Oaths and Affirmations

The purpose of an oath or affirmation is “to awaken

the witness’ conscience and impress the witness’ mind with the duty to testify truthfully.”⁴ While the interpreter’s oath is to interpret fairly and impartially, the witness’ oath is to “tell the truth, the whole truth and nothing but the truth, so help you God.” (For an affirmation, substitute the word “affirm” for the words “solemnly swear” and “This you do affirm under the pains and penalties of perjury” instead of “so help you God.”)

Offering Opinions

If a witness is not testifying as an expert, opinions and inferences are necessarily limited. Rule 701 of the Federal Rules of Evidence limits them to those “which are: (a) rationally based on the perception of the witness, (b) helpful to clear understanding of the witness’ testimony or the determination of a fact in issue, and (c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.”

Rule 702 states that “If scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training or education, may testify thereto in the form of an opinion or otherwise, if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case.”

Presumably, this relaxation of the usual requirement of firsthand knowledge — a manifestation of the common law insistence upon the most reliable sources of information — is premised on an assumption that the expert’s opinion will have a reliable basis in the knowledge and experience of his discipline.

Interpreting for an Expert Witness

When called upon to interpret for an expert witness from a foreign language into English, it is important that the interpreter prepare for the testimony by obtaining information about the case, reading the expert’s report, and compiling a glossary of key terms.

In 1993 an amendment to Rule 16 of the Federal Rules of Criminal Procedure⁵ expanded federal criminal discovery by requiring disclosure of the intent to rely on

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INTERPRETER AS EXPERT WITNESS

continued from page 3

expert opinion testimony. With increased use of scientific and nonscientific expert testimony, one of counsel's most basic discovery needs is to learn whether an expert is expected to testify. The purpose of the amendment was to minimize surprise, reduce the need for continuances, and provide the opponent with an opportunity to prepare for cross-examination. A request for disclosure under this rule triggers reciprocal discovery.

The disclosure will be in the form of a written summary indicating, in addition to the intent to call an expert witness, what the testimony of that witness will consist of, i.e., the witnesses' opinions, the bases and reasons for those opinions, including any written or oral reports, tests, investigations, and opinions of other experts in the field, and the expert's qualifications.

If any party challenges an interpreter's rendition of expert testimony, the interpreter should remain calm and relaxed. If you are the challenged interpreter, use echoic memory to write down or complement any notes you have with what you immediately remember. Analyze the challenge and reconsider your rendering. Await instructions from the court.

If satisfied with your interpretation, when asked, you may say, "I stand by my interpretation." If, after reconsidering the interpretation or consulting with a colleague, you realize that a mistake was made, simply state, "Correction accepted."

If at any time, even after more testimony has been already interpreted, you realize that a mistake was made, indicate the correction for the record, always in the third person, referring to yourself as "the interpreter."

Interpreter as Expert Witness

If an interpreter is being qualified as an expert, he or she will be asked to state education, training, skills, and experience. Be positive in detailing your studies. Probably, you devoted most of your time to language acquisition. Explain your knowledge of the languages relevant to your testimony. Talk about all the courses, workshops and seminars you have attended, and if there is an official certification in your language, state when you were so certified. If you are an active member in professional associations, mention your participation in their activities. Add any and all skills and experience that make you qualified for the testimony you are about to give.

You may first be examined out of the presence of the jury. The party calling you as a witness may have to proffer your testimony to assure the trial court of the relevance and reliability of your testimony.

Two fairly recent Supreme Court cases, *Daubert*⁶ (1993) and *Kumho Tire*⁷ (1999) have re-stated that, under the

Federal Rules of Evidence, trial judges must ensure that any and all scientific evidence testimony or evidence admitted is not only relevant but reliable. (Rule 702). General acceptance is not a necessary precondition to admissibility of scientific, specialized or technical evidence. *Daubert's* "gate-keeping" requirement applies to all expert testimony so as to ensure that an expert, whether basing testimony upon professional studies or personal experience, employs in the courtroom the same level of intellectual rigor that characterizes the practice of an expert in the relevant field.

The advice given to all witnesses applies as well to experts of any kind:

- Speak clearly and loudly.
- Don't memorize what you are going to say. Speak in your own words. Be natural.
- Listen to the questions and make sure that you are answering what is asked. Do not answer a question that you really do not understand.
- Answer only what is asked. Do not volunteer additional information.
- Offer only information and opinion that you are sure of and can justify.
- Be assertive, but not aggressive.
- Do not be argumentative.
- If you do not know something, say "I do not know," but try to be definite when you do have an answer. Try not to say "I think" or "I believe."
- If you make a mistake in your testimony, clear it up as soon as possible.
- If the judge interrupts you, or if there is an objection, stop talking immediately.
- Always be polite.

And remember: sharing your knowledge with others, as an expert witness, can be an enjoyable experience!

[The author is supervisory interpreter of the U.S. District Court of New Jersey, consultant to the Administrative Office of the Courts of New Jersey, and instructor in New York University's Certificate Program in Court Interpreting: Spanish/English.]

(Endnotes)

- 1 Rule 702 of the Federal Rules of Evidence.
- 2 Forms of Oaths for Use in the United States District Courts, Federal Judicial Center, No. 76-4, Washington, D.C.
- 3 See: Garcia-Rangel, Sara (1984) Expert Testimony, Proceedings of the 25th Annual Conference of the American Translators Association. (Patricia E. Newman, editor) Medford, NJ: Learned Information Inc., pp. 29-34
- 4 Rule 603 of the Federal Rules of Evidence.
- 5 Fed. R. Crim. P. 16(a)(1)(E)
- 6 *Daubert v. Merrell Dow*, 509 U.S. 579, 113 S.Ct. 2786 (June 28, 1993)
- 7 *Kumho Tire Company v. Carmichael*, 526 U.S. 137, 119 S.Ct. 1167 (March 23, 1999)

CONFERENCE REPORTS

NORTHWEST REGIONAL: DO IT AGAIN, NAJIT

James Comstock

Interpreters from all over the Northwest as well as from California, New Mexico and the midwestern states, along with two from Washington, D.C., gathered in Portland, Oregon on September 21 for NAJIT's first Northwest Regional Conference. Organizers were pleased with a turnout of over 80 interpreters and translators. Held in eclectic downtown Portland on the Portland State University (PSU) campus, the conference was within walking distance of the area's numerous restaurants, coffee houses, and of course, the legendary Powell's City of Books.

Though the conference lasted only one day, the full schedule covered a variety of topics. Following a continental breakfast and initial remarks by NAJIT board member and conference organizer Cristina Castro, the first presentation, "Interpretation as Restoration of Cultural Context," was by Marina Braun, an Oregon state certified Russian interpreter and author of the "English-Russian Dictionary of American Criminal Law." She spoke on the importance of cultural context in interpreting. Her point was well demonstrated with a series of exercises involving the translation of culturally specific language such as idioms, metaphors, puns, and acronyms. As interpreters divided into groups according to language, there were plenty of opinions shared regarding the "best" way to render such problematic phrases.

Following the midmorning break, NAJIT board member Holly Mikkleson and Oregon Judicial Department (OJD) Interpreter Supervisor Aleé Robbins presented a session on "Idiomatic English Usage." Taking a lighthearted approach and using examples from actual court transcripts, both presenters demonstrated a myriad of pitfalls in English — making note of those errors commonly committed by non-native and native English speakers alike.

During the midday break, many interpreters enjoyed lunch among the stands of Portland's Saturday Market, conveniently located on the PSU campus. Throughout the day, Ann Macfarlane, NAJIT's new executive director, kept the conference on schedule and ensured smooth operations.

Lois Feuerle, program manager for the Oregon Judicial Department's interpreter program, kept everyone awake during what she called "the siesta slot" right after lunch, presenting "Why Do They Talk Like That? Peculiar

> *continued on following page*

ATA SEMINAR IN SAN FRANCISCO

Sara García-Rangel

An ATA Professional Development Seminar, "Court Interpreting and Translation," was offered on September 14 at the historic Hotel St. Francis at Union Square in beautiful San Francisco, California. The session began at 7:30 a.m., when approximately 75 interpreters and translators of various languages began gathering for a continental breakfast and the day's events.

The first speaker was Holly Mikkleson of Language Services Associates and professor at the Monterey Institute of International Studies in California. She guided seminar participants in the steps to follow when translating a document to be used in court as evidence. The first step is to read the document and become familiar with it; the second is to assemble your dictionaries—monolingual, bilingual, general, and technical. If possible, locate a similar document in the target language (parallel text), and try to get the pertinent codes or laws using the Internet as a resource. After completing the translation, edit it carefully and compare it to the original to make sure that everything has been accounted for, particularly if you have been working from a copy. Do not forget signatures, marginal notes, and seals. Finally, prepare your certification stating your qualifications and indicating that the translation is true and accurate to the best of your knowledge and belief. Then have your signature notarized as a final professional touch for your translation.

The second presentation was on self-monitoring (and other monitoring) activity in the courtroom by Nancy Schweda Nicholson, consultant and professor of linguistic and cognitive science at the University of Delaware. She divided the monitoring process into three stages: pre-articulatory (decision-making regarding level of language and choice of grammatical structures), articulation (when we speak), and post-articulatory (if we recognize that a mistake was made). She cautioned that in this latter stage only a true error correction should be made and not to worry about what Professor Weller calls "eloquence adjustment." Among the many challenges she discussed that may interfere with successful monitoring are false cognates, word boundaries, hearing incorrectly, words with multiple meanings, contradictions, and ambiguity. Also discussed were the factors that can cause a breakdown in a monitoring system: external (such as the delivery style of the speaker or the difficulty of the subject matter) or internal (such as the interpreter's state of mind or health and his or her individual interpreting abilities).

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DO IT AGAIN*continued from previous page*

Language Peculiar to the Courts.” Dr. Feuerle, an attorney as well as translator and interpreter of German, took attendees on a journey through the often confusing, seemingly illogical world of legal language. As the mysteries of frozen language, legal terms, and sentence construction borrowed from other languages were unveiled, interpreters became familiar with the root meanings of some of the words that give us the most grief.

Finally, American Sign Language (ASL) interpreter Johann Paoletti-Schelp offered “Interpreting, not Regurgitating.” Mr. Paoletti-Schelp’s dynamic style of presentation, coupled with a controversial topic, made this presentation the most lively of the day. Interpreters were encouraged to step outside of the traditional limits which most had learned when being trained. Some suggestions included mimicking witnesses’ hand motions, and lowering register to ensure comprehension. Needless to say, this provoked a lively debate. In response to the differing opinions, Johann explained that he believed interpreters had been trained incorrectly from the beginning and that the limitations imposed on interpreters were an impediment to communication that should be removed.

Debate on this controversial subject carried on into the reception hosted by Marvin Kaiser, dean of the College of Liberal Arts and Sciences at Portland State University.

NAJIT’s first Northwest Regional Conference was deemed a success by the vast majority of those attending. The regional hosting permitted interpreters and translators who might not be able to travel to the annual national conference to attend a well-planned and well-presented program featuring nationally recognized speakers on a variety of subjects. I hope to see this style of conference held in the future on a regular basis, as it gives even more language professionals the opportunity to network with one another and to become familiar with NAJIT. Thanks to all of the committee members, Court Interpreters Association of Oregon (CIAO), Northwest Translators and Interpreters Society (NOTIS), Christina Castro, OJD and PSU for their support in making this year’s conference a success.

[The author is a staff interpreter with the Oregon Judicial Department in Salem, Oregon.]

**Subscribe to NAJIT’s
discussion group
@ najit.org**

ATA SEMINAR IN SAN FRANCISCO*continued from previous page*

She encouraged the audience to share examples for discussion.

In the afternoon, I discussed sight translation. Using a process-oriented approach and the concept of Gile’s effort models, I identified the skills required, and then we practiced with exercises in English since the session was non-language specific. Exercises included breathing for public speaking, reading comprehension, providing proper intonation when reading a text without punctuation, text segmentation (chunking), pattern completion (both at the word [cloze exercises] and at the sentence level), and paraphrasing. In addition to being an activity that court interpreters perform regularly, sight translation is also useful in improving skills for interpretation and therefore is an important component of interpreter training programs.

Janis Palma, interpreter trainer and consultant, presently a staff interpreter in the U.S. District Court for the District of Puerto Rico, dealt with the challenges of retention when interpreting in the consecutive mode. To enhance performance, she encouraged interpreters to practice visualization and active listening. She suggested preparing a basic information sheet for specific information about the case. In general, she also recommended developing a language database to include all the common courtroom phrases and committing good translations to our long-term memory. As a strategy for improved working memory for consecutive, she suggested developing a personal note-taking system, using universal symbols and arranging notes on the page in a way that will assist the interpreter in retaining the flow of ideas, speaker emphasis, and intonation. Next, everyone participated in practical exercises to stress active listening, concentration, visualization, and note-taking.

Joe McClinton was the next presenter. He teaches German-English translation at the Monterey Institute, translates from several languages into English, and specializes in legal and financial texts. In his presentation he offered options, albeit limited, for expressing the complexities of pleadings in plain language in order to make arguments clearer “without unduly compromising the meaning or rhetorical flavor of the original.” He discussed the sequence of pleadings and used a closing argument to the jury by Cicero (in Latin) to demonstrate how to “untangle legalese.” He offered very helpful hints for the translation of legal documents and ended with some examples.

A networking session was followed by a gala co-hosted by the Northern California Translators Association (NCTA, a chapter of the ATA) and the Bay Area Court Interpreters Association (BACI) at the Club Room of the Donatello Hotel for an opportunity to mingle and see a panoramic view of a gorgeous San Francisco sunset.

EXECUTIVE DIRECTOR'S CORNER

TIME FOR THE
TENNESSEE WALTZ

In May 2003 we will gather for NAJIT's 24th Annual Meeting and Educational Conference in a fascinating state. Tennessee offers natural beauty, deep historical connections, and modern energy. I hope that you will plan on joining NAJIT in Nashville for the Memorial Day weekend, and perhaps take advantage of the opportunity for a Tennessee vacation.

Our conference will be held at the Sheraton Music City Hotel. This comfortable venue, built around an outdoor courtyard with pool and greenery, has just undergone an \$8 million remodeling. It shows! The guest rooms are high-ceilinged, peaceful and calm, with real wood furniture and elegant appointments. Each room has a wide and functional desk, a private balcony or, for those on the first floor, a patio. Meeting rooms are well-configured for our purposes. The lobby is gracious and welcoming, with plenty of sitting room. The health facility offers an indoor pool and workout room. You can see more at www.sheratonmusiccity.com.

The hotel staff is genuinely dedicated, as evidenced by the multitude of service awards they have garnered. It was clear from our on-site discussions and subsequent negotiations that they not only want our business, they want us to have a first-rate conference.

Because we will be meeting over the Memorial Day weekend, we have obtained a remarkable room rate, at \$79/room plus tax for one to four people. Be sure to make your reservations early because the room block will sell out before the conference. There are no additional parking charges, resort fees, or health club fees, and no charge for transportation from the airport. This hotel is not downtown, but at our room rate, a rental car to take you downtown or to other sites would be very affordable. A one-way taxi from downtown to the hotel cost me \$16 plus tip. We will have a shuttle service available to the downtown area on Saturday night for \$10/person each way. Shuttle service is also available to Grand Old Opry or the Opryland Resort.

The Opryland Resort, a combination of conservatory, convention center and theme park, wasn't available for our dates and was probably too vast for our needs, but it's certainly worth a look. Judith Kenigson Kristy, NAJIT board member from Nashville who is helping to plan the conference, says that people love or it hate it, but they always have a reaction!

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ITEMS OF INTEREST

November 2-3, 2002, Kent, OH. Community and Court Interpreters of the Ohio Valley Conference. Court Interpreter Workshop: Ethics, Professional Responsibilities, and Skills Development (language neutral). Kent State University. Information: tel. (330) 665-5752 or e-mail isainterp@aol.com. See also www.ccio.org.

November 6-9, 2002, Atlanta, GA. 43rd Annual Conference of the American Translators Association. Information: fax (703) 683-6122 or e-mail conference@atanet.org. See also www.atanet.org.

November 22-24, 2002, Salt Lake City, UT. Annual Convention of the American Council on the Teaching of Foreign Languages. Information: see www.actfl.org.

February 12-15, 2003, Los Angeles, CA. Annual Convention of the California Association for Bilingual Education. Information: fax (626) 814-4640 or e-mail info@bilingualeducation.org. See also www.bilingualeducation.org.

February 21-22, 2003, Atlanta, GA. "A Criminal Trial in Latin America" presented by Intermark Language Services. Information: see www.intermark-languages.com.

April 3-5, 2003, Atlanta, GA. "Iron Sharpens Iron" organized by the Conference of Legal Sign Language Interpreters, Inc. Information: e-mail clsli@earthlink.net. See also www.clsli.com.

April 24-26, 2003, San Antonio, TX. Regional Conference of the ATA Spanish Language Division. Information: fax (703) 683-6122 or e-mail conference@atanet.org. See also www.atanet.org.

April 24-27, 2003, Buenos Aires, Argentina. IV Congreso Latinoamericano de Traducción e Interpretación. El Colegio de Traductores Públicos de la Ciudad de Buenos Aires. Information: e-mail info@traductores.org.ar. See also www.traductores.org.ar.

May 2-4, 2003, Jersey City, NJ. ATA Legal Translation Conference. Information: fax (703) 683-6122 or e-mail conference@atanet.org. See also www.atanet.org.

NAJIT MEMBERS IN ACTION

The following information was provided by members in response to an e-mail survey on courtinterp-L, NAJIT's electronic discussion list.

Samuel Adelo has been appointed Chair of the Advisory Committee to the Supreme Court of New Mexico on Court Interpreting Matters.

Rebeca F. Calderon teaches "Community Interpretation" and "Introduction to Court Interpreting" at University of California, San Diego.

Joaquín Chan-Sánchez gave a presentation entitled "Toward a Common Approach: Interpreter Training Programs, Interpreter Services, and the Interpreting Profession" at the Second Annual Conference of the California Healthcare Interpreters Association (CHIA) on September 28 in Walnut, California.

Rosemary W. Dann and **Susan Castellanos Bilodeau** are president and vice president, respectively, of the newly formed New Hampshire Interpreters and Translators Organization (NHITO). Membership is open to interpreters and translators in all languages and fields. Initial efforts are directed toward educating the judiciary and bar, and grant money is being sought for this purpose. NHITO is also urging the Supreme Court to raise payment for in-court services, which has remained static since 1987.

Patricia Violante Cassetta, who taught in the Translation and Interpretation (both disciplines) Division of Georgetown University in Washington, D.C. from 1975 until its closure in 2001, is currently preparing an article, "Ethics and Communications in Conflict: At Issue in Translation and Interpretation," a collection of ethical canons of various professions (medicine, law, diplomacy, photo, and print journalism) and their implications for language professionals working in collaboration with experts and specialists in these domains. The study proposes to examine the challenges to early codes of ethics, particularly the issues of impartiality and advocacy.

Isabel Framer presented a workshop for interpreters, "Role and Ethics of Judiciary Interpreters (language neutral)" on May 12 for the International Institute of Akron; "Standards, Training and Certification of Judiciary Interpreters for the State of Ohio" on May 28 at Advocacy for Basic Legal Equality (ABLE) in Toledo;

"A Day of Hope" on June 26 for the Catholic Diocese of Cleveland, Immigration Symposium; "Communicating Justice: Interpreter Services" on September 26 for Ohio Statewide Refugees & Immigrants Conference; a Continuing Legal Education (CLE) seminar on October 2 for the Cleveland Bar Association and The Racial Fairness Report Project. In the summer 2002 issue of the Newsletter of the Kentucky Translators and Interpreters Association she published "Explanation of Court Interpreting Certification."

Sara García-Rangel gave a presentation on sight translation at the ATA Court Interpreting and Translation Seminar on September 14 in San Francisco.

Eduardo González published two articles in *The ATA Chronicle* this year: "Community Translators and Interpreters: Understanding the Concept and Demanding Respect" (May 2002, Vol. XXXI, No. 5) and "Developing a Glossary of Special Lexical Units Used in Cuba's Variant of Spanish" (August 2002, Vol. XXXI, No. 8). He also published several opinion pieces in the local newspaper, *Kearney Hub*: "Interpreters' Neutrality Can be in Question," April 5, 2002; and "Service Fees and Interpreters-Translators in the Kearney Area," June 2002.

Cristina Helmerichs and **Steven Mines** addressed the Annual Judicial Conference of Texas Judges in San Antonio, Texas on August 27. The Texas Association of Court Administrators invited Mr. Mines to address their annual conference in October.

Fritz Hensey's scholarly presentations include "An Evaluation of Improvised Interpreter-Training Equipment" for the Canadian Association for the Teaching of Translation (CATS) in May; "*Interpretación e interacción: aplicaciones del modelo discursivo de Cecilia Wadensjö*" at *Universitat de Vic*, Spain in July; "Code-Switching and Quasi-/Pseudo Translation in Cormac McCarthy's *Border Trilogy*" for the annual meeting of the American Association of Teachers of Spanish and Portuguese in August.

Anna Huberman-Arnaud was the instructor of the "Simultaneous II" and the "Consecutive II" classes at the Master's Program in Bilingual (Spanish) Court Interpreting at the College of Charleston, South Carolina, in the summer of 2002.

Linda Keller teaches “Introduction to Spanish–English Interpreting” in the continuing education division at Columbia College in Chicago.

Silvia A. Merediz was the instructor of a ten-week “Interpretation Technique Class for Beginners” (Spanish language) at the Tennessee Foreign Language Institute in Memphis, Tennessee in the spring of 2002.

Holly Mikkelson taught “Advanced Court Interpreting” (oral exam preparation) at the Monterey Institute of International Studies in August. On September 14 she presented “Translation of Civil Legal Documents from Mexico: Resources, Comparative Law, Evidentiary Requirements” at the ATA Court Interpreting and Translation Seminar in San Francisco. On September 20 she gave a continuing education workshop on consecutive note-taking techniques for certified Spanish interpreters in Salem, Oregon, and on September 21 she presented “Idiomatic English Usage” at the NAJIT Northwest Regional Conference in Portland. At the end of September she offered a legal translation workshop and keynote address to the *Organización Mexicana de Traductores* at a conference in honor of *el Día Internacional del Traductor* in Guadalajara, Mexico. Her article “Adventures in Online Learning: Introduction to Medical Interpreting” was published in the September issue of *The ATA Chronicle* (with a presentation on the same subject at the annual ATA conference in November in Atlanta, Georgia).

Margarita B. Montalvo published a paper on “Interpreting for Non-English-Speaking Jurors: Analysis of a New and Complex Responsibility” in the proceedings of the 42nd annual ATA conference. This year she published *Zoológico de Poemas/Poetry Zoo*, Malvavisco Productions.

Andre Moskowitz’s article “Topics in Spanish Lexical Dialectology: *la ciudad y los fueros*” will appear in proceedings of the 43rd annual ATA conference with a presentation by the same title at the ATA conference in November in Atlanta, Georgia.

Korean interpreter, **Jacki Noh**, gave a brief presentation on July 2, 2002, at a media briefing on court interpreter issues (“One Law—Many Languages”) before the ethnic media in California. The briefing was held in San Francisco and organized by the Administrative Office of the Courts and New California Media.

In March 2002 **Alexander Rainof** was appointed to the California State Personnel Interpreter Advisory Board. “Medical Interpretation at the Crossroads: Overview, the Los Angeles Area Hospital Project and CSULB, Training Strategies” appeared in the April 2002 issue of *The ATA Chronicle* (Vol. XXXI, No. 4). In April 2002 he was a panelist at the annual conference of the California Language Teachers Association (CLTA) in conjunction with the Modern and Classical Language Association of Southern California (MCLASC) on “LBUCD, CSULB and LBCC Seamless Collaboration Projects.”

Judges for Colorado’s 20th Judicial District (Boulder County) requested that staff interpreters participate in ongoing diversity training. On June 26, 2002, the staff interpreters prepared and presented a panel discussion for the judges and magistrates of the district and county on enhancing communication with non-English-speaking defendants. The Spanish interpreters on the panel were Sean Stromberg, **Vicki Santamaria**, Kelly Musick and Miguel Buch. On July 24 the interpreters gave a similar presentation to the public defenders for the 20th Judicial District.

On September 14 **Nancy Schweda Nicholson** presented “Did I Say That? Isn’t That What She Said? Self- and Other-Monitoring Activity in the Courtroom: Process and Problems,” at the ATA Court Interpreting and Translation Seminar in San Francisco. On September 21 she spoke at the VI National Convention and XX Anniversary of the *Colegio Mexicano de Intérpretes de Conferencias A.C.* in Mexico City, giving two presentations: “Personality Characteristics of Interpreter Trainees” and “Self- and Other-Monitoring during Interpretation.”

At the 3rd Annual Regional Conference of the Nebraska Association of Translators & Interpreters in Lincoln, Nebraska, **Sandro Tomasi** presented “Translating Slang, Regionalisms and Colloquial Expressions Most Often Found in Forensic Transcriptions into Spanish (Sp. specific).” In October he presented “English–Spanish Legal Dictionaries on Probation (Sp. specific)” for the Office of Interpreter Services in Boston, Massachusetts. His article, “English–Spanish Legal Dictionaries on Probation,” appeared in the October issue of *The ATA Chronicle*.

Sonia Williams’ Global Translations & Interpretations in Boynton Beach, Florida, was awarded Best Translation Agency by the Florida Chapter of the American Translators Association (FLATA) for two consecutive years.

WELCOME NEW MEMBERS

June 1 – September 30, 2002

Allen-Meyer, Sherry, Lake Buena Vista, FL
 Anderson, Bell, Strafford, PA
 Arburúa, Celia, Lima, Peru
 Bacigalupo, Marvyn, Nashville, TN
 Benavides-Beltran, Belinda, Ossining, NY
 Blaine, Alvina, Salem, OR
 Collins, Margot, Teaneck, NJ
 De-Carvalho, Carmen, Waverly, TN
 Eski, Michelle, Cleveland, OH
 Espino, Carmelo, Richmond Hill, GA
 Gonzalez, M. Graciela, Wayzata, MN
 Haimour, Muhannad, Dearborn, MI
 Herrera-von Wrangell, M Carmen, Moorestown, NJ
 Juarez, Monique, Escondido, CA
 Kaya, Nisan, Mineola, NY
 Kim, Hongmook, Torrance, CA
 Lentz, Sandra, McLean, VA
 Lim, Rithy, Fresno, CA
 Londono, Jamie, Colorado Springs, CO
 Lukus, Yvonne, Vancouver, WA
 Mang, Angel, Tampa, FL
 Mason, Frank, Silverton, OR
 Mikhaskova, Elena, Yonkers, NY
 Mordukhay, Violetta, Encino, CA
 Narantsetseg, Orchlon, San Diego, CA
 Nasser, Nawal, Austin, TX
 Navarro-Hall, Esther, Marina, CA
 Optimal Communicators, Inc., Winter Park, FL
 Owensova, Blanka, Palmyra, VA
 Peters, Issa, Glendale, AZ
 Rhee, Maji, Portland, OR
 Rompis, Oscar, Ontario, CA
 Shepard-Kegl, Judy, North Yarmouth, ME
 Silva, Audrey, Vernon, CT
 Smith, Magally, Bogart, GA
 Smyth, Maria, Scottsdale, AZ
 Solaita, Maria, Oregon City, OR
 Sonntag, Amira, Battle Ground, WA
 Tasley-Beltran, Tama, Sarasota, FL
 Thomson, Stela, New York, NY
 Timmons, Nelly, Richmond, CA
 Tokarz, Bruno, Davie, FL
 Trapnell, Mallory, San Diego, CA
 Tull, Diana, Scottsdale, AZ
 Venant, J. Carlos, Flushing, NY
 Wang, Ginger, Redmond, WA
 Wilkie, Edna, Pacific Palisades, CA
 Wilson, Emily, Nogales, AZ,

COLLEGE OF CHARLESTON Department of Hispanic Studies

Assistant Professor of Spanish: tenure-track position to begin in Fall 2003. Ph.D. in Spanish with experience in legal interpreting and interest in developing courses in medical interpreting. Native or near-native fluency in Spanish and English, and evidence of effective teaching. Responsibilities include teaching in the graduate program in Bilingual Legal Interpreting, and some administrative duties in the program. Successful candidate will also teach undergraduate courses in the Department of Hispanic Studies. Interested candidates should send a letter of application, curriculum vitae, transcripts and three letters of recommendation to Dr. Andrew Sobiesuo, Chair. Applicants must specify the position for which they are applying. All materials must be postmarked no later than November 24 2002 for full consideration. MLA interviews. To learn more about the College of Charleston, and the Bilingual Legal Interpreting program visit our web-sites at <http://www.cofc.edu> and <http://www.cofc.edu/~legalint>.

Equal Opportunity/Affirmative Action Employer.

CODES OF ETHICS ON LINE

Model Code of Professional Responsibility for Interpreters in the Judiciary by the National Center for State Courts
http://www.ncsconline.org/wc/publications/Res_CtInte_ModelGuideChapter9Pub.pdf

California Rules of Court 984.4
<http://www.courtinfo.ca.gov/rules/2002/titlethree/901-1102-94.htm>

Rule 3-306 of Judicial Administration for Utah establishes Code of Responsibility http://courtlink.utcourts.gov/rules/ucja/append/h_intprt/apph.htm

Colorado Judicial Department Code of Professional Responsibility
http://www.courts.state.co.us/chs/hr/interpreters/interpret_code.pdf

Code of Ethics for Interpreters and Translators Employed by International Criminal Tribunal for the Former Yugoslavia
<http://www.un.org/icty/basic/codeinter/IT144.htm>

**JOIN US
IN
Nashville!**

NAJIT
**24th Annual Meeting
and Educational Conference**

Sheraton Music City Hotel • Nashville, Tennessee
Memorial Day Weekend • May 23-25, 2003

"I love Nashville because it offers all the exciting things of a large city, neat events, great restaurants, sports teams, a variety of places to shop, intriguing historical sites, etc., yet retains the warmth and charm of a small town."

— Joe Diffie, guitarist

NAJIT has obtained the remarkable rate of \$79/night for this event, with complimentary parking and airport transportation. Come join us, and take a Tennessee vacation afterwards! The dogwoods will be beautiful in the spring. See **EXECUTIVE DIRECTOR'S CORNER** on page 7 for more information.

Sheraton Music City Nashville
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Tel: (615) 885-2200 Fax: (615) 231-1120
www.sheratonmusiccity.com

WEBSITES OF INTEREST

[Thank you to members who have posted these websites to the discussion list.]

Website of the interpreter program of the Tennessee Administrative Office of the Courts www.tsc.state.tn.us/geninfo/programs/interpreters/interpreters.htm
[Judith Kenigson Kristy]

Website for NATI, Nebraska Association for Translators and Interpreters www.natihq.org
[Janet Bonet]

Searchable transcript of the Nuremberg trials www.yale.edu/lawweb/avalon/imt/imt.htm
[Paul W. Merriam]

Click on "publishers and publications" to access recent publications in forensic linguistics.
www.bham.ac.uk/forensic/links

Useful site for acronyms, abbreviations and initialisms
www.opau.com/acro.html
[Monica Sauza]

The Grotius project, seeking to establish EU equivalences in the standards of training, assessment, and practice of legal interpreters and translators www.legalinttrans.info

Center for Applied Linguistics, which aims to promote and improve the teaching and learning of languages, identify and solve problems related to language and culture, and serve as a resource for information about language and culture www.cal.org

The SUNY Institute of Technology library is the home of "CulturedMed," a Website promoting culturally competent health care for refugees and immigrants. Under "Culture and Health Websites" in lower left column, click on "Foreign Language Health Materials" for useful links.
www.sunyit.edu/library/html/culturedmed/

NAJIT Board of Directors Meeting Minutes

September 17, 2002

Present via conference telephone call: Cristina Helmerichs, Judith Kenigson Kristy, Alexander Rainof, Cristina Castro, Holly Mikkelson, Ann G. Macfarlane.

1. The meeting was called to order at 4:02 p.m. PDT.
2. The amended agenda was accepted unanimously.
3. Judith Kenigson Kristy moved that the minutes of the May 18 and May 20 meetings be approved. Motion carried unanimously. Approval of the June 17 minutes was deferred until the next meeting.
4. Holly Mikkelson moved that the Board of Directors allocate the sum of \$1000 for promotional efforts for the 2003 Educational Conference. Carried unanimously.
5. Holly Mikkelson moved that the Board of Directors appoint Cristina Helmerichs as chair of the 2003 Conference Committee. Carried unanimously.
6. Cristina Helmerichs moved that the Board of Directors appoint Sandro Tomasi as chair of the Education Committee. Cristina Castro moved that the motion be amended to say that the term of the Education Committee chair will end after the 2004 Annual Conference. Amendment carried unanimously. Alexander Rainof moved that the vote on the motion be deferred until after discussion of Item 7 on the agenda dealing with the Society for the Study of Translation and Interpretation (SSTI). Motion to defer carried. After discussion of SSTI matters, this motion was taken up again. Alexander Rainof moved that the motion be postponed for 10 days to allow the Board of Directors time to resolve the matter by e-mail. Motion carried.
7. Cristina Helmerichs moved that the Board of Directors appoint Albert Bork as chair of the Nominating Committee through the end of the 2003 Annual Conference, subject to his acceptance. Motion carried unanimously.
8. Cristina Helmerichs moved that the Board of Directors appoint Joyce García as chair of the 2003 Election Committee. Motion carried unanimously.
9. Cristina Helmerichs moved that the Board of Directors create an Advocacy Committee and appoint Alexander Rainof as chair of the Advocacy Committee through the end of the 2004 Annual Conference. Motion carried unanimously.
10. Judith Kenigson Kristy moved that discussion of the Eastern Regional Conference (ERC) in 2003 be deferred until after Item 7 and Item 5B on the agenda are resolved. Motion carried unanimously.
11. Cristina Helmerichs moved that the Board of Directors authorize Margaret Redd to organize an ERC on the theme of forensics to be held in January/February 2004 in Puerto Rico, subject to determination of economic viability. Cristina Helmerichs moved that the phrase "working with the NAJIT Education Committee" be added to the motion. Amendment carried unanimously. Motion carried.
12. Cristina Helmerichs moved that presenters at regional conferences be offered complimentary registration in recognition of their generosity. Cristina Helmerichs moved to amend the motion to add "organizers of regional conferences." Amendment carried unanimously. Motion carried unanimously.
13. Cristina Helmerichs moved that the Board of Directors accept the resignation of SSTI President Mirta Vidal as of September 30, 2002, and express its profound gratitude to Mirta Vidal for the intense and demanding labor and the creative effort that she has given to establishing the National Judiciary Interpreter and Translator Certification Examination (NJITC), raising standards in the field of court interpretation, and advancing our profession. Her endeavors will be long remembered in the annals of the National Association of Judiciary Interpreters and Translators. The board looks forward to her continuing contribution to the work of NAJIT and SSTI in the capacity of president emerita of SSTI. Motion carried unanimously.
14. Cristina Helmerichs moved that the Board of Directors appoint Alexander Rainof as interim president of the SSTI board, effective October 1, 2002; appoint Janis Palma as interim vice-president of the SSTI board, effective October 1, 2002; and authorize each party to assume the other's office at the appropriate time, as determined by the SSTI board. Motion carried unanimously.
15. Cristina Helmerichs moved that three-quarters of all the surplus earned from the forthcoming Northwestern Regional Conference (NRC) and ERC be donated to SSTI in order to be transferred to Measurement Incorporated in partial payment of the debt owed for development of the NJITC examination. Motion carried.
16. Cristina Helmerichs moved that the Board of Directors authorize Sandro Tomasi, working with the Education

THE NAJIT BOARD EXPRESSES ITS
PROFOUND GRATITUDE TO

MIRTA VIDAL

FOR THE INTENSE AND DEMANDING LABOR
AND THE CREATIVE EFFORT THAT SHE
HAS GIVEN TO ESTABLISHING THE NJITC
EXAMINATION, RAISING STANDARDS IN THE
FIELD OF COURT INTERPRETATION, AND
ADVANCING OUR PROFESSION. HER
ENDEAVORS WILL BE LONG REMEMBERED
IN THE ANNALS OF THE NATIONAL
ASSOCIATION OF JUDICIARY INTERPRETERS
AND TRANSLATORS. THE BOARD LOOKS
FORWARD TO HER CONTINUING
CONTRIBUTION TO THE WORK OF
NAJIT AND SSTI IN THE CAPACITY
OF PRESIDENT EMERITA OF SSTI.

THE NAJIT BOARD EXPRESSES TO
DAVID MINTZ

ITS DEEP GRATITUDE. DAVID MINTZ
HAS SHOWN EXTRAORDINARY DEDICATION
IN CREATING A WEB-BASED PRESENCE
FOR NAJIT. HE HAS PREPARED
INFORMATIONAL MATERIALS, HAS
DEVELOPED THE DIRECTORY, AND
HAS ALLOWED THE ASSOCIATION TO
MAINTAIN A REAL-TIME PRESENCE ON
THE WORLD WIDE WEB. HIS GIFT TO
NAJIT HAS BEEN MAINTAINED OVER
YEARS OF STEADY LABOR. HIS VISION,
FORESIGHT, ENERGY, AND TIME HAVE
BEEN INDISPENSABLE TO NAJIT'S
GROWTH AND SUCCESS.

Committee, to organize a one-day ERC to be held in January or February 2003 in the New York metropolitan area. Motion carried unanimously.

17. Cristina Helmerichs moved that the Board of Directors authorize the executive director to move the NAJIT website to Puget Sound Network, Inc.; to retain a freelancer to carry out the changes necessary to create a membership directory that can be updated in real time; and to retain a freelancer to update the website content. Motion carried.
18. Cristina Helmerichs moved that the Board of Directors express to David Mintz its deep gratitude. David Mintz has shown extraordinary dedication in creating a web-based presence for NAJIT. He has prepared informational materials, has developed the directory, and has allowed the association to maintain a real-time presence on the World Wide Web. His gift to NAJIT has been maintained over years of steady labor. His vision, foresight, energy, and time have been indispensable to NAJIT's growth and success. Motion carried unanimously.
19. Cristina Helmerichs moved that the Board of Directors direct the executive director to make arrangements to provide members with an "opt-out" option if they do not wish to receive e-mail on subjects other than NAJIT business. The executive director is authorized

to approve e-mail notices and/or the release of e-mail and other address information to members and others who offer services or products of relevance and interest to members. In doubtful cases the executive director shall confirm her decision with the chair. Motion carried unanimously.

20. Cristina Helmerichs moved that the Board of Directors authorize the executive director to sign NAJIT checks in amounts up to five hundred dollars. Holly Mikkelson moved to amend the motion to add the phrase "with verbal approval from the treasurer or chair of NAJIT in cases of urgency." Amendment failed. Motion carried.
21. Cristina Helmerichs moved that the Board of Directors continue the existing membership fee schedule for the year 2003, with the addition of a prorated membership available to new members from July 1 to November 30; after November 30 membership shall be effective through the end of the following calendar year. Motion carried unanimously.
22. Alexander Rainof moved to adjourn. Motion carried unanimously. The meeting was adjourned at 7:30 p.m. PDT.

Respectfully submitted,
Holly Mikkelson, Secretary

TWENTY YEARS WITHOUT A PAY RAISE

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There is a statewide master list of interpreters, made up of anyone who fills out the registration form correctly and possesses a General Excise Tax license. People who are not on the list may also be called in. Although a judge may choose to qualify an interpreter through *voir dire*, it is seldom done. Federally certified and professionally qualified interpreters work less in state court than their less-credentialed colleagues.

Recently, when one outraged interpreter decided to take action, others followed. In June, John T. Hays, a Portuguese/Spanish/English interpreter, was called in for a hearing that turned into a trial. Asked to come in before noon, he worked until almost 5:00 p.m. The bailiff wanted to pay him \$50 for a half-day session. (Bailiffs or other court or clerical staff are usually responsible for calling interpreters. Although in theory judges have the ultimate say-so, whoever signs the invoice form — usually a clerk or bailiff — decides the rate.)

John's request to be paid for a full day was received less than courteously. Fuming, John sent an e-mail message to a group of colleagues. A professionally qualified Vietnamese interpreter had another unpleasant encounter with a court and also sent an e-mail message describing her experience. As the on-line discussion progressed, many interpreters expressed frustration with prevailing working conditions and rude treatment by court personnel. John sent a letter to the administrative director of the courts, making him aware of the financial burdens interpreters faced. One member of the on-line group said, "I'll sign the petition." It was the first mention of a petition, but the idea took root and a petition for a pay raise was drafted. In short order, 64 interpreters had signed it, and Interpreter Action Network was born.

The Steering Committee decided to send a delegation to the Chief Justice, having advised him some days before by letter that they intended to do so. The press was also notified. On September 19, 2002, a seven-member delegation arrived at the Hawaii Supreme Court Building. The delegation was met by some supporters and a TV crew from KHON Channel 2 News. Each delegate carried an envelope with signed copies of the petition. The Chief Justice was "unavailable to meet with the interpreters due to the short notice." A secretary directed us, via intercom, to the Clerk's Office, where we would be met by a staff attorney. At the Clerk's Office, a clerk told us we could deliver the envelopes to him. We held out for the attorney, who then appeared. One by one each delegate stepped up to deliver an envelope and a message. The camera was rolling all during our trek upstairs, downstairs, and all around the Supreme Court Building. Then we went outside, where our spokesperson was interviewed.

It was a major story on the six o'clock evening news. In conclusion, the news anchor said that the judiciary needed a system to periodically review and revise interpreter pay rates.

Responding to a press inquiry with a written statement, the Judiciary's public relations spokesperson said, "... a meeting with the Chief Justice is not necessary, since a judiciary committee is considering the matter and will report to [Chief Justice] Moon 'at an appropriate time.'" (*Honolulu Advertiser*, September 19, 2002.)

History

All previous efforts to communicate through the system over a long period of time had produced no results. In 1995 a subcommittee on fees of the Hawaii Supreme Court Committee on Certification of Court Interpreters recommended a higher pay scale, a clear definition of when a half-day ends, and pay for overtime, appearances, and late cancellations. Judge Melvin K. Soong, previous chair of the committee, recommended pay increases on four different occasions, but no action was taken. A 1995 "Policies" document on court procedures and code of ethics was never formalized as a court rule.

In 1997 Hawaii joined the National Center for State Courts Consortium and the judiciary organized three well-attended weekend workshops, made possible by collaboration with the Hawaii Interpreters and Translators Association (HITA) and other public and private organizations. Five years later, not a single certification examination has been given, nor do we know of any concrete plans to offer such tests. We know of no funding request to the legislature for interpreter training, certification, or pay raises.

In 2000 the new chair of the Supreme Court Committee on Certification of Court Interpreters closed the committee meetings to the public and reduced representation from HITA, at that time the state's only organization for the profession. HITA representatives were cut from two to one, and then to none. Meeting minutes were not available. Then two interpreters were selected by the chair to sit on the committee "as individuals." These interpreters have taken no steps to communicate with their colleagues regarding the committee's work (or lack thereof).

A court interpreter coordinator was hired two and a half years ago. And yet most interpreters have never heard of her, much less met her. To our knowledge, she has never worked as a court interpreter, nor taken any certification examination. She has neither arranged for — nor taught — a single educational workshop.

The Hawaii judiciary seems to be pursuing a policy of "plausible deniability." They joined the Consortium, hired a court interpreter coordinator, and created a committee on certification, but for years no concrete steps toward reform have resulted.

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EXECUTIVE DIRECTOR'S CORNER*continued from page 7*

On Thursday, May 22, Measurement Incorporated will offer the written component of the NJITC Spanish examination. The oral component will be offered on Thursday and Friday. Details and registration form are available on the NAJIT website as well as in this issue.

As usual, we will offer pre-conference seminars on Friday, May 23. The conference proper will begin on Friday evening with a gala reception. Saturday will be a full day of sessions. Saturday night will be free for your own amusement. Sunday will feature some sessions, but not a full day. (The end time isn't fixed yet.)

Since Monday is a holiday, why not stay over and do some sightseeing? There are many things to see in and around Nashville, one of whose nicknames is "the Athens of the South" because it has the only full-scale replica of the Parthenon of ancient Athens. Another site that sounds mundane, but isn't, is the new Nashville Library, built in the neo-Classical style but with computers and copy machines around every corner. It boasts a Grand Reading Room, lined with copper friezes of the history of the city, and a resource room dedicated to those with disabilities who need hearing or reading assistance. For those in our profession, such a temple to learning, made accessible to everyone, is a thrilling sight.

Another nickname for Nashville is "Music City." In every metropolitan area in the U.S., country music has a greater proportion of the listening audience than any other musical style. Nashville was the home, of course, of the original Grand Old Opry. That venue, the Ryman Auditorium, is now a concert hall that offers — surprise — chamber music concerts, as well other music programs.

TWENTY YEARS WITHOUT A PAY RAISE *(continued)*

Interpreters, however, are determined to take action. We know that without competent interpreters, there is no due process or equal access to justice for immigrants. The judiciary knows it, too. Why are they creating the appearance of progress with no substantial reform?

[Marcella Alohalani Boido, a political scientist working as a court interpreter since 1989, is a founding member of HITA and Interpreter Action Network, and a former HITA representative to the Hawaii Supreme Court Committee on Certification of Court Interpreters. Patricia J. Harpstrite, the first Hawaii resident to become certified by the Administrative Office of the US Courts (AOUSC), is a past chair of the Language Arts Dept. at Leeward Community College, past president of HITA, and a founding member of Interpreter Action Network.]

But on Saturday night, the Grand Old Opry will be performing in the new auditorium, out by the Opryland Resort. In downtown Nashville, clubs and cafes offer a whole variety of musical choices. The Bluebird Cafe, for instance, is a small, inexpensive restaurant that has introduced some of Nashville's most famous musicians to the world before they gained stardom — Garth Brooks, Mary Chapin Carpenter and the Sweethearts of the Rodeo, among others. Take our Saturday night shuttle and see for yourself (but do travel in groups, and exercise usual big-city caution).

On Sunday, you can take in the new Country Music Hall of Fame, with the facade in the shape of a piano keyboard. If visual art is your preference, there's the Frist Museum in the old art deco post office. If your interest runs more to history, see the Tennessee Historical Museum and the elegant capitol building right downtown.

The Tennessee capitol building is great for a bit of trivia: After the American Civil War, in order to be readmitted to the Union, the state of Tennessee had to ratify the Fourteenth Amendment to the U.S. Constitution. This amendment, among other things, forbids discrimination on grounds of race. A group of legislators determined not to allow the amendment to pass bolted from the room and set out for Kentucky. Without the full number of members present, there was no *quorum*, that is, the required number of people present to make the vote legal, so no vote could be taken. The sergeant-at-arms chased after them and fired his gun from the top of the stairs to convince them to return. They did, the vote passed, and Tennessee took its place among the states of the Union. The chip in the marble banister shows the lengths to which they had to go to get a quorum. I know that we'll have a quorum at our annual meeting on Saturday without such drastic means of persuasion!

The Hermitage, the home of Andrew Jackson, the first of Tennessee's three presidents, is very near Nashville. Although this historic site lost many of its beautiful tulip trees in a tornado some years ago, it is still well worth a trip. There are a number of southern mansions in the area, as well as a science museum, a children's adventure museum, a zoo, an IMAX theater and the General Jackson showboat, that will take you on the Cumberland River for sightseeing, entertainment and/or a meal.

One of Tennessee's official state songs is "Tennessee Waltz." I say "one" because there are, in fact, eight Tennessee state songs. The Conference Committee will surely come up with something fun for you to listen to, as well as interesting presenters and valuable educational sessions. Whatever type of music you like, please come join us in the waltz of our 24th Annual Conference!

MACHINE TRANSLATION

continued from page 1

more powerful than what is currently used for machine or computer translations of isolated words.

A second difficulty relates to the detection and translation of meanings which do not derive from a single word but rather from a variable set of words. This is not a problem exclusive to poetic or literary texts. Take the Spanish sentence: *Numerosos conflictos jalonan el desarrollo del Derecho*. *Jalonan* comes from the verb *jalonar*, which literally means “to mark with range poles.” Obviously the above sentence has nothing to do with range poles; its translation is more like: “The development of a legal system is marked by many conflicts.” The meaning of *jalonan* in this context is derived not only from an isolated sentence but from the context in which the word is used. Last, but certainly not least, most dictionaries — and our hypothetical translating machine — are based on the idea that words in one language have an equivalent in another language. This idea, in turn, is based on the premise that the conceptual system’s underlying different languages are identical. But this premise is not always true.

Take mathematics. Translation between English and Spanish is normally easy — once one is familiar with the jargon of mathematics — because of the very strong correlation between English and Spanish mathematical concepts. Thus, the English “sine” is equivalent to the Spanish *seno* (translating *seno* into English, however, would create interesting ambiguity problems for a machine); “matrix” is *matriz* (with ambiguities of its own), etc. Where a conceptual correlation does not exist, simple translations become impossible. Thus, e.g., a *vara* is a linear measure equivalent to 86.6 centimeters; there is no simple equivalent in English for this measure. A “stone” is a weight measure equivalent to 14 pounds; Spanish has no specific word for this unit of weight.

The problem of non-identical conceptual frameworks is particularly severe in the area of legal terminology. Legal systems based on Roman law differ fundamentally from legal systems based on English law. Thus, the distinction between law and equity has no equivalent under Roman law systems, and as a result, whole families of words and expressions have no equivalent under Roman law systems: for example, “equitable remedies,” “equitable defenses,” “action at law,” “suit in equity,” and so on. Similarly, many words in Spanish such as *amparo* and *censo enfitéutico*, or expressions in other European languages do not have a precise equivalent in English because such concepts do not exist under English or Anglo-Saxon-based legal systems.

Translation between languages without similar underlying conceptual constructs is a difficult enterprise even for human translators. Often, overcoming such difficul-

ties is more an art than a science. In one context a *censo enfitéutico* may be translated as “annuity,” but this translation will fail if we are trying to inform the English reader about what *censo enfitéutico* exactly means (an annuity contract made in exchange for use of land). Solving these problems by means of computers requires a stage in the development of artificial intelligence that, to my knowledge, has not yet been reached.

Some Famous Problems in the History of Translation

Translation history has its moments of glory and disgrace. Some examples from history may shed light on the potential of machine translation. One of the most famous titles in Western literature is Proust’s *À l’ombre des jeunes filles en fleurs*. This creates no special problems for translation into Spanish, since French and Spanish share a similar idiom: *jeunes filles en fleurs/muchachas en flor*. Hence, the Spanish translation of this title is: *A la sombra de las muchachas en flor*.

English has no comparable idiom. “Budding girl,” or “girl in full blossom,” or “flowering girl” give an idea of what is meant, but are not familiar expressions.

An additional problem is posed by *à l’ombre*. “In the shadow” is too somber. “Under the shade” conveys an idea of physical protection but is inappropriate to the context of the book.

English translators came up with “Within a Budding Grove,” perhaps a nihilistic response to the difficulties posed by Proust’s title. Since the direct translation is difficult, the title was basically reconceived. The book might as well be about Sequoia National Park. The girls are gone, the flowers are gone, and we are left with some vegetable buds. Needless to say, this solution has not made Proust aficionados happy.

I certainly don’t have a solution for this famous problem (“Under the Shade of Girls in Full Blossom?” “A Bouquet of Young Flowers?”). But a machine would miss much of the information that would allow a human translator to do a better job in these cases: the context provided by the book as a whole, the connotations of *fleurs*, and other factors would be weighed by the translator before choosing a solution.

Another famous debate revolved around the translation of Freud’s *Das Unbehagen in der Kultur*. Once again, translation into Spanish was relatively straightforward and uncontested: *El malestar en la cultura*. Translation into English, however, presented several immediate difficulties. *Unbehagen* may refer to either a physical or a spiritual ill-being. Freud in his work was referring to spiritual problems. But there is no exact equivalent in English for spiritual ill-being. As to *Kultur*, the immediate translation is “culture,” but German culture carried on a long debate as to the distinction between *Kultur* and *Zivilisation*, a con-

trovency without parallel in literature in English.

The translated title in English was "Civilization and its Discontents." Scandal. Accusations of willfully misleading the public about the meaning of Freud's work (see Bettelheim, "Freud and Man's Soul"). Freud's work, it is pointed out, does not refer to a society characterizing certain individuals as "discontents," but rather to the fact that every culture necessarily generates a degree of "discontent" or "ill-being." Freud's thesis is that culture necessarily involves a "cost" in terms of "discontent" or "spiritual ill-being." This central idea is lost in the English translation of the title.

Again, I don't have a solution for this translation riddle. But clearly a machine would face serious difficulties in this task. First, it would have to determine whether *Unbehagen* refers to physical or spiritual discomfort, which would become clear from a reading of the book as a whole, not of the title in isolation. Second, the machine would look for the German noun *das Unbehagen*; "discontent" is a fair but not an exact approximation, and the machine would have to choose between other equally fair but inexact approximations. Finally, to avoid pitfalls such as distinguishing the "discontents" from "society" as a whole, the machine would need a clear understanding of Freud's work. I am afraid that this angst-sensitive Hal-like machine has not yet been produced by the laboratories of Urbana, Illinois.

The last illustration, from the legal field, is in my opinion an example not of failure but of glorious translation success: the bilingual text of the Civil Code of Quebec. The basic problem in legal translation lies in the differences between French legal concepts and English legal concepts. A translation of legal texts from French into German may be easier because of the common legal traditions shared by both languages. Taking some examples from this Code, we find that *De la réception de l'indu* is translated as "Reception of a Thing Not Due"; *De l'obligation à modalité simple* as "Simple Modalities"; *Des offres réelles et de la consignation* as "Tender and Deposit." One cannot reach these results without a detailed knowledge of the rules to which these different titles of the Code refer. In all these cases the words were translated by creative reformulation. A mechanical translation would lose not only beauty but also precision. *Offres réelles* are not "real offers." "Deposit," in this context, is not *dépôt*.

The Curse of the Senior Partner

A common problem experienced by senior partners in law firms stems from asking associates to do a translation. The associate — hypothetically not very familiar with the language he or she is translating into — comes up with his or her best effort. The senior partner finds that putting this effort in proper form takes more time and ends up

A Criminal Trial in Latin America

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worse than if a good translator had done the translation from the beginning.

Machine translations are sometimes defended as a way to come up with a "first draft." Experience, however, suggests that very often these "first drafts" will cause more harm than good to the translation as a whole as the final drafter tries to untangle the linguistic horrors produced by the available software.

The End is Not Nigh

Translators, fear not. The machine that will make us obsolete has not yet been born.

[The author is professor at the University of Buenos Aires and the University of Illinois, coauthor of the "English-Spanish Law Dictionary" (Butterworth, Heliasta) and partner at the law office of Cabanellas, Etchebarne & Kelly in Buenos Aires, Argentina.]

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